

ASSESSING THE LEVEL OF GOVERNANCE ON THE INTERGOVERNMENTAL  
RELATIONS FORUMS IN THE FREE STATE

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Transformation (Mini Dissertation)

BY

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## **Declaration**

I, Lehlohonolo Webster Manoto, hereby declare that the dissertation submitted by me for the Masters: Governance and Political Transformation degree at the University of the Free State is my own work and has not been submitted beforehand at any other University. I have not in any way plagiarised the work done.

**Lehlohonolo Webster Manoto**

**04 July 2023**

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## Abbreviations and Acronyms

<b>AD</b>	Auditor-General
<b>AR</b>	Annual Report
<b>APP</b>	Annual Performance Plan
<b>CDW</b>	Community Development Worker
<b>CEO</b>	Chief Executive Officer
<b>CFO</b>	Chief Finance Officer
<b>CoGTA</b>	Cooperative Governance and Traditional Affairs
<b>COVID</b>	Coronavirus Disease
<b>DIF</b>	District Intergovernmental Forum
<b>DIRCO</b>	Department of International Relations and Cooperation
<b>DPLG</b>	Department of Provincial and Local Government
<b>FOSAD</b>	Forum for South African Director-Generals
<b>FSGDS</b>	Free State Growth and Development Strategy
<b>GIFT</b>	Global Initiative on Fiscal Transparency
<b>IDP</b>	Integrated Development Plan
<b>IFRA</b>	Intergovernmental Fiscal Framework Act
<b>IGR</b>	Intergovernmental Relations
<b>IGRFA</b>	Intergovernmental Relations Framework Act
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
<b>HOD</b>	Head of Department
<b>HR</b>	Human Resources
<b>KRA</b>	Key Responsibility Area
<b>LED</b>	Local Economic Development
<b>LGBF</b>	Local Government Budget Forum
<b>MEC</b>	Member of Executive Council
<b>MECLOGA</b>	Member of Executive Council for Local Government
<b>MinMEC</b>	Ministers Member of Executive Council
<b>NPM</b>	New Public Management
<b>OCP</b>	Open Contracting Partnership
<b>ODA</b>	Official Development Assistance
<b>OGP</b>	Open Government Partnership
<b>PCC</b>	President's Coordinating Council
<b>PCF</b>	Premier Intergovernmental Forum
<b>PIF</b>	Premiers Intergovernmental Forum
<b>PIGR</b>	Premiers Intergovernmental Relations
<b>SALGA</b>	South African Local Government Association
<b>SOE</b>	State-Owned Entity
<b>US</b>	United States
<b>USDG</b>	Urban Settlement Development Grant

## **Abstract**

The study focused on assessing the level of governance in the Intergovernmental Relations Forums in the Free State. The study investigated whether the Intergovernmental Relations Policy and Planning was effected in the Free State; determined whether the Intergovernmental Relations Forums in the Free State delivered on their mandate; evaluated whether the Intergovernmental Relations Forums in the Free State monitored, supported and developed interventions to municipalities; evaluated the role of the Intergovernmental Relations Forums in the Free State in the decision making and management of service delivery; gauged whether the Intergovernmental Relations Forums in the Free State contributed towards the development of a national report on Intergovernmental Relations; and assessed Intergovernmental Relations Forums in the Free State's practice of good governance.

A qualitative methodology was employed in the study to describe and understand, rather than explain, human behaviour. The study was conducted using desktop research, documents, articles, journals, the Internet, and observations. The data for this study was sourced from the Constitution of the Republic of South Africa (1996); the Intergovernmental Relations Framework Act 13 (2005); the Practitioner's Guide to Intergovernmental Relations Systems in South Africa (2012); and the Annual Performance Plans and Annual Reports of government departments and District Municipalities in the Free State.

The population for this study was the Premier's Intergovernmental Forum, the four District Intergovernmental Forums, and the Mangaung Metropolitan Municipality. The information was analysed to draw unbiased inferences and provide honest and accurate analysis, which was consistently good in quality and cogent. Lastly, the study proposed recommendations, which could improve good governance and afford assurance and confidence to the Free State government, policy makers and public officials.

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## **CHAPTER 1: INTRODUCTION AND ORIENTATION**

### **1.1 Motivation**

The Constitution of the Republic of South Africa (1996) provides for the establishment of South Africa as one sovereign democratic state constituted as national, provincial, and local spheres of government which are distinctive, interdependent, and interrelated (Constitution, 1996: s41). The Department of Provincial and Local Government (DPLG), today referred to as Cooperative Governance and Traditional Affairs (CoGTA), outlined the key doctrines in a study of intergovernmental relations, namely, national unity, decentralisation, co-operation, nurturing cordial relations, notifying and approaching one another on issues of mutual interest, co-ordinating activities and legislation with each other, and aiding as well as supporting one another, in compliance with the Constitution (IGR Audit Report, 2000: 9-12). The aforementioned ignited the researcher's interest in conducting a study with the intention of investigating and assessing whether the aforementioned is practiced in intergovernmental relations in the Free State Province.

The Constitution sets out the principles for the conduct of Intergovernmental Relations (IGR) and provides for intergovernmental fiscal arrangements. The Intergovernmental Relations Framework (IGRF) Act 13 of 2005 provides specific guidelines to the three spheres of government in terms of implementing policy and legislation, establishing intergovernmental structures, managing the conduct of intergovernmental relations, settling disputes, monitoring, and reporting. Every sphere has distinct roles and responsibilities, yet they must honour the constitutional role, authorities, and duties of other spheres (Republic of South Africa, 1996: s41). The aforementioned prompted the researcher to also investigate and determine whether the Intergovernmental Relations Forums in the Free State adhere to the principles for the conduct of intergovernmental relations set out in the Constitution (1996).

The word 'inter' combines with adjectives and nouns to form adjectives that connect two or more places, things, or groups of people. 'Governmental' means relating to a particular government or to the practice of governing a country. 'Relations' refers to relations between people, groups, or even countries, or contacts between them and

the way in which they behave towards each other or the relation of one thing to another; this means they are connected (Collins Dictionary, n.d.). 'Intergovernmental Relations' are the relations between governments and are conventionally defined as important interactions among various kinds of governmental agencies and levels. Intergovernmental Relations are further defined as an interacting network of institutions at national, provincial and local levels, created and refined to enable the various parts of government to cohere in a manner more or less appropriate to the institutional arrangements. It is an evolving system of institutional co-operation that seeks to address the relations of equality and interdependence (Constitution, 1996: s41).

The Intergovernmental Relations Framework Act (IGRFA) was introduced in 2005 to establish greater predictability in intergovernmental relations and to promote the alignment of national, provincial and local plans, and expenditure. The Act provides guidance for the drivers and managers of government in the national, provincial and local spheres and other organs of the state on how to effectively implement the Act. It focuses primarily on the outcomes that the system must achieve, namely, coherent government, the effective provision of services, the monitoring of the implementation of legislation and policy, and the realisation of national policies (Intergovernmental Relations Framework Act 2005 Act 13 of 2005). The aforementioned prompted the researcher to investigate if the Intergovernmental Relations Forums in the Free State maintain relations of equality and interdependency. Furthermore, the research will assess whether the Intergovernmental Relations Forums in the Free State are implementing the Intergovernmental Relations Framework Act effectively.

Section 4(b) of the Intergovernmental Relations Framework Act states that one of the objectives of the Act is to provide within the principle of co-operative government, as laid down in Chapter 3 of the Constitution, a foundation for the national government, provincial governments and local governments, and all organs of state, to facilitate coordination in the implementation of policy and legislation, including the effective provision of service. Furthermore, Section 18 states that the Premier's Intergovernmental Forum is a consultative forum for the premier of a province and local governments in the province regarding any matter of strategic importance that affects the interests of local governments in the province, and other provincial

intergovernmental forums on matters of mutual interest to the province and local governments in the province, and district intergovernmental forums in the province. Hence, it is imperative that the study be conducted to assess the level of governance in Intergovernmental Relations Forums, focusing on the Free State Province.

‘Governance’ is an old term that was used in French governance in the 14th century to refer to royal officers, rather than to the process of governing or steering (Katsamuska, 2016: 133). Governance is defined as the system by which entities are directed and controlled. It is concerned with structures and processes for decision-making, accountability, control, and behaviour at the top of an entity. According to Governance Today (n.d.), governance influences how an organisation’s objectives are set and achieved, and how performance is optimised. Governance has further been defined to refer to structures and processes that are designed to ensure accountability, transparency, responsiveness, the rule of law, stability, equity and inclusiveness, empowerment and broad-based participation. According to Unesco (n.d.), governance further represents the norms, values, and rules of the game through which public affairs are managed in a manner that is transparent, participatory, inclusive and responsive.

Moreover, governance involves interaction between formal institutions and those in civil society. Governance also refers to the process whereby elements in society wield power, authority and influence, and enact policies and decisions concerning public life and social upliftment. Governance, therefore, not only encompasses but transcends the collective meaning of related concepts such as state, government, regime, and good government (The Global Development Research Centre, n.d.). This explanation of governance will assist the researcher to assess whether the principles and concepts of governance, such as the structures, processes, accountability, transparency, responsiveness and the rule of law exist in intergovernmental relations forum matters in the Free State.

South Africa faces triple challenges, as outlined in the National Development Plan 2030, which are poverty, inequality, and unemployment. Another big elephant in the room that exacerbates the challenges of South Africa is the scourge of corruption.

Money is squandered in all spheres of government; as a result there is an escalation of poor service delivery and no accountability.

'Accountability' is derived from the Latin word *computare*, which means to count, and it further denotes bookkeeping and forms of financial recording. However, today the word accountability conveys a more general sense of giving a report of oneself and overlaps with concepts such as responsibility and liability. Accountability further implies the duty to act in a responsible way and to be accountable to others for one's actions, and to maintain effective and logical links between planning, deciding, action and verification. Accountability can be defined differently based on social, cultural, or institutional conditions (Dubnick and Frederickson, 2011: xi-xxx).

The provinces in South Africa are responsible for social services like education, health and social development, economic functions like agriculture and roads, and provincial governance and administration, which include the legislature, the provincial treasury, local government, and human settlements. Part A of Schedule 4 in the Constitution (1996) states the functional areas of concurrent National and Provincial Legislative competence, whilst Part B of Schedule 4 provides the functional areas of local government, which align with Section 155 of the Constitution.

The provision of sustainable and effective municipal services to residents is the main reason for the existence of local government. Service delivery at local government level has deteriorated immensely despite the legislation on intergovernmental relations; this created the interest to investigate the governance of intergovernmental relations.

According to the Auditor-General (2020: 6), ten municipalities in the Free State Province did not submit financial statements on time and this resulted in eight municipalities receiving a disclaimer opinion. This meant that almost half of the municipalities in the Free State did not account for the way in which they used taxpayers' money, and the Province's irregular expenditure totalled R1.4 billion for 2018/2019 (Auditor-General Report 2018/2019).

The abovementioned prompted the researcher to investigate why service delivery is lacking or poor by assessing the level of governance in Intergovernmental Relations Forums, focusing on the Free State Province. One of the objectives of Intergovernmental Relations Forums is to ensure that there is consultation on effective service delivery, yet the three spheres of government face poor service delivery; hence, the study will also assess the effect of the governance of IGR on service delivery. Legislation, prescripts and policies on Intergovernmental Relations Forums are explicit on the mandate, roles, functions, and responsibilities of these forums. These documents are aimed at aiding the Intergovernmental Relations Forums to deliver on their mandates, as outlined in the Intergovernmental Relations Framework Act (2005).

This research is important as it will contribute greatly in indicating the relationship between the behaviour of the Intergovernmental Relations Forums and their constitutional mandate. Furthermore, the research will assist in determining whether these forums adhere to and practice good governance in the coordination of their affairs.

## 1.2 Research Problem

The challenges facing the intergovernmental relations policy and planning are highlighted as the entire government planning framework is a relatively new development in the intergovernmental relations system. The challenges relate to the definition of a clear mandate for intergovernmental and interdepartmental task teams, the need to map the intergovernmental programmes and projects to individual public institutions' budgets, effective decision making, and the management of service delivery (Inaugural Report on the Implementation of the Intergovernmental Relations Framework Act, 2008: 19). Other problems identified are poor monitoring and poor support and interventions in intergovernmental relations, which also contribute to the management of concurrent competencies in the different government tiers. Further challenges relate to the following:

- non-compliance with statutory requirements for nation and province-wide reports on the state of local government,

- no obligation on provinces to provide a state of the province report to national government,
- no national intervention power if provinces fail to intervene in municipalities,
- the disjuncture between mandatory financial and discretionary interventions,
- no national barometer for the monitoring of all local municipal functions,
- no clear delineation of monitoring roles among the national and provincial tiers, and
- no systematic early warning and response system for provincial or local failure.

