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THE CHALLENGE OF LOCAL GOVERNMENT TRANSITION

The Special Congress of COSATU endorsed a resolution calling on its structures to put up leadership for Local Government.

With the promulgation of the Local Government Transition Act (LGTA) at the Local Government Conference on 20th January the first steps in the process of transition to democracy at Local Government level are underway.

Local Government transition starts now -in every local area of the country. All COSATU Regions and Locals should be alert and active in ensuring that worker interests are fully represented in this process.

This pamphlet provides an outline of those features of the Local Government transition process with which workers will have to deal.

ESTABLISHMENT OF LOCAL NEGOTIATING FORUMS

The Act requires that within 90 days of its promulgation (i.e. by 20 April 1994) interim appointed Councils should have been established.

The first step in the process is the requirement that in all areas of the country Local Negotiating Forums must be established. The responsibility for co-ordinating this process will rest with one or other of the Town Clerks in any given area. But it is equally up to local formations of the alliance to ensure that they gain representation as stakeholders.

The LGTA lays down that such Forums must be *inclusive and representative* and defines potential parties to such forums as being:

" ---local organisations representing substantial sectors of the wider community having a vested interest in the political restructuring of local government, including civic associations, residence associations and the local structures of political parties."(Schedule 1(3)(4)(ii) of LGTA.)

On the other hand it is specific in determining that local chambers of commerce, the DBSA , Escom, the Water Boards , and other supplier bodies may only have observer status.

Trade unions are neither specifically included or excluded. There is every likelihood therefore that some may seek to relegate COSATU to observer status. This has already been an argument in the Witwaterrand Metro Chamber. However elsewhere , such as in the Western Cape Metropolitan Forum , COSATU is accepted as a full member.

PROCESSED

COSATU in most areas is in every sense an organisation" representative of a substantial sector of the wider community". All application for membership will have to be supported a constitution, list of local office bearers and proof of local membership.

COSATU must stake its claim because it does represent the specific interests of organised workers.

We must also work to ensure that the Alliance with ANC, SACP and SANCO is alive and functioning in all areas in determining who takes up leadership in these Local Forums.

WHAT DO THESE LOCAL FORUMS NEGOTIATE ?

The Forums must , by the 20th April , have agreed on:

- The Boundaries of the new Local Government on the basis of :
 - " commercial /industrial linkage, daily commuting patterns, provision of services, the area of jurisdiction of local government bodies, including areas of jurisdiction of such local government bodies existing before 1971, if any." (Schedule 1(1)(2))
- On one of two options for an appointed transitional council made up 50/50 from "statutory" and "non-statutory" persons (7(1)(b)), or on a over-arching Local Government Co-ordinating Committee. ((7)(1)(c), made up on a 50/50 basis, but which leaves the existing WLA formally in place - this is only for where the CP may resist. Under the first of these options there is also the issue of whether a metropolitan council with sub -councils should be established
- The names of the persons to be appointed to these councils. The names on this list must be such that at least 50 % are acceptable to both the statutory and non-statutory side.

If a Local Forum fails to agree by the 20th April the Provincial Administrators in concurrence with a 6 person Committees (set up under the TEC Regional and Local Government Sub-Council) can make a determination on the boundary and impose one or other appointed structure . There are 9 such Local Government Committees - one for each of the 9 new Provinces.

We are fighting for the simple 50/50 model. The other model is meant only for where right wing resistance makes it advisable to bide our time.

If the Administrator is forced to act then for smaller Local Authorities (below Grade 8) a Co-ordination Committee will be imposed. With bigger CP controlled councils the Administrator must try mediation and thereafter can impose either option.

METROPOLITAN AREAS

There is no specific agreement on where Metropolitan Forums must be established - but there is a definition of metropolitan area which emphasis areas of large scale urbanisation ,with multiple Local Government bodies which border on each other, and with commercial and industrial linkage and multiple central business districts.

Generally the alliance is clear that we want metropolitan forums in:

- Western Cape (broader Cape Town functional area.)
- Central Witwatersrand
- The Durban Functional Area
- Pretoria and Surrounding Functional Area

The existing Councils in these areas are not all fully behind metropolitan government - we must fight to ensure that broadly based Metropolitan Forums are established.

It is also possible to conceive of the following as requiring Metropolitan Councils. In these cases the alliance needs urgently to examine its position.

- East Rand
- Vaal Triangle
- Greater Bloemfontein
- Port Elizabeth/Uitenhage

It is however necessary to examine this carefully. In some cases conservative forces are misusing the idea of this upper -tier metro council in an effort to retain separation between the white city and neighbouring townships. East London/ Mdantsane or Edendale/Pietermaritzburg are not large enough to be more than singular stand alone cities. The alliance in Port Elizabeth has opted to deal with Port Elizabeth and Uitenhage separately - even though in the longer term a metropolitan Council would become necessary. On the East Rand (even if a metro for the entire area is not necessary) there is the question of whether smaller white local authorities such as Bedfordview or Edenvale should not be amalgamated with a broader non-racial Germiston.

Metropolitan Forums will negotiate on the same issues but with the difference that they will have to agree on the boundary of the metro area and of sub-metropolitan (local councils) within the broader area, and on the appointments to both Metropolitan and sub metropolitan councils.

They will also have to deal with questions of powers to be exercise by the 2 levels within a framework of powers for metro councils set out in the Act.

BOUNDARIES OF FORUMS AND NEW LOCAL GOVERNMENTS

In many areas there will be a battle over where the boundaries of these new Councils fall. The existing Councils will try to exclude areas. This will particularly be the case where Towns have "homeland townships" at some distance from the Town. They might also try to exclude squatter areas on provincial land.

