

INTERGOVERNMENTAL RELATIONS DURING COVID-19

Input into COVID – 19 Country Report prepared by

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1: Background

In South Africa, Government is comprised of national, provincial and local spheres which are distinctive, interdependent and interrelated. The response to the pandemic could by no means be done by one single sphere of government nor indeed any single sectoral department within these spheres. Partnerships and intergovernmental relations were, as such, necessary and their contribution to a unified concerted effort during the pandemic cannot be overemphasized.

This report reflects on intergovernmental relations (IGR) and on how rural municipalities were brought on board in responding to the COVID-19 pandemic. The report starts with a discussion on existing IGR structures before the pandemic and proceeds to outline IGR structures during the pandemic. Areas of intervention expected by the three spheres of government are then outlined before pointing out the strengths and weaknesses of IGR during COVID-19 and lessons therefrom.

2: Existing IGR institutional set up pre COVID- 19

South Africa's decentralization is implicit in its constitution wherein it is stated that "the republic is comprised of national, provincial and local spheres of government and that the spheres are independent distinct and interrelated S 40 (1)". Intergovernmental relations are thus a deeply entrenched process, and the Constitution categorically lays out the basic principles of this relationship in S 41. In giving effect to this, an array of IGR structures have developed. These include the Presidential Coordinating Committee which brings together the President, Premiers and the Chairperson of SALGA; Ministers and Members of the Executive Committees (MinMec) as well as the Forum for South Africa's Director Generals (FOSAD) to mention but a few. Specifically, the Intergovernmental Relations Framework Act 13 of 2005 clarifies the composition, roles and reporting lines for national, provincial and local intergovernmental relations fora. The existence of this institutional set up was instrumental in supporting IGRs during the pandemic since communication and coordinating of plans and processes of mutual interest were already in place.

The most important contributor to IGR during the pandemic, however, was the Disaster Management Act No 57 of 2002. This Act was instrumental in the establishment of a system of structures to ensure an integrated and co-ordinated response to disasters as and when they occur. Under the Disaster Management Act, No 57 of 2002 national, provincial and municipal disaster management centres with clear frameworks and duties were established throughout the country actively supported by the Department of Corporative Government and Traditional Affairs. For example, through the National Management Committees, the Department of Cooperative Governance registered qualifications on disaster risk management at levels three to seven with the

South African Qualifications Authority. Also, the Department developed regulations for recruiting and using disaster management volunteers during a state of disaster.

In particular, the Disaster Management Amendment Act 16 of 2015 added, among others, two crucial matters pertinent to rural municipalities and which would prove invaluable during the COVID-19 pandemic. The first is that it sought to strengthen reporting on the implementation of policy and legislation relating to disaster risk reduction and management of allocated funding to municipal and provincial intergovernmental forums. Secondly, the amendment Act was instrumental in strengthening the representation of traditional leaders in national, provincial and municipal disaster management advisory forums.

3: IGR institutional set up during COVID- 19

The institutional framework established by the Disaster Management Act of 2002 and amended in 2015 was instrumental in enabling the establishment of notable areas of collaboration between local government, the provinces and national government through the ad hoc committees established under Gazette No. 43147. Gazette No. 43147, issued under the Disaster Management Act, 2002 aimed to give directions on how the various spheres of government should respond to the COVID -19 pandemic. To ensure a well-integrated and coordinated planning and response to the COVID-19, three structures were set up for each of the spheres of government. The Minister of Cooperative Governance issued directions that ensured the establishment of the provincial and district municipality's institutional structures with the roles and responsibilities for the Provincial and Municipal Coronavirus Command Councils. These are....

The National Coronavirus Command Council (NCCC) is a subcommittee of Cabinet, chaired by the President. The Office of the Presidency coordinates this structure and not the Department of Cooperative Governance.

The *Provincial Command Council* whose role is to;

- Establish coordinating structures at the provincial level to support the national institutional arrangements.
- Support the establishment of joint operation centres per district and metropolitan municipality.
- Avail resources to supplement the capacity of the joint operation centre or the district disaster management centres.
- Monitor the impact of interventions and submit weekly consolidated reports to the national disaster management structures.

District Command Council whose role is to;

- Establish coordinating structures at the municipal level to support the national and provincial institutional arrangements in collaboration with district and provincial administrations.
- Participate in joint district and provincial disaster management structures to ensure a coordinated response to COVID-19.

- Monitor the progress and impact of interventions in the municipality and submit weekly consolidated reports to the provincial and national disaster management structures.