All these challenges emanate from a lack of supervision, including inadequate national and provincial government support for municipalities and a lack of coordination among national departments dealing with municipalities (Draft Green Paper on Cooperative Governance, 2011: 28).

In general, service delivery in South Africa has collapsed. The identified problems include endemic corruption, councils which are not functional (such as the Mangaung Metropolitan Municipality Council that was disbanded in April 2022), no structured community engagements, and poor fiscal management leading to continuous negative audit outcomes. A poor record of service delivery and functions, such as fixing potholes, collecting refuse, the maintenance of public places, fixing streetlights, and the provision of clean drinkable water (e.g., the Maluti A Phofung Local Municipality) (Local Government: Back to Basics, 2014: 5), are among the reasons that motivate the study. It is the observation of the researcher that the aforementioned reasons contribute towards service delivery challenges in local government; yet the Intergovernmental Relations Framework Act 2005 is explicit on the objectives of Intergovernmental Relations Forums. It is the view of the researcher that the aforementioned problems would not exist if the Premier's Intergovernmental Relations Forum (PIGR), the Forum of Heads of Departments (FOHOD), and the District Intergovernmental Forums (DIGR) practiced and maintained good governance. Therefore, it is imperative that the study be conducted to assess the level of governance in Intergovernmental Relations Forums, focusing on the Free State Province.

### 1.2.1 Research Questions

- Is the Intergovernmental Relations Policy and Planning effected in the Free State?
- Do the Intergovernmental Relations Forums in the Free State deliver on their mandate?
- Do the Intergovernmental Relations Forums in the Free State monitor, support and develop interventions for municipalities?
- What is the role of the Intergovernmental Relations Forums in the Free State in the decision-making and management of service delivery?
- Do the Intergovernmental Relations Forums in the Free State contribute to the development of national reports on Intergovernmental Relations?
- Do Intergovernmental Relations Forums in the Free State practice good governance?

### 1.3 Aims and objectives of the study

The study aims to address the following objectives:

- To investigate whether the Intergovernmental Relations Policy and Planning was effected in the Free State;
- To determine whether the Intergovernmental Relations Forums in the Free State deliver on their mandate;
- To evaluate whether the Intergovernmental Relations Forums in the Free State monitor, support and develop interventions for municipalities;
- To evaluate the role of the Intergovernmental Relations Forums in the Free State in the decision making and management of service delivery;
- To gauge whether the Intergovernmental Relations Forums in the Free State contribute towards the development of national reports on Intergovernmental Relations; and
- To assess Intergovernmental Relations Forums in the Free State's practice of good governance.

## 1.4. Research Methodology

### 1.4.1 Research Methods/Instruments and Procedures

The research method that will be used for the purpose of this study will be qualitative. The results of qualitative research are descriptive rather than predictive. Moreover, this method will deliver rich and more detailed information, which will afford the researcher the opportunity to clarify vague issues or information.

The qualitative research method originated from the ethnographic methods applied by cultural and social anthropologists in their field studies of social groups and communities. 'Ethnographic' can be described as an descriptive design, which uses investigations amongst individuals or groups within a given community, group or organisation, and focuses on the behavioural regularities of everyday situation (Welman, Kruger and Mitchell, 2005: 193). The primary rationale for using this approach in this study is to describe and understand, rather than explain human behaviour.

Qualitative research distinguishes itself from quantitative research in terms of the following key features:

- research is conducted in the natural setting of social actors,
- it focusses on process rather than outcomes,
- the actor's perspective is emphasised,
- the primary aim is in-depth descriptions and an understanding of actions and events, and
- the main concern is to understand a social setting in terms of its specific context rather than attempting to generalise it to a theoretical population (Babbie and Mouton, 2006: 270).

This study will be conducted using desktop research, documents, articles, journal articles, the internet, and observations. The data for this research will be sourced from the Constitution of the Republic of South Africa (1996); the DPLG: the Intergovernmental Relations Framework Act 13 of 2005; and the DPLG: the

Practitioner's Guide to Intergovernmental Relations Systems in South Africa 2012. Other documents such as Annual Reports, Annual Performance Management Reports, and Intergovernmental Relations Forums' functional reports will also be used.

As mentioned before, the research approach for this study is qualitative. The population will be derived from the Premier's Intergovernmental Relations Forum, the Forum for Head of Departments, and the District Intergovernmental Relations Forums in the Free State. No human participants will be involved in the study and all ethical guidelines will be followed. This will enable the researcher to answer the research questions accurately, validate the data, and ensure that it contributes towards public policy decisions. The data will be analysed to draw unbiased inferences, providing an honest and accurate analysis, as well as be true to the requirements for reliability and validity.

### 1.5 Literature study

Section 41(1)(c) of the Constitution (1996) states that spheres of government and all organs of state within each sphere must provide effective, transparent, accountable and coherent government for the Republic as a whole. In addition, Section 42(2) states that [a]n act of parliament must (a) set up or offer systems and establishments to sell and facilitate intergovernmental relations, and (b) offer suitable mechanisms and approaches to facilitate the agreement of intergovernmental disputes. It is through Section 41(1) and Section 41(2) that the Acts of Parliament established the legislative framework applicable to all spheres and all sectors of government to ensure the conduct of intergovernmental relations in the spirit of the Constitution. The Intergovernmental Relations Framework Act 13 of 2005 was signed into an act of Parliament.

The executive intergovernmental forums are normally the consultative bodies that make recommendations to the participating governments and they cannot take the place of the elected executive governmental structures in the country (Botha, Brand, Engelbrecht and Van Eijbergen, 2015: 177). Intergovernmental relations are about relations in different governments or between organs of the state from different governments regarding the contact of their affairs. Furthermore, intergovernmental

relations are about the relationships between the three spheres of government and how these relationships can be optimised for the good of the country. In addition, intergovernmental relations are the set of multiple formal and informal processes, channels, structures and institutional arrangements for the bilateral and multilateral interaction with and between the spheres of government (Local Government: White Paper on Local Government, 1998).

According to Botha *et al.* (2015: 178), the principles of corporative government are based on the concept of *Bundestreue*, or federal loyalty. This concept is based on the premise of a shared partnership or some kind of partnership between various governments in a country (*ibid.*). Peters (2011) puts institutions, structures and mechanisms at the heart of governance. He asserts that governance begins with structures and processes, rather than with individuals within the institutions (Peters, 2011: 69). Peter's new institutionalism retains the old institutionalism's focus on rules, procedures, and organisations but expands to include a broader idea of institutions as sometimes based on norms, habits, and customs. Peters (2011: 69-70) further states that the structural definition does tend to provide little space for agency in the processes of governance and developing governance theory; therefore, it requires developing a means of bringing together individual level behaviour within structures and institutions.

An interpretive theory implies that governance consists of meaningful activity. Governance is a cultural practice or, better, cultural practices. It is a cultural practice because the activity is meaningful. To explain the cultural practice of governance, political scientists must tell historical narratives relating actions to meanings against the contingent historical background. To interpret governance historically is to provide an intelligible narrative. It is thus to overcome the incoherent and excessively open theories of governance, according to Peters (2011: 66).

According to Levi-Faur (2011: 2), governance is an interdisciplinary research agenda on order and disorder, efficiency and legitimacy, all in the context of the hybridisation of modes of control that allow the production of a fragmented and multidimensional order within the state, by the state, without the state, and beyond the state. Levi-Faur (2011: 3) adds that governance has developed as an imperative concept, and as the

most important concept of neo-institutionalism in the social sciences, even though the meanings, its origins and its implications are regularly vague.

Other governance concept includes capacity, bureaucracy, collaborative governance, good governance, institutionalism, managing networks, marketisation, metagovernance, local governance, New Public Management, participatory democracy, pluralism, policy cycle, policy network, and public-private partnerships (Sagepub, n.d.). Governance practices include openness, honesty and integrity; but these practices are not always maintained in some African states (Coetzee, 2017: 155). Thus, this study will assess the influence of governance on intergovernmental relations in the Free State.

The definition of good governance, according to the World Bank, focuses on equilibrium and on an efficient liberal society with equitable income redistributed amongst the citizens (Diarra and Plane, 2014: 474). Governance does not only refer to the relationship between a government and social organisations, but it also refers to how the needs of citizens are met (Kassa, 2011: 4). Among the diverse types of governance models, intergovernmental relations adopt the constituent representative model. This model is an approach used by publicly elected officials. Federations or other constituency-elected boards have the primary responsibility of balancing the interests of their constituents with the best interests of the organisation.

Accountability means to be accountable for actions, to make your actions public, and to explain them to the public by means of debate (Mle and Maclean, 2011: 1367; Cammack, 2012: 258-259). According to Khalo (2013: 581), financial accountability refers to an account of how municipal funds were used to implement municipal policies, as approved by a council. Administrative accountability in the context of local government refers to internal structures, mechanisms and systems of control, which include ethical codes of conduct, administrative performances reviews, norms and standards to promote a system of checks and balances (Sibanda, 2017: 324). Responsibility is delegated to public officials to fulfil a specific duty that includes aspects such as consent to perform a specific job, obedience to a higher authority, and accountability and liability to be answerable to someone or an authority (Thornhill, 2015: 78-79). The above submissions by different authors piqued the researcher's

interest, prompting him to investigate the implementation of applicable policies and economic development factors in the assessment of the Intergovernmental Relations Forums in the Free State.

The year 1994 marked the beginning of a new and democratic system of governance in South Africa. A new system of intergovernmental relations was built around the three spheres of government; that is the national, provincial, and local spheres (Kahn, Madue and Kalema, 2016: 1). The doctrine of the separation of powers has led to a horizontal division of powers into legislative, executive and judicial functions. The horizontal and vertical division of powers and functions make the study of intergovernmental relations important (Kahn *et al.*, 2016: 1). The research will also focus on the vertical division of powers in the Free State by focusing on coordination, the operation principles regulating intergovernmental structures, the reporting role of intergovernmental structures, and the institutional capacity of the Premier's Intergovernmental Forum and the District Intergovernmental Forums.

## 1.6 Research Design/Layout

### **Chapter 1:** Introduction and Orientation

This chapter describes the motivation, the research problem, the aim and objectives of the study, the methodology, the literature study, and the research design/layout.

### **Chapter 2:** The theory of Intergovernmental Relations and Governance concepts

This chapter will present the theory of Intergovernmental Relations and the definitions of governance concepts. The chapter will further unpack the context of Intergovernmental Relations in South Africa and discuss the governance models aligned with Intergovernmental Relations.

### **Chapter 3:** The mandate, roles, functions and powers of Intergovernmental Relations

This chapter will focus on the mandate, roles, functions, and powers of Intergovernmental Relations Forums in South Africa. This chapter will also discuss

what intergovernmental relations was established for, what roles it plays, the functions to be performed by the Intergovernmental Relations Forums, and what powers they have.

#### **Chapter 4: The Intergovernmental Relations Forums in the Free State**

This chapter will discuss the Intergovernmental Relations Forums in the Free State. The chapter will zoom in on the Premier's Intergovernmental Forum, the Forum for Heads of Departments, and the District Intergovernmental Forums.

#### **Chapter 5: Conclusion, research findings and recommendations**

This chapter will present the conclusion, the research findings, and the recommendations. The conclusion of the chapter will summarise the contents of the study on intergovernmental relations, analyse it, make findings on the study, and develop recommendations.

## **CHAPTER 2: THE THEORY OF INTERGOVERNMENTAL RELATIONS AND GOVERNANCE CONCEPTS**

### 2.1 Introduction

To assess the level of governance in the Intergovernmental Relations Forums in the Free State Province, it is imperative to first refer to the theories, concepts, and models of both intergovernmental relations and governance as the key words in this chapter. This chapter will discuss the various concepts of intergovernmental relations, such as the intensity of the relations, governmental threshold size and governmental distance, power dependency, and bargaining power.

The chapter will further discuss the models of intergovernmental relations under the unitary state, namely the agency model, the stewardship model, the power-dependency model, and the Marxist and dual-state model. The intergovernmental relations models under the federal system, namely, the coordinate-authority model, the inclusive-authority model, and the overlapping authority model will also be covered in this chapter.

