

IGR POLICY FRAMEWORK FOR 2025/2026 FY



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TABLE OF CONTENTS

1. Purpose Of The Intergovernmental Relations (IGR) Policy Framework.....	3
2. Legislative Imperatives For IGR Policy Framework.....	3
3. Rationale Of The IGR Framework Act (2005).....	4
4. Principles Underpinning Intergovernmental Relations And Co-Operative Government	4
5. Structural Arrangement.....	6
6. Definitions.....	6
7. Terms of Reference for the Intergovernmental Relations Forum.....	6
8. Terms of Reference Of The Clusters.....	8
9. Chairpersons.....	9
10. Mbashe Local Municipality IGR Forum and Clusters and Agenda Setting....	9
11. Mbashe Local Municipality IGR Forum And Clusters Documentation	14
12. Mbashe Local Municipality IGR Forum And Cluster Resolutions and Recommendations	15
13. Scheduling of Mbashe Local Municipality IGR Forum And Cluster Meetings	16
14. Mbashe Local Municipality IGR Forum And Clusters Secretariat	16
15. Reports And Referrals By The Mbashe Local Municipality IGR Forum	18
16. Dispute Settlement	18
17. IGR Conflict Resolution, Disputes and Interventions	19
18. Critical Success Factors	20
19. Evaluation of Mbashe LM IGR Forum and Cluster Meetings	21

1. PURPOSE OF THE INTERGOVERNMENTAL RELATIONS (IGR) POLICY FRAMEWORK

The purpose of this framework is to provide procedures by which mechanisms, processes and procedures should be developed and implemented to ensure sound intergovernmental relations between the Mbashe Local Municipality (MLM), National and Provincial Governments, Amathole District Municipality, Organised Local Government (SALGA) and other strategic stakeholders.

This framework shall serve as Internal Procedures of the Mbashe Local Municipality IGR Forum giving effect to the recently Reviewed Provincial IGR Strategy as a mechanism to foster coherent, integrated and aligned service delivery in the province.

2. LEGISLATIVE IMPERATIVES FOR IGR POLICY FRAMEWORK

a) The Constitution of the Republic of South Africa (Act 108 of 1996)

The constitution states that the National, Provincial and Local spheres of Government are distinct, interdependent and interrelated. **Section 41 (1) of the Constitution** alludes to cooperation, mutual trust and good faith between the three (3) spheres. The constitution further binds the three spheres of government and organs of state to the basic principles of Co-operative Government and promotion of sound Intergovernmental Relations.

b) The Intergovernmental Relations Framework Act (Act 13 of 2005)

The IGR Framework Act was enacted in 2005, **Section (5) of the IGR Framework Act** makes provision for the three spheres of Government in conducting their affairs which must seek to achieve the object of this act, by –

- i. Taking into account the circumstances, material interests and budget of other spheres of government and organs of state when exercising their statutory powers or performing their statutory functions;
- ii. Avoiding unnecessary and wasteful duplication or jurisdictional contests;
- iii. Taking all reasonable steps to ensure that they have sufficient institutional capacity and effective procedures.

The three (3) legislative prescripts that govern the operations of Local Government viz; Municipal Finance Management Act, (Act No. 117 of 1998), Municipal Structures Act, (Act No. 32 of 2003) and the Municipal Systems Act, (Act No. 32 of 2000) provide for legal co-operative governance to take course, and also emphasise the monitoring and

Mbashe Local Municipality Reviewed IGR Framework Policy 2025-26

supporting role that the national and provincial government should play in the affairs of local government.

Coming closer to local municipality, it then becomes imperative that the sphere referred to here as, Mbashe Local Municipality, should be at the forefront of policy direction, and provide the Sector Departments, Civil Society and Stakeholders with the opportunity to exercise interaction, co-operation, communication guided by the IGR Framework Act to vertical and horizontal plan and work closely with one another in order to realise integrated service delivery.

It is therefore against this backdrop that, the initiative to develop the IGR Policy Framework has commenced to strengthen the IGR system in the municipality.