Because of an existing system of IGR structures established under existing legislation, notably the Municipal Systems Act and the Disaster Management Act, it was easy to establish an integrated and co-ordinated response to COVID-19 within a very short time. The ad hoc committees under the lockdown regulations were, in most instances established through a repurposing of existing ones with a specific focus on the COVID-19 pandemic.

It is worth noting that intergovernmental relations are not only about institutions – they are also about processes, but most importantly, intergovernmental relations are about effective coordinate processes to successfully achieve intended activities. A discussion on IGR is thus incomplete without a discussion on what the intended activities were in the case of the COVID 19 pandemic.

4: Areas of interventions for which Municipalities were responsible for and for which IGR was crucial;

COGTA COVID -19 Disaster Response Directions, 2020 outlined clear lines of intervention, and it is clear from the outset that the bulk of the responsibilities, given the nature of the disaster, would be borne by the provincial government, and, specifically, the municipalities. The Disaster Response Directions, 2020 categorically state that for the duration of the state of disaster for COVID -19, all premiers, members of executive councils responsible for local government in the provinces, the President of the South African Local Government Association, all Executive Mayors / Mayors and institutions of Traditional Leadership shall take all reasonable measures to facilitate and implement the following matters in response to COVID -19:

- (a) Provision of water and sanitation services;
- (b) Hygiene education, communication and awareness;
- (c) Waste management, cleansing and sanitization;
- (d) Municipal public spaces, facilities and offices;
- (e) Customary initiations and cultural practices
- (f) Isolation and quarantine;
- (g) Monitoring and enforcement;
- (h) Municipal operations and governance;
- (i) Institutional arrangements and development of COVID -19 response plans; and
- (j) Precautionary measures to mitigate employee health and safety risks.

Municipalities were further directed to revise their budgets to priorities programmes and projects aimed at combatting the spread of COVID -19. The revised budgets had to be submitted to the Department of Cooperative Governance before the end of May 2020.

5: Capacity of municipalities to delivery

Because an IGR institutional system was in place both before and during the pandemic, it was easy to send out to the citizenry clear messages and ensure a coordinated response across the country. However, there is no doubt that rural municipalities had particular challenges when it came to delivering on the prescripts of the disaster response outlined in (4) above.

In South Africa, property rates and service charges are the main sources of municipal own revenue (as opposed to infrastructure grants and equitable share funds received from central treasure). While urban-based municipalities fare rather well in this regard, rural municipalities are generally poorly resourced due to their weak revenue base. Apart from having a bulk of their households heavily dependent on social grants and classified as indigent – thus requiring free basic services), rural municipalities have difficulties raising property rates on non-poor households living on traditional/communal land. The weak revenue base in rural-based municipalities is the fundamental cause of their difficulty in carrying out responsibilities mandated by the constitution and the COVID – 19 pandemic has brought this sad fundamental reality into sharp focus. Below I highlight this point with regard to the specific activities expected of municipalities as outlined in COGTA COVID -19 Disaster Response Directions, 2020 .

Provision of water and sanitation services has always been a major challenge for rural-based municipalities with a good number of rural residents depending on water from boreholes and open streams. The significance of this in the context of COVID – 19 lockdown regulations is that the message of 'washing hands for 20 seconds under running water' was certainly ironical. Equally, the restriction on travel when rural farmers have to graze their cows and herd them to watering holes was a farce, to say the least.

Communication and awareness campaigns were yet another challenging directive for rural-based municipalities to carry out. In rural municipalities, homesteads tend to spread out over vast areas – across streams and over hills. Road infrastructure is usually a significant challenge, so spreading the message across such terrain was particularly challenging for rural-based municipalities who relied on door-to-door messaging and the use of loud hailers.

Waste management, cleansing and sanitization. Within the available resources, rural municipalities managed to disinfect taxis and other public spaces. This required that they adjust budgets and divert funds from other necessities.

Customary initiations and cultural practices. In rural-based municipalities, traditional leaders have oversight over customary and cultural practices - mainly funerals and initiation schools. Implementing this directive was possible due to the support of traditional leaders and healers.

Isolation and quarantine were rather problematic due to the nature of rural livelihoods. There was a case where a household head refused to leave his homestead because he did not want to leave his livestock unattended.

Municipal operations and governance were affected due to the closure of offices and the suspension of all council meetings. Discussions between municipal staff and councillors took the form of virtual meetings. The challenge here was the difficulty of some rural based councillors who due to poor and erratic broadband could not efficiently participate in discussions.