For a better understanding of the concept of governance, the theory of governance will be unpacked through the views of different authors. Specific focus will be on the governance concepts, namely, accountability, responsibility, and transparency, the rule of law, good governance, participatory democracy, and network. Lastly, the chapter will highlight governance models, in particular the operational model, the collective model, the management model, the constituent model, the traditional model, and the results-based model. This chapter will discuss these concepts and models in detail to indicate their importance and linkage to both governance and Intergovernmental Relations Forums. This will be done because these governance concepts and models provide meaningful context and understanding to the study. The chapter will add value by contributing towards the enhancement of a better comprehension of the research topic. The last part of this chapter will summarise it by highlighting the main points discussed.

## 2.2 The conceptualisation of Intergovernmental Relations

The word 'inter' means between or among, while the word 'governmental' relates to a particular government or the practice of governing a country. 'Relation' refers to relations between people, groups, even countries or contacts between them, and the way in which they behave towards each other or the relation of one thing to another; this means they are connected (Collins Dictionary, n.d.). Therefore, intergovernmental relations are the relationships between different governments within a single country (Collins Dictionary, n.d.). The term 'intergovernmental relations' encompasses both the forums where meetings take place, which is also referred to as the machinery of intergovernmental relations, and the processes and practices used to guide information sharing, decision making, and resolving disputes (Collins Dictionary, n.d.)

Intergovernmental relations can be characterised in diverse ways, namely:

- 1) As vertical – this means that it takes place between a devolved or local government, and central government or horizontal, meaning between governments that operate in the same sphere of government;
- 2) As bilateral – this means two governments, or multilateral. This is when more than two governments take part. The Joint Ministerial Committee is an example of a multilateral intergovernmental forum;
- 3) As formal and structured; for example, with regular and scheduled ministerial summits with clear remits and agendas, or informal and ad hoc meetings taking place less frequently, and often with a more casual approach (Centron Constitutional Change, n.d.).

Intergovernmental relations encompasses all the complex and interdependent relations among various spheres of government. Intergovernmental relations also refers to the fiscal and administrative processes through which spheres of government share revenue and other resources (CoGTA Free State, n.d.). Intergovernmental relations is therefore a set of formal and informal structures for bilateral and multilateral cooperation within and among the three spheres of government (CoGTA Free State, n.d.). Therefore, it is important to note that the success of intergovernmental relations depends on the level of participation by the key role players in the system, and that the extent of participation, whether of a competitive or cooperative nature, finally

determines the ontological state of the system of intergovernmental relations (CoGTA Free State, n.d.).

According to Phillimore (2013: 231), intergovernmental relations occur through both formal and informal means. The formal mechanisms can be constitutional, statutory or by way of non-statutory institutions, agreements, and processes. Informal intergovernmental relations is inevitably more complicated to observe, yet as important as a formal mechanism, if not more so (Phillimore, 2013: 231). The informal interactions often hold the system together. There may be unspoken rules, conventions or principles that are important to the conduct and effectiveness of intergovernmental relations (Harwood and Phillimore, 2012: 88).

The public service is crucial to the handling of intergovernmental relations in all countries. It is the engine room where detailed work is done, both through the formal meetings of officials and through personal relations, as well as informal interactions (Phillimore, 2013: 233).

Section 41 of the Constitution (1996) states all the principles of co-operative government and intergovernmental relations as (1) all spheres of government and all organs of state within each sphere must (a) preserve the peace, national unity and indivisibility of the Republic; (b) secure the well-being of the people of the Republic; (c) provide effective, transparent, accountable and coherent government for the Republic as a whole; (d) be loyal to the Constitution, the Republic and its people; (e) respect the constitutional status, institutions, powers and functions of the government in other spheres; (f) not assume any powers and function except those conferred on them in terms of the Constitution; (g) exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere; and (h) co-operate with one another in mutual trust and good faith by (i) fostering friendly relations, (ii) assisting and supporting one another, (iii) informing one another of, and consulting one another on, matters of common interest, (iv) co-ordinating their actions and legislation with one another, (v) adhering to agreed procedures, and (vi) avoiding legal proceedings against one another.

The Constitution (1996) sketches only the broad outlines and principles of South Africa's intergovernmental relations and the context in which it operates. After allowing the system of intergovernmental relations to evolve dynamically, the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005) was enacted to give effect to the constitutional requirement. The objective of the Act is to facilitate coordination by the three spheres of government, namely, the national, provincial and local governments, in the implementation of policy and legislation. The Act plays a key role in facilitating better government by all spheres of government for all the people of the country. The importance of the Act to local government was emphasised by President Thabo Mbeki in his State of the Nation Address on 3 February 2006. The Act sets out the general principles and objectives of intergovernmental relations. The focus is primarily on the outcomes of the system, by which it must achieve a coherent government, the effective provision of services, monitoring the implementation of policy and legislation, and the realisation of national priorities. These overall objectives are to be achieved by an intergovernmental system that ensures mutual consultation, and coordination of policy, legislation, and programmes.

Politics is a major reality that contributes towards the management of the country and ensures that intergovernmental relations is practiced transparently. Kahn *et al.* (2016: 22) identified the basic concepts of intergovernmental relations, namely, the intensity of the relations, governmental threshold size and governmental distance, power dependency, and bargaining power. Kahn *et al.* (2016: 22) emphasise that for intergovernmental relations to be transferred from the arena of academic study to the real world of administration, these four concepts practically make it possible to conduct a qualitative analysis of particular relations, which will lead to greater efficiency and the ability to improve relations. This belief inspires the researcher to evaluate other authors' views on these concepts. Therefore, hereunder, these four concepts of intergovernmental relations are discussed.

### 2.2.1 Intensity of relations

According to Kahn *et al.* (2016: 22), relations are defined as a mutual association between persons which could be perceived as being positive or negative. These relations can also be divided into different types, such as legal, financial or personal

relations. Kahn *et al.* (2016: 22) advance that the depth of the relationship of intergovernmental relations is hardly ever mentioned and no two relations can be the same. According to Hattingh (1998: 37), intergovernmental relations can be divided into formal and informal relations with different levels or degrees of relational intensity in each. Formal relations can display various degrees of formality; the intensity of relations may vary from commanding (highest intensity) to voluntary (lowest intensity). Informal relations can vary in intensity from complete indifference to full participation; for example, full participation in relations between a city council and the community it serves (Hattingh, 1998: 38-39).

Phillimore (2013: 231) agrees by stating that intergovernmental relations can be undertaken formally or informally. Formal mechanisms are those which are underpinned by a specific constitutional or statutory provision, or some other mode of formal agreement between respective parties. They are institutionalised within the federal structure and could take the form of a regular meeting or ad hoc meetings between ministers, legislators, officials, or agencies of different governments. Informal intergovernmental relations can be seen as the glue which brings different governments together and helps to facilitate coordination (Phillimore, 2013: 231). Most countries display some form of formal and informal intergovernmental relations, although the importance of formal mechanisms in relation to informal ones varies according to the specificities of the national structure of the respective country (Phillimore, 2013: 231). In this study, the view of the researcher is that the intensity of relations are firm relations between the government or institutions of government having formalised relations through legislation and policies to achieve the intended objectives; or these relations may be informal where processes, coordination, cooperation, agreements, and consultation agreements are made verbally without formal agreements.

### 2.2.2 Governmental threshold size and governmental distance

According to Khan *et al.* (2016: 24-25), governmental threshold size means that when a governmental body is larger than a certain size, its staff will be more inclined to act unilaterally than if it were small. This happens if a governmental body is large in terms of the area, population, and resources; this will encourage its staff to see it as an

independent body. Su and Bui (2017: 7) state that public spending covers government activities, which involve public service and bureaucracy. In 1981, the endogenous growth theory suggested several mechanisms through which government activities critically promote long-run growth. For example, through fiscal and public policies, governments can stimulate human capital accumulation and innovation processes that contribute to productivity growth. Public spending is also shown to promote economic growth performance, but a further increase over the optimal threshold point is detrimental to economic growth (Su and Bui, 2017: 7-8). Regan (1982: 57) argues that the size can be measured in three main ways: geographical area, population, and financial resources. Based on the different views expressed above, it is the submission of the researcher that government threshold size is the measurement of a governmental body as pertaining to the people, finance/economic resources and area, and the size of the governmental body does affect performance, decisions and results on integrative or unilateral strategies. However, the size is useful and may be used to determine various factors about that governmental body.

The concept of governmental distance is used to deal with the perceptions of governmental bodies being either far apart from each other in terms of the size, or near to each other in size (Kahn *et al.*, 2016: 24). These authors (*ibid.*) make reference to when public officials in a small governmental body compare themselves vertically or horizontally with a larger governmental body, they tend to perceive a significant governmental distance between the two bodies. The comparison between a large governmental body and another that is slightly larger will however result in the perception that there is only a small governmental distance between them (Kahn *et al.*, 2016: 24).

Haile (2014: 24) states that intergovernmental relations have two important dimensions: vertical and horizontal. Vertical is relations between the national and provincial governments (Haile, 2014: 24), and horizontal is that of inter-provincial relations. Vertical relationships are those linking lower levels of government with a government of higher or broader authority (Haile, 2014: 24-25). Haile (2014) further states that we have vertical relations when the central government interacts with the provinces or localities, or where the provinces interact with the localities. It is horizontal relations when governments at the same level interact, for example, inter-state or inter-

local interactions. Haile (2014: 25) state that in a federal system, a complete analysis of intergovernmental relations should at least cover the following six classes of relations: central-state, central-state-local, central-local, state-local, state-state and local.

Haile (2014: 25) asserts that horizontal intergovernmental relations take many forms and evolve some or all the constituent elements. Horizontal relations between constituent units arise to deal with geographic trans-border issues like rivers, transport, local taxation, and service provision. Horizontal relations is important for the proper functioning of the federal system. It deals with inter-units and inter-local governments (Haile, 2014: 25). Phillimore (2013: 30-31) concurs by adding that there are different dimensions to intergovernmental relations that provide the basis for the subsequent analysis of intergovernmental relations' institutions and processes, namely, vertical, horizontal, and sectoral dimensions. The vertical dimension of intergovernmental relations occurs most importantly in the 'vertical' relationship between the central government and sub-national governments. Horizontal intergovernmental relations can take many forms and involve some or all the constituent units.

Phillimore (2013: 31) insists that horizontal relations between constituent units arise to deal with geographic trans-border issues such as rivers, transport, local taxation, and service provision. Phillimore (2013: 31) further highlights that the sectoral dimension of intergovernmental relations relates to the policy sector. Phillimore (2013: 31) refers to the USA's so-called 'picket fence federalism', which refers to the way in which each policy sector tends to have its own intergovernmental relations networks and personnel. In Australia, this is formalised through the establishment of ministerial councils consisting of federal and state ministers and their officials.

The scope, frequency and intensity of interaction can vary between policy sectors, as can the level of cooperation or conflict. Much depends on the financial dependence of states in each policy area, their constitutional powers, their administrative experience, and technical knowledge and competence in the area, as well as the political importance of the issue and how trusted each level of government is regarded within the community in relation to the policy area in question. It is the view of the researcher that government distance comprises of a vertical (top-down, or vice versa) and

horizontal (same level) relations amongst governments in the same country (Phillimore, 2013: 31). These governmental relations may be nearer or further apart, and one may be larger than the other one in terms of governmental body. Moreover, these governmental distance relations may deal with geographical trans-border matters, which include rivers, local taxation, transport, as well as service provision.

### 2.2.3 Power dependency

Cook, Cheshire and Gerbasi (2014: 27) define the power-dependence theory as the basis for an important theoretical approach developed in the field of organisational studies, known as the resource dependence perspective. According to this perspective, organisations have a fundamental need for a variety of resources from both outside and within the organisation (Cook *et al.*, 2014: 27). Those entities, individuals, sub-units, or other organisations that exclusively provide the most needed or valued resources will have the most power in the organisation. This key line of reasoning comes directly from the main principle in the power dependence theory concerning the relationship between dependence and power. Resource dependence theorists note that for power to be exerted, other factors come into play (Cook *et al.*, 2014: 27).

According to Keegan, Canhoto and Yen (2022: 38), power is often discussed as the dichotomy of dependence; however, power and dependence are not mutually exclusive. Keegan *et al.* (2022: 38) further explain that power and dependence co-exist in relationships amongst actors. For example, A's dependence on B increases if B controls resources that are of value to A, while A's dependence on B decreases if A manages to obtain those valuable resources from sources other than B. Whether exercised or not, when one party holds resources that are valued by the other, that party is considered as having power. Keegan *et al.* (2022: 38) also state that when dyadic business relationships are being initiated, developed, and maintained, both parties are likely to become more dependent upon each other; thus, creating an interdependence between the business partners. In intergovernmental relations, power can be defined as an attribute conferred on governmental bodies or persons by legislation or other formal acts and by which a hierarchy of power is created between governmental bodies at various levels (Kahn *et al.*, 2016: 25).