3. RATIONALE OF THE IGR FRAMEWORK ACT (2005)

The IGR Framework Act (2005) expounds the principles of IGR and cooperative government, providing the basic architecture of IGR structures, procedures and policies for settling intergovernmental disputes. IGR is an instrument for mobilising the distinctive efforts, capacities, leadership and resources of each sphere towards service delivery and government defined development objectives.

Given the strategic role of IGR in facilitating a coordinated, integrated and aligned service delivery, development and joint planning, the capacity of municipalities to manage IGR is of vital importance. For this reason, there is a need for a specific strategy to strengthen the functioning of the IGR system in respect of Mbashe Local Municipal area.

The Reviewed Provincial IGR Strategy (May 2016) provides for Local and Metro Municipalities to establish their own IGR Structures as the IGR Framework Act No. 13 of 2005 in its present form is silent on these categories of municipalities.

The establishment and development of this IGR Policy Framework is aimed at fostering coordination and co-operation between Mbashe Municipality, National and Provincial Departments, State Owned Agencies (SOEs) and other strategic stakeholders embroiled in development, that are falling under its legal jurisdiction. It should and, must be highlighted that, during the process of this strategic IGR policy document operation, all members that will constitute the IGR structure will be fairly and equally treated and are expected when serving the structure to carry themselves in a professional manner.

4. PRINCIPLES UNDERPINNING INTERGOVERNMENTAL RELATIONS AND CO-OPERATIVE GOVERNMENT

The guiding principle behind the existence of the Mhashe IGR Policy Framework is to facilitate effective co-operation between Mhashe Local Municipality, sector departments and state owned enterprises within the jurisdiction of the Municipality. The main aim is to enhance integrated development and to consider various priorities, programmes and projects in the area.

The Constitution of the Republic of South Africa binds all spheres of government and organs of state to be guided by some of the *critical principles* listed hereunder:

Working Co-operatively:

The Intergovernmental Relations Framework Act (2005) provides ways for Local Government, Provincial and National Governments to work together effectively to interpret national priorities for provision of quality services to the general public. The aim is to find strategic consensus when planning activities are undertaken. IGR is about relations between democratically elected governments, its sector partners and the affected partners.

Distinctive Governments:

It is clear that, should these partners in development engage into the IGR structure, their independence and distinctiveness must be adhered to by all. This implies that all spheres must be committed in ensuring service delivery reaches its intended communities of Mhashe Municipality.

Effective and efficient Government

The IGR structure should be at the forefront to ensure maximum utilisation of the available resources for the betterment of local communities.

Implementation of concrete measures

Research has revealed that various sectors/departments have been operating in silos and as such no grounded impact has been obtained due to this approach. For the structure to realise co-operative government they need to;

- a. Strengthen friendly relations – no partners should be treated as secondary
- b. Ensure consistent support and cushioning each other
- c. Communicate and inform each sector on matters of common interest
- d. Share resources when providing intervention in an area
- e. Minimise any prospective legal litigations against each other

Benefits of strengthening IGR structure

- a. Early detection of poor alignment of IDP within its cycle of development
- b. Early warning systems within municipalities
- c. Streamline and support of one sphere by another
- d. Enhanced communication and information sharing between stakeholders

5. STRUCTURAL ARRANGEMENT

The IGR Framework Act (2005) provides the legal framework for the establishment and functioning of IGR structures. The Act also provides for the technical support structure component over and above the political structure. Henceforth, the members of Sector departments and a range of other stakeholders who may be able to influence deliberations and service delivery direction must also constitute the structure.

The Mbashe Local Municipality IGR Forum is statutorily established in line with the Reviewed Provincial IGR Strategy.

6. DEFINITIONS

Mbashe LM	Refers to the Mbashe Local Municipality to which this policy framework apply
Stakeholders	Refers to both internal and external stakeholders operating in Mbashe LM
Internal Procedures	Refer to the Internal Procedures for the functioning of the Mbashe Local Municipality IGR Forum, as set out in this document.