Our demand is for broad boundaries around economically linked functional areas. Around the area within which people live and commute to work. We must not compromise on attempt to retain such separation.

APPOINTED COUNCILS POWERS

Appointed Councils will have all normal powers of Local Government. Most importantly they will have to draw up a single budget for the new council by the end of June. It is the budget which decides what the priorities are in restoring and extending services to our communities. There is however the limitation that decisions on the budget for 1994-95 have to be taken by a 2/3 majority. Which will in effect limit the extent of reallocation that can be achieved by these 50/50 councils for the 1994/95 financial year.

These Councils remain in power until national elections for Transitional Local Councils are held. This will be in September / October 1994 - but the date will have to be decided by the National Assembly.

Preparation for such elections will be another important duty of these appointed structures. So we need to control this phase of the transition

ELECTED TRANSITIONAL COUNCILS

It is a compromise on the form of election for elected interim councils which has provoked much controversy. It is however misleading to argue that it simply entrenches seats for white councillors or simply perpetuates spatial apartheid. It is also important to recognise that National Party policies on special additional votes for property owners were rejected. That SACOBS petitions for special business (juristic) votes was also rejected.

The formula is:

- That 40% of the councillors will be elected on a proportional representation basis by the full electorate.
- That the other 60% will be elected from wards (constituencies)
- The half of these wards must be allocated to former white local authority areas (which includes former coloured and Indian group areas) and half from former

black local authority areas or other incorporated areas which were not part of a white local authority area.

This means that Councillors representing areas formerly within the area of a white local authority will occupy 30% of council seats. They will however have been elected by those who live in the area irrespective of race. The many black inhabitants of Hilbrow, or of municipal hostels in central Johannesburg vote in the ward where they live. If there is an established squatter area on former white municipal land the inhabitants vote in a ward defined within the former white area.

The compromise is essentially a sop to white inhabitants of the smaller platteland towns who would otherwise be out of the running. Given the political balance of forces it appears a realistic compromise. How it works out in different areas will vary. In the Western Cape it provides a weighted representation in favour of African areas.

The more serious limitation is that decisions on budgetary matters have to be taken by a 2/3 majority. Where white councillors control this reserve of 30 % they will *not* be able to block decisions. However where conservative black constituencies vote in parties would ally themselves with conservative "white" constituencies the power balance could disadvantage progressive forces. The Inkatha announcement of its support for the transitional process must be seen in this light.

Its not ideal but it is an interim phase for the next 2 to 5 years. In a real sense the battle for democratic local government still lies ahead.

What is important is that we have to prepare now to take on this electoral challenge. We need worker leadership now to participate in forums and then appointed councils. We need to prepare candidates for the elected phase.

WHO ARE WE PUTTING UP AS COUNCILLORS ?

In making choices, in consultation with the alliance and civics, we will need to be looking at who can best serve worker interests. All affiliates need to examine what leadership they have who can take up this challenge.

There can be no excuses that our shop-stewards in locals lack capacity or knowledge about local government. This will develop in the course of involvement. It is also the case that *being a councillor is a part-time function in most cases*. It does not therefore entail the shop-steward giving up their job or role as shop-steward. On the contrary it provides a base from which to serve both union and community.

What must be emphasised is that when the elected phase comes municipal workers will be restricted. They will have to have special exemption from Regional Governments to be Councillors. In addition the code of conduct for councillors, is such that it would place any municipal worker councillor in a position where on many issues they might have to reclude themselves. They would not for example be able to take part in any debate from which they, or any body with which they were associated (e.g. their

union), gained any material benefit. They would therefore find themselves equally excluded from global debates on the budget.

In any event it is difficult for SAMWU shop-stewards to lead the working class in Local Government struggles and at the same time represent the potentially contradictory interest of its members. SAMWU members are not about to give up on the demand for a living wage (in the first place the abolition of poverty wages) irrespective of the potential contradiction of such demand with the service demands of communities.

If such conflicting claims are to be resolved it will require negotiation between separate sets of leadership. Not the placing municipal shop-stewards in a position where their credibility as representatives of municipal workers will be undermined.

It is the shop-stewards of all affiliates (not SAMWU) who must take up the central responsibility for the political representation of the working class in Local Government.

SAMWU has a major responsibility for dealing with issues of the internal reorganisation of administrations and the orientation its members to the tasks of service delivery. Of developing a new form of Public Administration directed at development.

WHY SHOULD WE BE CONCERNED WITH LOCAL GOVERNMENT ?

Given the variety of broad political, economic and sectoral issues with which COSATU has been grappling it was perhaps inevitable that it has not focused local government as a central issue. It has perhaps been inevitable that in the political struggle the major effort has, and is being, concentrated on the national and regional levels.

We must not be short sighted. Political power is built from the bottom up as well as from the top down. If we do not strengthen our forces at Local Government now we could find that in a few years we lose any gains at National and Regional levels. The National Party and Inkatha know this. Local Government control is a useful platform from which to attack National and Regional Governments performance.

Local Government is the key level when it comes to the delivery of basic urban and community services. It has powers of local taxation on property and in determining the form and level of charges for services. To insist on redistribution and on the needs for reconstruction as if these are matters which will be dealt with only through the central state is short sighted. We must contest for worker power in every local area if we are serious about redistribution.

**BUILD WORKER POWER
FOR
LOCAL GOVERNMENT
NOW !**