The researcher views power as involving the possession by one or more governmental bodies of resources needed by other governmental bodies to achieve their objectives. This resource may be one or more of the following: finance, authority, political support, information, or any other resource needed by another governmental body. In terms of intergovernmental relations, we draw the conclusion that power dependency takes place between two or more governmental bodies where the other body has resources needed by the other governmental bodies. The governmental body that has resources will have the advantage of power over the governmental body with no resources and the governmental body that does not have resources will then depend on the governmental body that has resources.

#### 2.2.4 Bargaining power

Bargaining power is a measure of the capacity of one party to influence another. It is an important topic in negotiation because parties with higher bargaining power can leverage their circumstances to strike more desirable deals with others. However, all the parties in an agreement have their own bargaining power, however little or great (Pestle Analysis, n.d.). Bargaining power is also defined as the relative capacity of each of the parties to a negotiation or dispute to compel or secure agreement on its own terms (Merriam-Webster, n.d.). In the governmental relations, negotiations take place constantly on a broad range of issues, where bargaining power plays a key role. Bargaining power occurs when one governmental body has a resource that is needed by another governmental body; bargaining and negotiations becomes relevant as the respective parties' manoeuvre for maximum advantage.

The result of the bargaining process will favour the possessor of the greater bargaining power, and the nature and measure of independence between the two groups will be a significant factor in determining the bargaining power (Kahn *et al.*, 2016: 27). In South Africa, the bargaining power concept has been popularly used during labour relations negotiations when the employer and employees through trade unions bargain over conditions of service. Yet, a new norm has evolved in politics when political parties bargain with each other to form a coalition government. It is evident that bargaining powers take a form of negotiation between two parties or governmental

bodies when both parties need the service of the other and has to negotiate in order to access the resources of one another.

### 2.3 The models of Intergovernmental Relations

A model is usually a smaller representation of something or a pattern of something to be made (Merriam-Webster, n.d.). Scholars have derived models of intergovernmental relations to guide us in understanding intergovernmental relations in any political system beyond the constitutional delineation of powers (Haile, 2014: 30). The study of intergovernmental relations gave rise to the development of various theoretical models that reflect the diversity of state formation the world over. South Africa is a unitary state with features of federal states. In a unitary government, all the powers of government are vested in the central government, whereas in a federal government, the powers of government are divided between the centre and the units. Unitary states consist of the agency model, the stewardship model, the partnership model, the power-dependency model, and the Marxist and dual-state model, whilst federal states comprise of the coordinate-authority model, the inclusive-authority model, and the overlapping-authority model (Kahn *et al.*, 2016: 38). To investigate what Kahn *et al.* (2016) assert, the intergovernmental relations models in both the unitary and federal state model will be discussed hereunder.

#### 2.3.1 Intergovernmental Relations in unitary states

The unitary government is a kind of government system in which a single power, which is known as the central government, controls the entire government and where all powers and administrative divisions' authorities are centralised (Shivaji College, n.d.). There are different models of intergovernmental relations, which intentionally represent a simplification of the real world, but which still enable us to understand the complexities of intergovernmental relations (Wilson and Game, 1998: 115). Many of the prominent theoretical models of intergovernmental relations are applicable to a unitary state such as the agency model, the stewardship model, the partnership model, the power-dependency model, and the Marxist and dual-state model, which are discussed hereunder.

### 2.3.1.1 The agency model

The agency model ignores the substantial policy of any given policy diversity that exists among municipalities on any given polity. While the different municipalities in the country may derive their authority from the same source of legislation, the interpretation and implementation of policies at times differ from one municipality to the other. The policy diversity is partly because of the substantial entities in the country (Kahn *et al.*, 2016: 39).

Moreover, the agency model sees local authorities as subordinate to central government, with little or no discretion in the implementation of national policies. This view is too simplistic as there is still considerable diversity in the levels of expenditure and policy priorities, and the delivery of services (Bochel and Bochel, 2018: 216). Wilson and Game (1998: 107) view subnational authorities as being completely subordinate to the central government. These authors (1998) assert that the agency model reflects an accurate characterisation of reality in many contemporary states.

It is the view of the researcher that the law and the constitutional structure determine and instruct that the national governmental body is the authority; therefore, lower levels of government must implement what the national government body instructs the local government body to do. Thus, in its nature, it makes it a subordinate.

### 2.3.1.2 The stewardship model

Stewardship models describe a diverse set of legal solutions that transform the ownership, governance, and financing of businesses and organisations by fundamentally rewriting the rules of how money and power operate in institutions (SpringerLink, n.d.). Stewardship theory is a framework which argues that people are intrinsically motivated to work for others or for organisations to accomplish the tasks and responsibilities with which they have been entrusted (SpringerLink, n.d.). The theory further states that people are collective-minded and pro-organisational rather than individualistic and therefore work toward the attainment of organisational, group, or societal goals because doing so gives them a higher level of satisfaction. Stewardship theory therefore provides one framework for characterising the

motivations of managerial behaviour in diverse types of organisations (SpringerLink, n.d.).

Block (1993) has described stewardship as an alternative approach for the mandate and force models of governance. He (1993) however demonstrates his bias by polarising stewardship and leadership. Block (1993) further describes a leader as being a steward by expanding on the different skills of leadership; he identifies leadership as a localisation of power, privilege and purpose. Block (1993) opposes service and self-interest, where he sees leadership as stewardship, which involves being a steward of capabilities, careers, resources, values, and the environment; and being consciously aware of one's duties and performing them with a clear focus on community outcomes and unselfish serving. As per Block (1993), true stewardship lies in empowering people. The author (1993) further asserts that the power lies with the steward, but the steward is completely willing to share his/her power with everyone in the organisation at every level, in such a manner where everyone is jointly responsible and accountable for the purpose of the organisation and the outcomes.

The stewardship model is the model that is most closely related to the agency model in South Africa. Stewardship is a more appropriate metaphor because the steward is delegated considerable authority by his/her master to manage his/her estate. The steward will from time to time consult with his/her employer on how to manage his/her estate in the most efficient way and may wish to suggest new policies or point out failures in existing strategies. A similar arrangement occurs in the South Africa context with respect to the relationship between the national government, the provincial government and local government. The stewardship model attempts to explain centre-local relations in a unitary state where a certain degree of the authority is delegated to provinces and municipalities (Kahn *et al.*, 2016: 39-40).

The researcher submits that in the stewardship model, power is distributed to employees, units or provinces as a way of empowering them by self-management, and by allowing self-governing and report back to managers or to the central government.

### 2.3.1.3 The partnership model

Partnership is a culture of cooperation wherein all members of the team are truly invested in the success of the business. In such businesses, all team members can be appointed partners as it is a question of purpose, not seniority. There is leadership rather than micromanagement, and job satisfaction comes from what is achieved rather than what is received (Optimal Compliance, n.d.). According to Dyer, Leventon, Stringer, Dougill, Syampungani, Nshimbi, Chama and Kafwifwi (2013: 3), partnerships are formed to achieve shared goals. Understanding partnerships lies in identifying the partnership function in terms of that shared goal. This focuses on the rationale for the formation of partnerships and frames this around gaps, which can be addressed through actors forming partnerships (Dyer *et al.*, 2013: 3).

The rationale of this approach is that strengths can be harnessed from different stakeholders or groups of stakeholders, leading to outcomes that are not otherwise possible when actors work alone. An individual stakeholder may be involved in multiple partnerships, which may each be working towards a distinct aim or contributing to a broader aim (Dyer *et al.*, 2013: 4). The partnership model views the central government and lower levels of government, such as provincial government and municipalities, as more or less equal partners.

However, the partnership model has weaknesses. Kahn *et al.* (2016: 40) state that the first weakness is that the concept of partnership tends to be vague and imprecisely defined. The basic tenet of this model is that the various levels of government are equal partners, which is not in line with the South African situation where the tiers of government are referred to as spheres instead of levels, but where the essence of hierarchy is unequivocal. According to Kahn *et al.* (2016: 40), the second weakness is that the model seems to disregard constitutionality, which determines that in most unitary states, municipalities are the lowest tier of the national parliament.

The researcher submits that relationships differ according to the role players and their roles in a partnership. There are many factors that contribute to the success of a partnership, such as the environment, processes, partners, commitment, resources,

and the context. Based on the above, it is possible for the partnerships to achieve their objectives.

#### 2.3.1.4 The power dependency model

In the power dependency model, power is often characterised as zero-sum; that is, power is something that A has over B, such that if A gains in power B correspondingly loses. However, the notion of power dependence proposes that power is also a relational idea, such that the power of A is dependent on B. The exercise of power is an exchange of resources and so A needs B and A is dependent on B to exercise power (Encyclopedia, n.d.). According to Bochel and Bochel (2018: 216), the power dependency model sees central government and local authorities as each having resources (be it legal, financial, knowledge, or political) and that power is exercised via a process of bargaining and exchange. These authors (2018) emphasise that this view can be criticised for understanding the power of central government, as well as paying insufficient attention to the international politics of organisations and the broader (capitalist) economic and political system within which intergovernmental relations take place.

Kahn *et al.* (2016: 41) agree but highlight that the power dependency model pays particular attention to bargaining between different levels of government. Kahn *et al.* (2016: 41) further state that this model also argues that while there are likely to be inequalities in the distribution of resources between levels, these are not necessarily communicative. The power dependency model considers power in relative terms, based on a process of bargaining and exchange. The weakness of this model can be seen in the way that various levels of government interact, and the tension between them could increase rather than decrease (Kahn *et al.*, 2016: 41). On the other hand, the power dependency model can be viewed as representing an effective way of managing relations and resources between the centre and the periphery, since it is based on bargaining. The power dependency model's strength lies in the fact that it makes it clear that neither the central nor the local government should be viewed as monolithic blocks.

The view of the researcher is that in the power dependency model there is not really a powerful governmental body. The governmental body's power is determined by the resources the other governmental body has. The governmental body in need of the resources of the other governmental body will depend on that governmental body for those resources.

#### 2.3.1.5 The Marxist and dual-state model

According to Kahn *et al.* (2016: 41), a Marxist perspective of intergovernmental relations as local government is that it is a simple arm of the capitalist state, providing the conditions for continued capital accumulation and the maintenance of social order; it further applies a general theory of the capitalist state with little modification to what has become known as the local state. Munro (2021: 203) argues that the primary role of the capitalist state is to reproduce the conditions within which capitalist accumulation can take place, which it does through direct contributions to the productive economy, as well as contributions to the reproduction of capitalist society more generally, via reproducing the labour force, ideology, and repression and violence.

Saunders (1981: 4) criticises the model as being nothing more than an agency model that reduces local government to a mere agent of central government. Saunders (1981) further argues that the local state is simply not the national state, and that general theory of the state cannot be applied to the local level. Saunders' view is that the local state cannot simply be reduced to a functioning part of the national capitalist state. The author (1981) adds that within certain constraints, non-capitalist interest can win at the local level in a way that is increasingly becoming difficult at national level. Saunders (1981) advocates for a dual state thesis as a further refinement of his views. The author (1981) argues that there are two spheres of state activities, one at central and regional level, primarily concerned with social investments, where corporatist decisions are typical, and the other a local level, which is characterised by a more competitive and open system of decision making.

A dual-state model of creative cognition is a design that requires the ability to move between the two mental states, but individual states may benefit more from the support

of one state than the other. The dual-state model can also be used to understand more direct attempts to stimulate creative thinking and to devise new ones (Saunders, 1981: 4). Sakwa (2010: 185) defines a dual state as a state characterised by having two systems, where the other one has a formal constitutional order known as a normative state and the other one having informal relations, factional, conflicts and para-constitutional political practices. Kahn *et al.* (2016:42) argue that there are potentially contradictory functions at these distinct levels of government. Despite such criticism, the dual state thesis remains important because it draws attention to two keys issues: firstly, there is the societal context within which they operate and, by implication, the distributional consequences draw attention to the tensions that exist with the state, the sources of these tensions, and how they are resolved. The model ignores the policy planning process yet adds a vital dimension to the relationship between the central government and municipalities (Kahn *et al.*, 2016: 42).