7. TERMS OF REFERENCE FOR THE INTERGOVERNMENTAL RELATIONS FORUM

7.1. Objectives & roles of the Mbashe Local Municipality IGR Forum

7.1.1. Objectives of the Mbashe IGR Forum

The main objective of the Mbashe Local Municipality IGR Forum is to enhance coordinated, integrated and aligned development and consider priorities in the entire municipal area. Additional objectives include the following:

- a. Development of a Local Government Programme of Action in relation to the National and Provincial Programmes.
- b. To facilitate the coordination, integration and alignment of provincial and municipal strategic planning and to put in place mechanisms and procedures that will ensure that provincial strategic planning informs and is informed by the IDP of the Mbashe Local Municipality.
- c. To consult on policy issues that materially affects Local Government.
- d. To develop and provide mechanisms to engage Provincial Government and the Office of the Premier on IGR related matters and/or challenges.
- e. To consider such other matters of mutual interest as either party may place on the agenda of a meeting from time to time.
- f. To promote economic growth and development through trade, investment and tourism.
- g. To share knowledge and expertise in local governance generally or in agreed functional areas.

The goal of the Mbashe Local Municipality IGR Forum is to ensure that the decisions reached are implemented by:

- a. Sharing of information on/and understanding of the respective programmes of all stakeholders.
- b. A clearer understanding of mutual strategic priorities and how these complement each other.
- c. A commitment to collaborate, engage continually and share information on policy implementation, success stories and co-ordinate activities.

7.1.2. Role of Mbashe Local Municipality in the IGR Forum

The Mbashe Local Municipality IGR Forum is a consultative forum for Mbashe Local Municipality to discuss and consult with stakeholders on matters of mutual interest, including:

- a. Coordinating, overseeing and monitoring the implementation of national, provincial and district governance policies and legislations relating to matters affecting local government interests in Mbashe Local Municipality;
- b. Matters arising in the District Mayors Forum (DIMAFU), Provincial MuniMEC and the Premier's Coordinating Forum affecting Mbashe Local Municipality;
- c. Mutual support in terms of the section 88 of Local Government Municipal Structures Act 117 of 1998;

DIMAFO. This schedule should be formally tabled and approved by the Mbhashe Local Municipality IGR Forum;

- d. Mbhashe Local Municipality IGR Forum meetings must take place as scheduled and should not be cancelled unless there are exceptional circumstances; and
- e. Only the Chairperson may cancel or postpone a meeting. If this situation arises it is proposed that the meetings be reconvened within seven days of the scheduled date.
- f. The Chairperson may convene Mbhashe Local Municipality IGR Forum meetings as and when necessary.
- g. Under the new normal and lessons learnt from Covid 19 pandemic, virtual meetings are possible and should therefore to continue even when things have normalised whenever it is deemed necessary.

14. MBHASHE LOCAL MUNICIPALITY IGR FORUM AND CLUSTERS SECRETARIAT

The act provides that the Municipality is responsible for providing administrative and other support services to the Mbhashe IGR Forum. Given the importance of the role played by the secretariat to the IGR structure, it is recommended that the Municipality allocate strategic personnel dedicated to provide secretariat support to the IGR structure.

14.1. Management and Administration of Mbhashe LM IGR Forum

Mbhashe Local Municipality is responsible for the management and administration of the Mbhashe LM IGR Forum and will therefore budget annually for the effective functioning of the Mbhashe LM IGR Forum. Each member will bear the cost of its representatives' travel to the Mbhashe LM IGR Forum meetings.

14.2. Secretary of the IGR Forum

The Municipal Manager / an official designated by him shall act as the Secretary of the Mbhashe Local Municipality IGR Forum and shall ensure that the necessary capacity is in place to fulfill the role of the Secretariat.

14.3. Secretary of the Clusters

The Corporate Services Directorate: Council Support Division shall designate secretary of all Clusters and shall ensure that the necessary capacity is in place to fulfil the role of the secretariat as set out below.