Institutional arrangements and development of COVID -19 response plans were enabled through the establishment of District Command Councils which had sub-committees with specific areas of foci (water, safety, good governance economic development and public participation), and these were comprised of public administrators and government officials. Through the DMCs, therefore the political-administrative interface was ensured. Information from higher levels of government was communicated, and a synchronized response was thus ensured. Existing structures unique to some provinces were valuable in spreading messages and implementing COGTA COVID -19 Disaster Response Directions, 2020. The province of KwaZulu-Natal, for example, launched a War on Poverty and other social ills campaign in 2011. This campaign, branded as Operation Sukuma Sakhe, is coordinated and implemented at various levels including, the ward, local municipality, district and provincial level. Through the institutional framework of the OSS model, the KZN province was able to coordinate and integrate COGTA COVID -19 Disaster Response Directions, 2020 into existing service delivery activities.

Customary initiations and cultural practices were monitored due to the involvement of traditional leaders. For rural areas - this important component of IGR deserves special focus

6: Traditional leaders

Traditional leaders were brought on board from the highest office in the land first through a discussion with the Deputy President in March and with the President in May 2020. This was a significant move for rural areas as the following will show:

- i. Houses of traditional leadership in the country moved swiftly to announce the suspension of the initiation season at the end of March 2020.
- ii. Suspension of all gatherings including izimbizo and funerals as part of efforts to combat the increasing number of infections in the Eastern Cape Province.
- iii. Rural areas tend to rely on social ties of kinship, faith-based organisations, and family. The COVID pandemic saw many organisations of the Church, civic structures, and traditional leaders participating in the identification of the most vulnerable households to ensure fair distribution of assistance. People in the rural areas are living in a more close-knit society, and unlike urban areas, the 'ubuntu' values of sharing and caring shone through. This has also had positive implications for utilizing traditional coping mechanisms to support each other. Some positive responses have been acknowledged in the cultural dynamics of rural areas. In the rural areas, people have started to adopt practices that are, in a way, supportive of government directives such as quick burial the quick burial of loved ones. Equally, although in rural areas, people still find it difficult not to congregate in big numbers to attend burials, the practice has witnessed adjustments due to a higher level of understanding of the dangers of congregating. Changes are also being observed in other cultural practices such as discouraging the sharing of drinking bowls at cultural events.
- iv. With restrictions on travelling and the suspension of municipal council meeting and other operations, houses of traditional leadership remained an important rallying point in traditional communities living on communal land. They were best positioned to identify the indigent, the hungry but, an institution, lack the funding to contribute much to the wellbeing of local communities.

7: Lessons therefrom

A major observation is that IGR structures and processes during the pandemic were influenced by a legal framework in the country which formalised and institutionalised IGR structures. This enabled the establishment of COVID-19 specific IGR structures. As mentioned earlier, however, effective IGR are not just about structures and are only as good as the outcomes they produce. In this regard, the following specific lessons are drawn:

- i. Through the District Command Councils, the response by South African government to the Covid-19 crisis has demonstrated the institutional strength of the district-based institutional structure and the importance of centralising operations, decision making, policy-making and project planning at the District Municipality rather than at the Local Municipality. Indeed, this is the institutional set up envisaged in the district development model currently in the pilot stage and which is envisaged to ensure a functional nationwide institutional mechanism that focuses the effective implementation of decisions, policies and projects at district development hubs.
- ii. A lot of the interactions through IGR were geared towards implementing COVID responses as advised by the scientific group at the national level. The interaction was, as such, top-down without a counterflow of advice or guidance from below. A case in point is on the issue of water provision whereby the national Department of Water and Sanitation situated the national COVID-19 Command Centre for Water and Sanitation at Rand Water at the end of March 2020 effectively appointing Rand Water as a service provider to distribute and install some 7 594 tanks in water-stressed communities countrywide. The view from some rural municipalities was that this mammoth task could have been handled a lot more efficiently from local service providers who are considered much more familiar with the geography and terrain of the countryside.
- iii. Community radio stations have played a critical role, and efforts should be made to strengthen these in future. Equally, local information resource centres and telecentres should be developed with the support of the public sector and civil society – these would be an ideal hub for disseminating livelihood impacting messages.
- iv. During the pandemic, the bulk of responsibilities were borne by the local government. Given their constitutional mandate, local governments play an instrumental role in important COVID prevention activities of delivering essential public services to vulnerable groups. Yet, local government, particularly the rural-based ones are hamstrung by insufficient resources. A revision of the revenue sharing model to one that is favourable to poorly resourced municipalities should be considered.
- v. The role of traditional leaders in managing development at the local level and their relationship with the existing democratically elected leadership remains a contentious matter. COVID-19 pandemic has highlighted the important role that this governance system plays and brings into sharp focus the question of, not only the extent to which they should be involved but also the funding of this involvement.