It is the view of the researcher that the Marxist perspective of intergovernmental relations should be viewed as the relations between governmental bodies to provide for the conditions of capital accumulation in a capital state. At the same time, the idea of the dual state or two systems is not practical. A stable and ethical governmental body must be formulated and must operate within the confines of the constitution, laws and procedures in order to maintain good governance and a corruption-free and ethical state.

### 2.3.2 The Intergovernmental Relations Model in a Federal System

South Africa is a unitary state with federalism features; therefore, it is valuable to discuss the intergovernmental relations models that are applicable to federal systems of government. There are three models that are used to describe the intergovernmental relations in federal state, namely, the coordinate authority model, the inclusive authority model, and the overlapping authority model (Kahn *et al.*, 2016: 42). Below is a brief discussion of these intergovernmental relations models in a federal system.

### 2.3.2.1 The Coordinate Authority Model

In the coordinate authority model, sharp, distinct boundaries separate national government and provinces. There is no formal recognition of local self-government as a distinct sphere of government. Local government is seen as being subordinate to provincial government and may exercise only those powers expressly granted. The most recognised relationship between provinces and national government is that there is a tangential link denoting a high degree of independence and autonomy. Moreover, the coordinate authority model advocates for a non-interference paradigm of intergovernmental relations. The model is still being pursued in countries like Australia, where state governments have legally sharp, distinct boundaries that separate them from the national government. The only stabilising and reforming factor of the model is the degree to which national and state party political strength can amend the model through practice (Mathebula, 2004: 119-120).

According to Kahn *et al.* (2016: 42), in this model, sharp and distinct boundaries separate the national government and the local units of government are included within and are dependent on the state. This model has been used in the USA. Kahn *et al.* (2016: 42-43) state that the most classic expression of the local state is known as Dillion's Rule and it summarises the power relationship between the state and their localities. There are no common-law rights of local self-government, and local entities are creatures of the state, subject to creation and abolition, at the unfettered discretion of the state (barring constitutional limitations). Kahn *et al.* (2016: 43) state that the localities may exercise only those powers expressly granted and localities are "mere tenants at the will of the legislature". On national power relationships, the coordinate authority model implies that the two types of entities are dependent and autonomous, and they are linked tangentially (Kahn *et al.*, 2016: 43).

Haile (2014: 31) agrees by expatiating that the coordinate authority model states that clear distinct borders divide the central government and the constituent units. It shows the absence of formal recognition of local governments. Thus, the fate of local governments falls under the competence of constituent units. Furthermore, the coordinate authority model indicates no overlapping or a high extent of independence between the centre and sub-units' governments. This model was exercised in South

Africa, following the 1909 Constitution, and is still followed in countries like Australia where state governments have a demarcation of power from the central government (Haile, 2014: 31). The model designated as coordinate equates with the early form of US federalism known as dual federalism and is determined by its emphasis on constitutionalism and power separation as the basis of the relationship.

In this model, intergovernmental relations are likely to be minimal as each level of government is confined to its defined powers. In this model, the federal government and states are “separated by a boundary and are tangential. Each government has its own authority, its own territory, and its own limitations. No interferences between both levels of governments are allowed” (Ikeanyibe, Chukwu and Ibietan, 2019: 1045).

The perspective of the researcher is that this model leans more to the side of federalism. It contains an element of coordination of the activities of all units for the overall good of the polity and the society. In this model, all the units are to work in accordance with the basic spirit of the constitution and the established conventions of the land.

#### 2.3.2.2 The inclusive authority model

According to Kahn *et al.* (2016:43), the inclusive authority model works on the supposition that government entities interrelate like circles in a Venn diagram. The area covered by each circle represents the proportion of power exercised by that jurisdiction in respect to the other. It also supposes that the national government wishes to expand its proposition of power in relation to the state and municipalities (Kahn *et al.*, 2016: 43). By working on these two suppositions, two strategies are possible: to reduce the various powers of either the state or the municipalities or both, and to enlarge the national government’s circle with or without enlarging the state and/or local government circle. Kahn *et al.* (2016) refer to the second strategy as enlarging the pie. Both strategies can be understood by means of game theory, which is a systematic way of studying the behaviour in decision-making situations. Kahn *et al.* (2016: 43) further state that each participant tries to maximise gains and minimise losses within the limits of allowed behaviour (hence, the analogy with games). The outcome is seen to depend not only on the behaviour or anyone participating, but on

the responses of other participants as well. The inclusive authority model allows for the prediction of intergovernmental relations policies. This model also conveys the essential hierarchical nature of authority (Kahn *et al.*, 2016: 43). The model further demonstrates that subnational governments are effectively subordinates of the national government with an insignificant or incidental impact on national politics, in general, and public policy, in particular (*ibid.*).

Moreover, the essence of the inclusive authority model is that power is distributed in a concentric circle, such that both states and local powers are subsystems of the national power. This model also shows the existence of the necessary hierarchical nature of authority. Constituent units and local governments are highly subject to the national government. Hence, their pressure on national politics and public policy is negligible. As the practical reality of the former model is uncertain, in the active or passive role of sub-units, makes this model ineffective in federal systems because both the sub-national units and local governments exist only for appearances, and the model indicates a centralised system which ignores differences. It does not provide free space for the horizontal dimension of intergovernmental relations (Haile, 2014: 31). Moreover, the inclusive model exhibits a dependent relationship and the authority model is hierarchical. Hence, this inclusive authority model is a model in which “the state and the local governments lack a significant role. The national or federal government has the power to lead, dictate and do everything for state and local governments” (*ibid.*). This model is common in many African countries where lower tiers of government depend enormously on the central government and power is largely centralised; within these broad models, intergovernmental relations can manifest vertically or horizontally between or among various levels or tiers of government in different forms (Ikeanyibe *et al.*, 2019: 1046).

The view of the researcher is that this model presents itself as a weak model; it creates a dependency relationship where the local governmental bodies depend on the central governmental body. This model is based on the principle of hierarchy, where one level dominates the other. In this model, the state and local governments depend on decisions that are broader in scope and are arrived at by the national government.

### 2.3.2.3 The overlapping authority model

The overlapping intergovernmental relations model manifests interdependent relationships and the authority pattern is characterised by bargaining or negotiation (Ikeanyibe *et al.*, 2019: 1045). Often considered as the best form of intergovernmental relations model, it requires that each level of government or units within a level have something to bring to the table, which promotes negotiation and bargaining. According to Ikeanyibe *et al.* (2019: 1045), in this model “every unit of government can give and receive”. It further requires a balance of power between the central and sub-national governments. While the constitution can assign such powers, the capacity to exercise them reflects the degree of autonomy of sub-national governments and the nature of their role in intergovernmental relations. Ikeanyibe *et al.* (2019: 1045) further explain that the model is strongly enhanced by fiscal, personnel, economic and organisational capacities and the imperatives of joint policy and programmes.

Ikeanyibe *et al.* (2019: 1045-1046) explicate that there is no exact limitation of sphere or span of influence in this model as “the central government influences the state and local governments and vice versa”. The model is not likely to exist in a polity where the federal structure is skewed in favour of one level of government and the capacity of other levels of government are highly constrained (Ikeanyibe *et al.*, 2019: 1046). The system would not function in Africa and other developing countries where there exists a poor ability to bargain and negotiate, the tendency to monopolise power, and the politics of either win or lose (Ikeanyibe *et al.*, 2019: 1046).

Kahn *et al.* (2016: 43) argue that this model emphasises hierarchy, while in the coordinate-authority model, national and state governments are equal and autonomous. The applicability of the inclusive-authority model and coordinate-authority model is limited. Although there are occasional instances of such hierarchical and autonomous intergovernmental relations partners, these two models inadequately and inaccurately describe how the bulk of governmental operations are conducted.

It is in part the inadequacies of the two aforementioned models that lend credence to the overlapping-authority model (Kahn *et al.*, 2016: 43-44). Unlike the inclusive-authority model and the coordinate-authority model, which are at the opposite ends of

spectrum, the overlapping-authority model offers the middle course. The overlapping-authority model is characterised by the following: firstly, a substantial area of governmental operations involves national, state, and local units (or officials) simultaneously. Secondly, the areas of autonomy or single-jurisdiction independence and full discretion are comparatively small. Thirdly, the power and influence available to any one jurisdiction (or official) is substantially limited. The limits produced on the authority pattern are best described as being based on bargaining. The bargaining is used in the sense of negotiating the terms of the sale, exchange, or agreement. In the intergovernmental relations context, sale is far less relevant than exchange or agreement. Broad areas of intergovernmental relations involve exchange or agreements.

The main characteristics of the overlapping-authority model are i) limited, dispersed power, ii) interdependence of the various governmental bodies, iii) limited areas of autonomy, and vi) bargaining exchange relationships, cooperation, and competition (Kahn *et al.*, 2016: 44). This model plays a vital role in linking the separate entities within the close overlapping of duties and authorities. This model attempts to produce a compromise that paves the way for win-win approaches in complex political situations.

The bargaining model represents non-hierarchical but, interdependent, interrelated, and separate entities. This interdependence and interrelatedness of entities produce shared areas that represent common and/or concurrent competencies. This interaction also indicates the existence of relations. Mathebula (2004: 126) agrees by expatiating that the bargaining authority model plays a key role in bridging the divide that exists between different stakeholders within close polarities. It attempts to create trade-offs that create viable win-win paradigms in complicated political scenarios. The bargaining model further represents a combination of the two previous models at the opposite ends of the federal-unitary continuum. An exemplary representation of this scenario is the South African system (Mathebula, 2004: 126). Similar scenarios exist in South Africa with the constitutional progression of the country from a unitary government of the erstwhile white minority regime to a multi-sphered and quasi-federal system (Mathebula, 2004: 127). The existence of nine provincial jurisdictions, 284 municipal jurisdictions, and a further subdivision of municipal jurisdictions into district,

metropolitan and local municipality types, presents an overlap in terms of service delivery target areas (Mathebula, 2004: 127). The hierarchical and autonomous elements of the previous models distinguish the bargaining model in an integrated manner. The model is represented through an overlay of three non-hierarchical but interdependent, interrelated, and yet distinctive circles (Mathebula, 2004: 127-128). The interdependence and inter-relatedness of the circles yield four intersecting areas that denote common and/or concurrent jurisdiction. The intersections also reflect the existence of relations between two levels to the exclusion of the third. A closer look at the model shows that there are areas where a particular sphere has exclusive powers. In this model there are substantial areas of government operations involving both levels simultaneously, and areas of single-jurisdiction independence and full discretion, which are comparatively small (Mathebula, 2004: 128). Further, the power and influence available to any one jurisdiction is significantly limited by its inability to operate unilaterally unless expressly set out by or in law.

The model is chiefly characterised by the exchange and agreement elements of bargaining where supra levels offer grants-in-assistance to sub-levels in exchange for their agreement and co-operation to implement a programme or conduct a project (Mathebula, 2004: 128). This model is characterised by the following: limited and dispersed power; modest and uncertain areas of autonomy; a high degree of potential or actual interdependence; simultaneous co-operation and competition; bargaining exchange relationships; and negotiation as a strategy for reaching agreement.

The researcher views this model as depicting intergovernmental relations as arranged, interdependent, and bargained behaviour among all three units of the country, province, and local government. Each unit has limited dispersed powers and the units are interdependent.

## 2.4 The Theoretical Framework of Governance

The concept governance has been explicitly defined in Chapter one, yet the suggestion below on the governance concept is important for consideration. Kjar (2004: 10-11) suggests that governance is the capacity of government to make and implement policy to steer society. This definition refers more to the traditional steering

capacity of the state and it introduces an important distinction between old and new governance. Inherent to old governance is the traditional notion of steering by national governments by applying the top-down approach, and the degree of control the government can have over social economic activities. According to Katsamunskaja (2016: 133), new governance has more to do with interactions of the centre with society and in cases where there is more self-steering in networks because self-organising networks can block implementation.

Governance is the institutional capacity of public organisations to provide public and other goods demanded by the country's citizens or the representatives thereof in an effective, transparent, impartial and accountable manner, subject to resource constraints (Katsamunskaja, 2016: 133-137). Governance has become an umbrella concept for a wide variety of phenomena such as policy network, public management, the coordination of sectors of the economy, public-private partnerships, corporate governance, and good governance as a reform objective promoted by the World Bank and the International Monetary Fund (Katsamunskaja, 2016: 137).