14.4. Functions of the Mbhashe Local Municipality IGR Forum and Clusters Secretariat

The Secretariat shall:

- a. Liaising with secretaries of all clusters and sectors forums to update on scheduled meetings, process of submitting reports timeously for inclusion in the agenda of the forum.
- b. Prepare draft agendas for the Mbashe Local Municipality IGR Forum meetings in consultation with the Chairperson of the Mbashe Local Municipality IGR Forum;
- c. Structure the Mbashe Local Municipality IGR Forum agenda in accordance with key priorities of the local government sector;
- d. Inform stakeholders that new or additional matters can only be placed on the agenda by the Chairperson when approving the agenda during a meeting;
- e. Ensure that the agenda, minutes of the meeting and all relevant documents are sent timeously to the members.
- f. Follow up on action items identified during the Mbashe Local Municipality IGR Forum meetings to ensure that these are being acted upon by the responsible people.
- g. Ensure that the following timeframes for the submission and distribution of Mbashe Local Municipality IGR Forum documentation is communicated:
 - Submission of Mbashe Local Municipality IGR Forum documentation within 10 days before the meetings;
 - The Mbashe Local Municipality IGR Forum agenda and documentation will be finalized 9 days prior to meetings and copied on the 8th day before Mbashe Local Municipality IGR Forum meetings;
 - The Mbashe Local Municipality IGR Forum agenda will be emailed to members 7 days prior to meetings.
 - Send invitation and coordinating attendance of Mbashe Local Municipality IGR Forum members to the Mbashe Local Municipality IGR Forum meetings;
 - Attend to the logistical arrangements e.g. venue, equipment and catering for Mbashe Local Municipality IGR Forum meetings;
 - Circulate the schedule containing the dates for Mbashe Local Municipality IGR Forum meetings within seven days after it has been approved by the Mbashe Local Municipality IGR Forum;
 - Ensure that processes relating to protocol and security are followed;

15. REPORTS AND REFERRALS BY THE MBHASHE LOCAL MUNICIPALITY IGR FORUM

The Mbashe Local Municipality IGR Forum may refer a matter arising in the Mbashe LM IGR Forum to the DIMAFO en-route MuniMEC, PCF or any other Provincial Intergovernmental Forum established in terms of section 21 of the IGR Framework Act (2005).

15.1. Reports and Referrals to/from the DIMAFO

- a. The Mbashe Local Municipality IGR Forum will report back to the DIMAFO on any matter referred to it by the DIMAFO;
- b. The Chairperson of the Mbashe Local Municipality IGR Forum will in consultation with the Executive Mayor of Amathole District Municipality refer any matter discussed in the Mbashe Local Municipality IGR Forum to the DIMAFO;
- c. The Chairperson of the Mbashe Local Municipality IGR Forum will provide verbal or written reports (where necessary) at the DIMAFO meeting on matters of mutual interest. The Chairperson will further provide reports to the Mbashe Local Municipality IGR Forum about the discussions held at the DIMAFO level.

15.2. Reports and Referrals to other Intergovernmental Forums

The Chairperson of the Mbashe Local Municipality IGR Forum may in consultation with the Chairperson of any other Provincial Intergovernmental Forums refer any matter from the Mbashe Local Municipality IGR Forum for discussion to that intergovernmental forum. The Chairperson of the Mbashe Local Municipality IGR Forum will provide reports to the Mbashe Local Municipality IGR Forum on the discussions that transpired in such intergovernmental forums.

16. DISPUTE SETTLEMENT

The Act provides that the IGR Forum may refer a matter arising in the forum to the District IGR structure, should it be find unable to resolve the issue, and it will be referred to the upper structures.

It is recommended that the reports shall follow the following sequence:

- a. The chairperson shall lead discussions and give direction in terms of content and substance including matters for recommendations
- b. The Chairperson will also provide reports from DIMAFO for matters of mutual interest

- c. Any matters of close cooperation presented by any Sector department in the IGR forum and if an action is required, the chairperson must lead in respect of pulling resources together, in order to ensure joint ownership and relations.

17. IGR CONFLICT RESOLUTION, DISPUTES AND INTERVENTIONS

The constitution requires that all spheres of government and all organs of state within each sphere must avoid instigating legal proceedings against one another. The constitution further provides all organs of state involved in an IGR dispute to make every reasonable effort to settle the dispute and must exhaust all other remedies available before it approaches a court to resolve the dispute.