Governance is further viewed as a variety of political and economic institutions that have been created over time; these institutions were designed to address problems of governance (Katsamunskaja, 2016: 137). Governance, conducted by and through vertical integrated state structures, presents an idealised model of democratic government and public bureaucracy (ibid.). Katsamunskaja (2016: 137) adds that the fundamental point in understanding governance is its perspective focusing on the state, and how the emergence and challenge of governance affect the state in different respects. According to Smith (2007: 4), to equate governance with government means to focus on the technical problems of an administrative and legal capacity and the improvement of public sector management, the legal framework for development, accountability, the policing of corruption, civil service reform, and improved information on policy issues for both decision-makers and the public.

Ansell and Torfing (2016: 2-3) view governance as a popular but notoriously slippery term. These authors (ibid.) argue that governance is often used in conjunction with a particular qualifying prefix. They (2016) emphasise that "good governance" tends to refer to the endeavour of international organisations such as the United Nations and the World Bank to assess and measure the quality of governing institutions in

developing countries in terms of their stability, interaction, transparency, responsiveness, procedural fairness, effectiveness, and adherence to the rule of law. “Global governance” refers to attempts to devise regulatory policies in response to global problems such as AIDS, terrorism, poverty, and global warming in the absence of an overarching political authority (ibid.).

Corporate governance refers to the institutionalised interaction among the many players, who include shareholders, management, boards of directors, employees, customers, financial institutions, regulators and the community at large, involved in the process of directing and controlling private firms. “Multi-level governance” refers to a system of continuous negotiation among nested governments at the local, regional, national, and supranational levels. Lastly, “new governance” has been a buzzword in public sector reforms, inspired by New Public Management (NPM). The governance literature contains many other conceptual constellations that further expand the application of the notion of governance. However, adding a particular prefix to the notion of governance does not help us in defining what governance means. Thus, we need a generic definition of governance that can subsequently be used in radial categorisations of various kinds of governance.

The contemporary focus on governance arose through an inversion of this reigning conception of governing. The critical acts of governing often occurred outside the formal chain of government in the interaction of a plethora of public and private actors. The normative logic was inverted as well. Only by acknowledging the centrality of these extra-governmental interactions could we expect to achieve competent and knowledge-based decision making, creative problem solving, and flexible and well-coordinated policy implementation. It was assumed that governance would help to realise democratic ideals about inclusion, empowerment and ownership and provide opportunities for societal actors to influence and even co-create policy, regulation and public services at the output side of the political system.

Governance would provide a more realistic account of the actual forms of governing society and the economy by considering the complex patterns of networked interaction that break with the linearity of the chain of government (Ansell and Torfing, 2016: 4). Governance theory identifies two general forms of control: unilateral governance by a

company, and bilateral governance. Unilateral governance is a formal controlling mechanism in nature that is administered through a set of supplier-derived rules. Thus, increases in monetary incentives are considered particularly motivational. The bilateral approach suggests that control is based on relational norms of flexibility and solidarity, which the parties build upon to achieve common goals (Ansell and Torfing, 2016).

The bilateral approach best reflects the dynamics of the supplier and the retailer. The operation of the distribution channels is based on: (1) incentive systems; (2) oversight of procedures; and (3) means of enforcement. Incentives are bilateral expectations of equity that motivate the two partners to cooperate with less formal counterparts. Monitoring mechanisms are used to sanction deviations in behaviour. The means of executing contracts is reciprocity: each actor strives to ensure that its activities meet the expectations of its partner and corrects the discrepancies observed. The literature establishes a link between the manufacturer's dependence on resellers and the conflict with retailers (Lessassy, 2022: 7).

## 2.5 Governance Concepts

Governance represents the norms, values, and rules of the game through which public affairs are managed in a manner that is transparent, participatory, inclusive and responsive. Governance is about the culture and institutional environment in which citizens and stakeholders interact among themselves and participate in public affairs. The donors promote the notion of good governance as a necessary pre-condition for creating an enabling environment for poverty reduction and sustainable human development. According to Unesco (n.d.), the good governance agenda stems from the donor's concern with the effectiveness of the development effort. Good governance is expected to be participatory, transparent, accountable, effective and equitable, and promote the rule of law (Unesco, n.d.). Hence, this section will discuss the following concepts of governance, namely, accountability, transparency, the rule of law, good governance, participatory democracy, and network governance.

### 2.5.1 Accountability

Bevir (2009: 33) defines accountability as when people are meant to pursue the will/or interests of others, they give an account of their actions to those others who are then able to decide whether to reward or censure them for the functions. Accountability conveys the idea that an agent (such as an elected politician or civil servant) is responsible for acting on behalf of the principal (such as a citizen or government minister) to whom they should respond and report (Bevir, 2009: 33). The principal is thereby able to hold the agent accountable for his/her actions.

The concept of accountability rose to prominence in the early 20th century. Political accountability involves politicians being held to account through institutions of representative democracy. Legislators are accountable to the voters who periodically decide whether they should return to office. Moreover, accountability is the process via which a person or group can be held to account for their conduct. Normally, accountability is applied on the political and civil executive (public officers) who are responsible before the citizens (Bevir, 2009: 33). They exercise their powers and functions in the name and interest of the people; in the case of political accountability, people hold their representatives accountable through elections (Bevir, 2009: 33).

Accountability can be categorised in terms of horizontal, vertical, social and political mechanisms. Horizontal accountability is a method or capacity towards structure accountability that relies on institutions such as the legislature (parliament or congress) and the judiciary, or other autonomous institutions that can call into question and punish any public officer because of inappropriate ways of performing his/her assigned responsibilities (Ali, 2015: 70-71). According to Karunakaran, Orlikowski and Scott (2021: 10766), organisational accountability is defined as “how organisations conduct, implement, and monitor policies and practices in relation to the demands of various stakeholder groups”; it is critical to organisations’ sustained performance and survival.

Examining how organisations are held to account by various groups, how they in turn respond to such accountability pressures, and with what outcomes have become key areas of inquiry in organisational research. Existing literature on accountability has

examined the response strategies that organisations have conventionally used to address accountability pressures from different constituents, such as customers, regulators, advocacy groups, and intermediaries. Cooper, Moss, Laufer and Nissenbaum (2022: 3) suggest that accountability has two key roles: an accountable actor and a forum. Under certain conditions, or in the wake of certain incidents, accountability exists when an accountable actor has an enforceable obligation to a forum to explain and justify itself to address a forum's questions and suffer sanctions. Cooper *et al.* (2022: 3-4) call this a "relational" definition because it locates accountability in a social relation between those occupying one role (e.g., a government department, a public authority, or a person acting in an official capacity) and another (e.g., a different government entity, oversight committee, or an individual acting in a relevant capacity, e.g., a journalist).

Accountability mechanisms are important tools of governance to evaluate and, when necessary, sanction. These tools of governance include not only a variety of formal mechanisms such as elections, audits, and performance reporting but also informal processes of accountability (Cooper *et al.*, 2022: 4). The implementation of these accountability mechanisms is generally aimed at monitoring the execution of public policies, improving organisational outcomes, and foregoing the undesirable behaviour of public managers. Accountability mechanisms have an important function in securing democratic and constitutional control. In the current empirical accountability research in public administration, a focus on public organisations predominates (Cooper *et al.*, 2022: 4). Accountability mechanisms are aimed at accountable organisations; yet these can be effective only when people in those organisations perceive these mechanisms to exist and, consequently, adjust their behaviour in the desired direction. It is the individual perception of the accountability mechanism that triggers actions in a public sector employee. The individual actions, in turn, should lead to improved, more accountable organisational performance as the aggregated effects of individual responses to an organisation's accountability environment (Overman and Schillemans, 2022: 12).

The researcher submits that accountability is a valuable tool of governance used to evaluate and sanction when the need arises. This tool of governance entails not only a variety of formal mechanisms such as elections, audits, and performance reporting

but also informal processes of accountability. The implementation of accountability processes is aimed at monitoring the execution of public policies, improving organisational objectives and outcomes, and at foregoing undesirable behaviour by public managers.

### 2.5.2 Transparency

Transparency is the principle of allowing those affected by administrative decisions to know about the resulting facts and figure, and about the process that resulted in those decisions. Transparent governance means that government officials act openly, with citizens' knowledge of the decisions that the officials are making (ICMA, n.d.). Availability of information on government policies and actions, a clear sense of organisational responsibility, and an assurance that governments are efficiently administered and free of systematic corruption are important components of transparent governance. Transparency is the fundamental element of abolishing corruption (ICMA, n.d.).

Transparent governance is important to local governments and the communities they serve because corruption threatens good governance, leads to the misallocation of resources, harms public and private sector development, and distorts public policy. Controlling corruption is possible when governments, citizens, and the private sector cooperate to ensure transparency (ICMA, n.d.). Meijer (2009: 258) defines transparency as "lifting the veil of secrecy" or "the ability to look clearly through the windows of an institution". Meijer (ibid.) further explains that the general idea is that something is happening behind the curtains and once these curtains are removed, everything is out in the open and can be scrutinised.

Transparency is the conduct of public affairs in the open or otherwise subject to public scrutiny, according to Hollyer, Rosendorff and Vreeland (2014: 3). These authors (2014) define transparency as it relates to the full flow of information within a polity; they add that the literature stresses the importance of the provision of information to the populace to ensure the accountability of government; thus, emphasising the role of transparency as a determinant of government performance. This broad notion of transparency encompasses many different forms of information transmission. The

transmission of information to the citizenry is affected by the freedom, structure, and size of the mass media market (Hollyer *et al.*, 2014: 3). Transparency may also reflect the willingness of government bodies to provide information regarding their decision-making processes. One may even conceive of social capital and/or ethnic divisions as affecting the flow of information between citizens; thus, aiding or hindering their ability to hold political agents to account. Ali (2015: 72) views transparency as the provision of information, which makes it possible for citizens to know about the decision-making process of the government. It is also one of the significant elements of good governance. Ali (2015: 72) adds that transparency or openness in governance is significant in the process of development. The government must have complete transparency with all its decisions, as well as with its implementation of laws and policies that should be aligned to the rules and regulations of good governance (Ali, 2015: 72).

According to Ali (2015: 72), the information provided by government must be easily accessible and understandable by the media, as well as by ordinary citizens. By doing this, disseminating vital information about the activities and real status of the government could be easily monitored and understood by the entire citizenry (Ali, 2015: 72).

The view of the researcher on transparency is that it is a concept, which, if well practiced by an institution, promotes trust as people will believe any communication (legislation and policies) from that institution because it has created the impression that it runs its affairs fairly without being biased. When an institution is transparent with information, this promotes good governance, and it shows that the institution has no hidden agendas.

### 2.5.3 Responsiveness

Responsiveness is the ability to react quickly and in a positive way to something (Oxford Learners Dictionary, n.d.). Richey, Roath, Adams and Wieland (2021: 69-71) define responsiveness as a propensity for purposeful and timely behaviour change in the presence of modulating stimuli. It is not a latent means (availability of options), but an outcome. It is neither being prepared for a pre-established range of actions nor

being able to change the means to achieve, but a tendency to alter states in response to modulating stimuli. For an entity to be denoted responsive, it must anticipate or address stimuli with timely and commensurate changes.

Grossman and Slough (2022: 131) characterise a government as responsive if it adopts policies that are preferred by its citizens. Consistent with this definition, these authors (ibid.) examine the conditions under which citizen preferences, as signalled by polls or by individual and/or collective actions, are reflected in policy making. According to Sharma, Taggar and Bindra (2020: 1-2), responsiveness elucidates “the ability to respond and adapt time-effectively based on the ability to read and understand actual market signals” driving from demand uncertainties in the market.

The view of the researcher is that responsiveness refers to the way an individual, an institution or a government body reacts intentionally to a certain matter raised. Moreover, how timeously the individual/institution/government body reacts or provides feedback plays a vital role in responsiveness.

#### 2.5.4 The Rule of Law

The rule of law is part of a normative concept that distinguishes just rule from despotism. The rule of law requires that the state be based on a set of laws that apply equally to everyone, including to agents of the state. The agents of the state should be bound by the law just like any other citizens; thus, the rule of law requires that the law must be applied equally to every citizen.

The concept of the rule of law has implications for the content and character of law itself. The general idea is that rules become arbitrary if citizens are unable to know or obey the laws by which they are governed. The concept of the rule of law arose as early Modern and Enlightenment thinkers challenged the doctrine of the divine right of kings. The latter doctrine suggested that the monarchs acquired their legitimacy directly from God.

The rule of law appeared as a normative concept, demarcating legitimate rule from despotism. The rule of law plays a prominent role, particularly in the analysis of good

governance; yet good governance itself is often defined primarily in terms of economic development, rather than in terms of political legitimacy.

Furthermore, there is a debate on whether the rule of law is a negative or a positive concept. The analysis of the rule of law as a negative concept emphasises its link to non-arbitrariness. The rule of law serves primarily to protect citizens from arbitrary and tyrannical intrusions by the state and its agents, and secondary to provide citizens with equal protection under the law (Bevir, 2009: 183-184).

Lacey (2019: 6) states that certain scholars have taken a formal or 'thin' conception of the rule of law or legalism. The rule of law inhabits a cluster of formal values such as clarity, non-retroactivity, publicity, universality of reach, possibility of compliance, and congruence between the expressed law and official enforcement (Lacey, 2019: 6-7). Each of these may be achieved to greater or lesser degrees by legal systems. Lacey (ibid.) further imagined the rule of law as a sharpener of law's "knife"; hence, expressing a "distinctive and genuine virtue" of law's modus operandi of "subjecting human conduct to the governance of rules". Lacey (2019: 7) adds that the rule of law makes the law sharper and hence more effective; but the law's "sharp knife" may also be used for substantively immoral purposes.

The formal conception of the rule of law is also dominant in public choice literature, which ponders the conditions under which the rule of law is in equilibrium and, thus, a stable socio-political institutional framework and form of association (Lacey, 2019: 7). In this literature, the possibility that the rule of law can be used as a political weapon is contemplated as one which presents no conceptual tension or contradiction. The rule of law expresses not merely formal constraints but procedural commitments, which imply a certain interpersonal attitude (Lacey, 2019: 7). A commitment such as equality before the law discloses a normative view of respect for persons as agents who must not only be informed in advance of the content of legal norms so as to have the opportunity to adjust their conduct accordingly, but also have a role in speaking and being heard by a neutral tribunal in any legal process which concerns them (Lacey, 2019: 7).

Zalnieriute, Moses and Williams (2019: 428) argue that the rule of law is a political work in progress, at the heart of which lies a widely held conviction that society should be governed by law. The prominence of the rule of law is such that diverse societies and irreconcilable political regimes, ranging from the European Union to Russia, China, Zimbabwe and Iran, have endorsed the concept. Some of these societies reject democracy and human rights, others oppose capitalism and globalisation, and some defy liberalism and are openly anti-Western, but they all embrace an ideal of the rule of law. Acceptance of the rule of law across so many nations and political systems is possible because the concept lacks an accepted definition (Zalnieriute *et al.*, 2019: 428). It is ubiquitous, yet elusive.

The view of the researcher is that the rule of law advances democracy in the sense that it ensures principles, philosophies, and mechanisms that everyone in a state is equal and accountable to the same laws. In this way, it promotes and values justice and good governance in one way or the other.

#### 2.5.5 Good governance

Governance is understood as the mechanisms whereby societal actors and state actors interact and coordinate to regulate issues of societal concern (Ulnicane, Eke, Knight, Ogoh and Stahl, 2021: 78). Gisselquist (2012: 3) defines governance as the exercise of economic, political, and administrative authority to manage a country's affairs at all levels, which comprise mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate their differences. According to Ali (2015: 67), governance is the process of decision making and the process by which decisions are implemented (or not implemented). Ali (2015) adds that governance is seen as the management of resources and the organisation of individuals and groups into formal and informal bodies and institutions and businesses, through social, political, administrative, and economic mechanisms. Governance is also seen as the use of power in the management of a country's economic and social resources for development.

While governance is understood as the exercise of economic, political, and administrative authorities to manage a country's affairs, good governance is defined as the processes and structures that guide political and socio-economic relationships. The absence or extent of good governance is implied by several characteristics, including participation, which means that all men and women have a voice in decision making, either directly or through legitimate intermediate institutions (Elahi, 2009: 1171).

Chien and Thanh (2022: 2) agree with the abovementioned views, yet further state that good governance is the set of ways in which each individual and institution in both the public and private sector deals with their mutual challenges. It is a continuous process of resolving diverse, conflicting interests, and implementing cooperative actions. It includes formal institutions and mechanisms empowered to ensure informal compliance and agreements that people and organisations have agreed to or accepted to achieve their interests (Chien and Thanh, 2022: 2). Moreover, governance is considered good when ensuring multi-stakeholder engagement, transparency in decision-making, accountability, effective management, and commitment to quality and the rule of law (Chien and Thanh, 2022: 1).

The good governance model has eight fundamental characteristics, namely, participation, consensus orientation, accountability, transparency, responsiveness, equality and inclusion, effectiveness and efficiency, and law enforcement compliance (Chien and Thanh, 2022: 1-2). It consists of the mechanisms, processes, and institutions which citizens and groups use to express their concerns, exercise their legal rights and obligations, and show their differences (Chien and Thanh, 2022: 2). It further refers to the operational quality of institutions responsible for formulating, implementing, and ensuring the implementation of coherent policies in an effective, efficient, and equitable manner (Chien and Thanh, 2022: 2).

The term good governance became prominent in the early 1990s when it was used in relation to economic and social development. Good governance referred here to changes in the public sector broadly associated with neoliberalism (the new public management, marketisation, and privatisation) (Bevir, 2009: 93). The purpose of good governance is commonly seen as promoting development. Good governance is

primarily a strategy for development or at least a principal to guide donors and investors when they make decisions (Bevir, 2009: 93).

Good governance further emphasises political and legal institutions' participation, accountability, the rule of law, and human rights. Others emphasise neoliberal economic reforms and better management of resources, while yet others emphasise social structures and practices. Good governance concentrates on interactions of the state and society; its origins lie in economic concerns, while bad governance identifies with corruption, wastefulness, incompetence and unresponsiveness, all of which impede economic development and perpetuate poverty (Bevir, 2009: 92-93).

The researcher submits that good governance pays attention to components so as to achieve the effective management of an institution. It is concerned more about the behavioural standards that assist in ensuring that an institution or government body grants clients/citizens what it promised to deliver. Therefore, good governance entails decision making in terms of economic, political, social and administrative resources, and the process by which decisions are implemented. Moreover, good governance has to do with the management of resources, aligned with the rule of law, whilst transparency is demonstrated. Fundamentally, the institution must be responsive in the way it deals with issues raised and how it addresses them, and in the organisation of individuals and groups into formal and informal bodies, and institutions and businesses, through social, political, administrative, and economic mechanisms.

#### 2.5.6 Participatory Democracy

According to Bevir (2009: 147), participatory democracy is a form of government in which citizens themselves have an opportunity to make decisions about public policy. Participatory democracy and street democracy seek to promote a form of self-determination or self-rule in which individuals actively make the decisions that determine how they are to be governed. This concept provides citizens with a crucial role in the making of decisions through public discussions, by means of public negotiation (Bevir, 2009: 147).

One of the best ways to grasp the nature of participatory democracy is to think of it as an alternative to representative democracy. In representative democracies, citizens delegate the tasks of decision making and policy implementation to elected officials and appointed bureaucrats (Bevir, 2009: 147). Their participation is thus largely restricted to the election of politicians who represent the interests of their constituents in making decisions and holding the bureaucracy accountable (Bevir, 2009: 147).

The challenge for participatory democracy is to create opportunities for participation in increasing complex and differentiated societies. Yet another growing debate about participation and governance concerns e-democracy, which is the potential of information technology to enhance democratic participation (Bevir, 147-148).

Lupien (2022: 4) views participatory democracy as a promise to create conditions favourable to deepening democracy and expanding citizenship to traditionally excluded actors. Choi and Cristol (2021: 7) concur, yet add that in political theory, the predominant understanding of democracy relates to macro levels of participation such as governmental processes, voting behaviour, public opinion, and public policy decision making. However, there is a need to include diverse approaches to participatory democracy that respond to fragmented and personalised communities (Choi and Cristol, 2021: 7). These authors' (ibid.) understanding of participatory democracy relies on Dewey's conception of democracy's connection to the varied types of civic engagement (e.g., social, cultural, economic, and political) and social changes in a democratic society. The authors (2021) highlight that Dewey does not use the term 'participatory'; yet his concept of democracy as a form of life does not limit democracy to a form of government and a type of political system, which chooses the representatives and administrative elites in each society. Dewey's approach to democracy is more profound, complex and demanding (Choi and Cristol, 2021: 7-8). These authors (2021) add that by "participatory democracy" they mean that form of "government of the people, for the people and by the people" in which people take part as equals or peers. "Taking part" means that people take the sovereign power that belongs to them (Barandiaran, Calleja-López and Monterde, 2018: 8).

The researcher submits that participatory democracy is a process whereby everyone takes part impartially, equally, and willingly in a matter or an event where all the views of all the participants are considered fairly, without violating any person's rights.

### 2.5.7 Network

Ahnert (2020: 4) defines 'network' as a set of practices and discourses that sit at the interface of the natural sciences, humanities, social sciences, computer science, and design. Bevir (2009: 137-138), in turn, defines 'network' as a group of intergovernmental actors and the relationship among them. Networks vary widely in their nature and operation depending on the actors involved, their relationships, the level and scope at which they operate, and the wider context. The actors within a network might be people, states, transnational corporations, or a mixture thereof. The relationship between actors is always interdependent but they can vary from close ties, such as those within a family, to occasional impersonal mediated interactions.

The concept of network is prominent in abstract discussions about governance in social coordination and in a specific discussion of new governance. Networks' character is derived in a large part from the interdependence of the actors. This interdependence means that none of the actors can attain their aims unless they cooperate with the others. Networks also refer to the markets in which actors are interdependent of one another and they can achieve their goals through buying and selling. The interdependence of the actors within a network further means that no actor can order the others to act a certain way (Bevir, 2009: 98).

The network theory arose from overlapping trends in social theory. The use of the concept of network to make sense of social coordination and governance derives from organisational theory. The term 'network' refers to both the relationship among actors within an organisation, and the relationship between various organisations. According to Bevir (2009: 139), network theory has shown to be a useful method to model and study the relations between entities. Network theory provides a set of techniques to study the networks that represent relations between discrete objects.

Moreover, network theory has been widely applied in different fields where one needs to model systems that have a strong interdependence within entities. This shows the applicability of network theory to analyse and improve the robustness of the communication system in an organisation (Bevir, 2009: 139). An organisation and its communication mechanisms are seen as a network. The nodes represent the

organisation's employees and the links, the relations between them. The different communications mechanisms (such as phone, fax, internet, or radio) are distinguished in different layers (Ruiz-Martin, Wainer and Lopez-Paredes, 2022: 32). In network theory, a system is thus modelled as a set of nodes connected by links. The nodes and the links can have different meanings. For example, nodes can be cities and the links roads between them. The nodes can also be people and the links the social relation between them (Ruiz-Martin *et al.*, 2022: 33).

It is the understanding of the researcher that networks can be arranged through following different criteria. Based on the meaning of the links, networks can be simplex or multiplex. In simplex networks, all the links have the same meaning. In multiplex networks, the links have different meanings. A network usually consists of a group of actors with a common goal, and they bring resources to contribute towards the attainment of the goal.

## 2.6 Governance Models

Models provide a structure that can be mirrored, modified, or changed. Models give us a straight point, which can indicate how an organisation needs to improve. Governance models are a combination of policies, systems and structures, along with strategic and operational frameworks (The Diligent Corporation, n.d.). A model for governance refers to how the authority chain and framework interconnect with each other. When companies choose the most appropriate governance model, it can be a real asset to the company, especially it aligns with the right leaders (The Diligent Corporation, n.d.). A governance model ensures that decision making is effective and assigns accountability to the board or managers. There are several models of governance that can be applied in corporate management. Below is a discussion of governance models, such as the Operational Model, the Collective Model, the Management Model, the Constituent Model, the Traditional Model, the Results-based Model, the Policy Governance (Carver) Model, and the Advisory Board Model.

### 2.6.1 The Operational Model

Treacy and Wiersema (1995: 23) define an operational model as the specific ways in which companies structure their operations to deliver their propositions. These authors (1995) further stress the fact that sophistication and the coherence of the operating models set the inner workings of the market leaders apart from their competitors. In this context, it means that in the operational model the key components are required to effectively and efficiently govern any type of agreement or relationship and deliver on whatever value proposition was used to justify the initiative (Treacy and Wiersema, 1995: 23). The operational model includes process flows, procedures, and reporting mechanisms that implement governance at the level of responsibilities. Treacy and Wiersema (1995: 23) add that the governance operating model organises the operational, financial, risk management and reporting process, such that the board receives the information it requires to effect good governance and management, and business units can conduct their activities in ways that comply with regulations and serve strategic ends.