In terms of the **Constitution Chapter 3 of Section 41(2)(b)** prevents the parties from resorting to judicial; proceedings during the informal stages of the dispute resolution process unless the dispute has been declared a formal IGR dispute in terms of section of this chapter, therefore it proposes that any “disputes should, where possible, be resolved at a political level rather than through adversarial litigation.

17.1 IGR Process: Conflict resolution and disputes

The Act acknowledges that, to a greater extent there could be disputes that could not be settled at local level, hence the Minister developed “Intergovernmental Dispute Prevention and Settlement: Guidelines for effective Conflict Management” in the government Gazette. *(refer to the Gazette)*

17.2 IGR Dispute Resolution Guidelines/ Steps

Disputes amongst the members shall be settled in accordance with the provisions of Chapter Four of the Intergovernmental Relations Framework Act.

This IGR policy framework further provides clear procedure framework and steps to be undertaken by disputing organs of state, and they include:

Step		Process
1	Determining the nature of the dispute	What is the issue at conflict
2	Negotiating	Engage in discussions to settle the matter
3	Declaring a Dispute	If no agreement reached, agree that a dispute exist
4	Convening a meeting	Arrange for convergence of parties in dispute to discuss issues in dispute

5	Defining the dispute & identify an existing dispute resolution mechanism	There are many procedures which can be followed, but a need to identify and defining the dispute in order to use a certain method is very significant
6	Appoint a facilitator	Should the parties enter into loggerheads and project no future in handling dispute themselves, a third party could facilitate the process of negotiations
7	Participating in good faith in the dispute resolution process	Parties must be willing to negotiate and be open and transparent to each other
8	Asking for the assistance of the MEC or Minister	An MEC could be roped in to settle the matter if parties do not agree
9	Implementing and monitoring the agreement reached	When agreed on specific issue, all parties must be abided by such arrangements
(As a last resort) going to court		

The tools and systems reflected hereunder must be the Monitoring and Evaluation guiding framework for Mbhashe IGR Forum:

KPA	Local Government
Engagement	Process by which outcomes, policy directions and/or strategies in various plans are aligned with those in plans (IDP)
Alignment	The result of coordination and collaboration in planning process
Integration	A process of bringing together different policies, projects, ideas to ensure the achievement of shared objectives
Coordination	A process of bringing together different plans, ideas, etc that can collectively ensure the achievements of the key development outcomes
Prioritization	A process of ensuring that different actors in government (spheres and sectors) reach consensus on what it is that they seek to achieve
Support	A process of planning together, sharing resources, driving the activities jointly for a success of a partner/ sector objectives and goals viz (IDP Forums/Provincial events)

The above factors represent a focal area for IGR meetings, which must be held at least once in a Quarter to discuss the matters here above.

18. CRITICAL SUCCESS FACTORS

- a. Representation at appropriate decision-making level.
- b. Availability of relevant and applicable information with regard to current and future projects
- c. Multi-departmental / sectoral focus in terms of achieving the objectives of government
- d. Frequent participation in Cluster meetings and activities.
- e. Execution of IGR Cluster decisions and recommendations by various departments.
- f. Improved effectiveness of protocols amongst spheres to enhance incident resolution between the municipality and sector departments
- g. Elimination of red -tape.

19. EVALUATION OF MBHASHE LOCAL MUNICIPALITY IGR FORUM AND CLUSTER MEETINGS

The following key performance indicators and targets will be utilized to measure the effectiveness of the Mbhashe Local Municipality IGR Forum and the effectiveness of its meetings:

- a. A Strategic Agenda developed and distributed to the members two weeks prior to the quarterly Mbhashe Local Municipality IGR Forum meetings;
- b. Compliance with scheduled dates for Mbhashe Local Municipality IGR Forum and Cluster meetings.
- c. Submission of documentation that complies with the requirements of the Mbhashe Local Municipality IGR Forum and Clusters Terms of Reference;
- d. Effective processes to follow-up on implementation of decisions;
- e. An integrated Communication Strategy developed for the Mbhashe Local Municipality IGR Forum;
- f. Efficient logistical arrangements;
- g. Submission of quarterly reports by Clusters to the Mbhashe Local Municipality IGR Forum;
- h. The number of Mbhashe Local Municipality IGR Forum resolutions implemented per quarter by members.