According to Kasongo and Marota (2016: 3), the governance operating model must bring the organisation's governance framework down to the level of roles and communication, to bridge the gap between the governance framework and operational realities. The model must help people to answer questions such as: Why are we doing this, and, Who do we need to tell about this, and to also know when to ask such questions (Sasongko and Marota, 2016: 5). This model should also sustain governance by creating a feedback loop in which the board and management can identify and respond to new business, and operational, competitive, and regulatory needs (Sasongko and Marota, 2016: 5). Sasongko and Marota (2016) add that the governance operating model may contribute to solving the widespread problem of "management by memo" in governance. It is rarely enough for the board or management simply to articulate principles and issue policies, no matter how clearly and forcefully they do so (Sasongko and Marota, 2016: 5). They should also see to it that people have the understanding, motivation and means to implement them, and that they do so.

This model focuses upon managerial decisions, as well as policy execution. Managers can use it to improve the decisions that are made and how decisions are taken to increase efficiency (Sasongko and Marota, 2016: 5). The model could also assist the board and management in fulfilling their governance roles. The model is likely to enable the board and the executive leadership to organise the governance structure and the mechanisms by which governance is implemented. Similarly, the lack of a governance operating model may lead to an incomplete or faulty governance structure, or to inconsistencies, overlaps, and gaps among governance mechanisms. Such inadequacies may lead to failure to enact governance policies that the board and management have put in place (Deloitte, n.d.).

The researcher submits that in this model the board is responsible for performing the work of the organisation by managing and governing it. Thus, an operational model is a way in which institutions operate through the board to fulfil their plans. The board uses its roles and communication to bridge the gap between the governance framework and the operational realities of the institution.

### 2.6.2 The Collective Model

In the collective model, the board and staff operate as a single team when making decisions about governance and the work of the organisation. Board members may work with either/or both service operations or management (The Aids Committee of Ottawa, n.d.). Collective, sometimes called collaborative, governance is an innovative model of governance that is solutions-oriented with a focus on public value, where diverse stakeholders can work in partnership to improve the management of public resources and the delivery of services (We Forum, n.d.). An important way in which collective governance is manifested is called multi-stakeholder initiatives that bring together government, civil society, and the private sector to address complex development challenges that no one party alone has the capacity, resources, and knowledge to do effectively. Multi-stakeholder initiatives thus complement the role of governments.

Most public collective governance initiatives are anchored in facilitating transparency, accountability and (stakeholder) participation. These are the three critical ingredients

for strengthening public sector governance in developing and developed countries. Public governance multi-stakeholder initiatives include the Open Government Partnership, the Global Initiative on Fiscal Transparency, the Open Contracting Partnership, Busan Global Partnership for Effective Development Cooperation, and the Post-2015 Sustainable Development Goals (World Economic Forum, n.d.). Collaborative governance involves the government, the community and the private sector communicating with each other and working together to achieve more than any one sector could achieve on its own.

The researcher submits that in this model, the board and the employees of an organisation work together as a team when making decisions on the governance of the organisation. These decisions are aimed at providing solutions that will benefit the public. In this model there are different stakeholders, such as civil society, the public sector, and the private sector. Issues of resource distribution and sharing are included.

### 2.6.3 The Management Model

In the management model, the board manages operations through functional committees that may or may not have a staff coordinator (World Class Boards, n.d.). Rather than hiring paid employees to be responsible for human resources, fundraising, finance, planning and programmes, the board forms committees to perform those duties (The Aids Committee of Ottawa, n.d.). This is one of the most popular models of governance for small to medium sized organisations.

This model takes cues from a corporate style management structure (The Aids Committee of Ottawa, n.d.). The board will split into departments resembling committees, each responsible for Human Resource, fund raising, events planning, marketing, and areas that needs overseeing. There will be more members sitting on this style of board to facilitate this style of management (Groundwater Governance, n.d.). This allows board members to focus on and develop their skills in particular areas and keep decision-making as efficient as possible (Groundwater Governance, n.d.). This governance model is the most popular for non-profit organisations.

The view of the researcher is that in this model the board manages the operations of the institution through functional committees. The institution does not hire employees to run the operations, instead the board divides itself into departments to operate from that point. This system allows the board members to focus on and develop their skills in specific areas.

#### 2.6.4 The Constituent Model

The constituent representational model is an approach used by publicly elected officials. A federation or other constituency elected boards have the primary responsibility of balancing the interests of their constituents with the best interests of the organisation (The Aids Committee of Ottawa, n.d.). In this model, there is a direct and clear link between the organisation's board and its constituents. The constituents are usually presented on the governing board and participate in policy development and planning. This participation benefits the constituents by offering them control over policy decision through their board representative (The Aids Committee of Ottawa, n.d.). These boards typically range in size from 15 to 40 members. In this model, strict policies govern the composition and decision/appointment of board members representing specific constituents (The Aids Committee of Ottawa, n.d.; NCLC Governance, n.d.). This model features centralised decision-making with decentralised input and it implicitly values stability in its operations. Within the larger size board, the board/CEO relationship tends to be like the policy governance model; that is, the board empowers the CEO to manage the operations of the organisation within limitations set by the board constituents (The Aids Committee of Ottawa, n.d.; NCLC Governance, n.d.). At times, the role and responsibilities of the board and constituents are outlined in written documents of agreement. The board's relationship to the CEO is not clearly defined and is vulnerable to changing expectations with changing representatives on the board constituents (The Aids Committee of Ottawa, n.d.; NCLC Governance, n.d.).

Under multilateralism, the constituent global governance actors are states and all states can participate in international relations. In a multi-stakeholder governed world, it is not clear which entities are part of which category; how many separately standing constituent groups ought to exist within the 'multinational' or the 'civil society' category;

which actual groupings of these categories and nation-states should be part of specific multi-stakeholder process; or, even, who decides which groups are in the process and which are out (The University of Massachusetts Boston, n.d.). The political character is that some constituent groups want only other constituent groups to “be in the room”. If their views are not given sufficient weight, they may well walk away, minimise the scope of the undertaking or insist on unanimity for every decision (The University of Massachusetts Boston, n.d.). Conversely, some key constituencies might never be invited to a multi-stakeholder voluntary process yet are likely to be seriously affected by a particular outcome or believe that they will be (The University of Massachusetts Boston, n.d.).

A multi-stakeholder governance system allows no appeals against exclusion, except a public campaign to challenge the process or discredit the outcome. In this fashion, this pre-multi-stakeholder selection process can well determine the policy and programme outcome of the undertaking (The University of Massachusetts Boston, n.d.). Whatever method is used to select the categories and associated sub-categories of organisations to participate in a multi-stakeholder governance arrangement, it does not necessarily determine who represents that organisation (The University of Massachusetts Boston, n.d.).

The view of the researcher is that in this model the constituents are represented in a governing board and participate in policy planning and development. The public officials represent their constituents. The roles and responsibilities are outlined in a written document. The CEO relies on the board to empower him/her to manage the operations of the organisation. The board is constituted of different stakeholders who represent their constituencies.

#### 2.6.5 The Traditional Model

In the traditional model, the board governs and oversees operations through committees established along functional lines, such as finance, human resources, and programmes, but it delegates the management functions to the executive director (World Class Boards, n.d.). The traditional model can be characterised as an

administration under the formal control of the political leadership, based on a strictly hierarchical model of bureaucracy, staffed by permanent, neutral and anonymous officials, motivated only by the public interest, serving any governing party equally, and not contributing to policy but merely administering those policies decided by the politicians (Springer Link, n.d.).

This governance model is the oldest form of corporate governance model (The Aids Committee of Ottawa, n.d.). A board of directors that operates under this model have a collective responsibility for all matters and they speak with one voice. The board outlines the process and policies as stated in the by-laws, but the model identifies the structures model (The Aids Committee of Ottawa, n.d.). Regarding the traditional model, it is based on a well-developed regulatory framework which stipulates rights, responsibilities, and relationships between the key players that make up the triangle of corporate governance, namely, managers, directors and shareholders. However, in these corporations, outsiders tend to become insiders, as institutional shareholders get to hold majority shares in a corporation and exert a strong influence on management, taking over the role of major insiders. Since it is an outsider model, the traditional model has the characteristic that investors contribute to capital to maintain the ownership within the group (MBA Knowledge Base, n.d.).

The structure of a traditional organisation is like a military system, which is hierarchical, organised and disciplined. The power flows vertically and upward, the employees are departmentalised and follow a chain of command. Each department has its own rules and regulations and the superior of the department is responsible to report to the managers. Every employee strictly follows the business strategies, has their own job description and accountability to the superior; therefore, the traditional organisational structure is likely fixed and rigid in general (MBA Knowledge Base, n.d.). In terms of interpersonal communication, the message easily gets distorted when directives move through a traditional hierarchy organisation. Because each supervisor or manager may interpret the words in diverse ways, when the message reaches employees, it may be different from the original intention.

Furthermore, in terms of manager competence, in the traditional management model, the authority is assigned to the position rather than the individual, which requires

constantly checking the effectiveness of individuals in various positions to see if they have the ability to do the job. In addition, the model pays more attention to a company's goals and objectives, and emphasises increasing sales or profits to please the shareholders, which may lead the company to neglect its social responsibility and the business's sustainability development (MBA Knowledge Base, n.d.).

The view of the researcher is that in this model the board governs through committees. The committees oversee the human resources, finances, and programmes within the organisation. This is done collectively and the board speaks with one voice. It works as a stakeholder type model, meaning attention is focused on shareholders. Moreover, all employees follow the organisational strategy, meaning that this model pays attention to the organisational goals.

#### 2.6.6 The Results-based Model

In the results-based model, the executive director is a non-voting member of the board, carries substantial influence over policy making, and is viewed as a full partner with the board. Committees, organised around board responsibilities and lead planning, would guide governance, and monitor and audit the performance of the board, executive director and the organisation (The Aids Committee of Ottawa, n.d.; World Class Boards, n.d.). Moreover, the results-based management model is an administrative model, in which all action in a company should be the result of careful strategic planning and constantly seeking to find the best possible results (The Aids Committee of Ottawa, n.d.). This model further aims to optimise the performance and growth of an organisation. The results-based management model is one of the most demanding collaborations, requiring constant commitment and a sense of teamwork from the employees of a company (The Aids Committee of Ottawa, n.d.). The managers need to make important decisions, like defining and prioritising the most important actions of a company and directing the main financial and human resource investment in such a way to reap the best results (The Aids Committee of Ottawa, n.d.; World Class Boards, n.d.).

Furthermore, the results-based management model is above every director because they convert strategic intentions into tangible results that are managed, monitored and

evaluated systematically and in real time (Diligent Corporation, n.d.). The results of actions should be the core of the whole management process. Teamwork should value and promote the integration and participation of the different sectors of the company in the management process (Diligent Corporation, n.d.). In addition, the results-based management model requires a combination of several factors and qualities in organisations, among which the most important are strategic awareness, information and communication technology, financial resources, clear organisational structure and firm cohesive leadership (Diligent Corporation, n.d.).

Results-based management is a management strategy that focuses on performance and the achievement of results (outputs, outcomes, and impacts). The aim of results-based management is to manage an intervention while trying to ensure its relevance, efficiency, effectiveness, impact, and other quality criteria. Results-based management provides a structured, logical model for identifying expected results and the inputs and activities needed to accomplish them (International Committee of the Red Cross, n.d.).

The researcher submits that with the results-based model the executive director does not participate in elections or voting at board meetings yet he/she contributes to policy matters. The committees are organised around board responsibilities and are expected to lead planning, guide governance, and monitor and audit the performance of the board, the executive director, and the organisation.

#### 2.6.7 The Policy Governance (Carver) Model

In the policy governance model, the board governs through policies that establish organisational aims, governance approaches and management limitations. These policies also define the relationship of the board with the executive director (The Aids Committee of Ottawa, n.d.). The executive director has broad freedom to determine the means that will be used to achieve organisational aims (The Aids Committee of Ottawa, n.d.).

The foundation of the Carver governance model is a policy board model, which works well for both corporations and non-profit organisations (Diligent Corporation, n.d.). The

model consists of a board of directors and a CEO who work closely to communicate activities and updates on the organisation's progress. Under this model, there are standing committees, which leave the board and the CEO responsible for the bulk of the company's leadership, with the CEO overseeing operations and employees (Diligent Corporation, n.d.). Moreover, the board gives an elevated level of trust to the CEO. A religious school may adopt the Carver governance model to run their basic operations (Diligent Corporation, n.d.). They may also add an advisory board to ensure that they have the legal and financial expertise that they need on the board. They could add charity boards to focus on fund raising and using those funds to better serve the community (Diligent Corporation, n.d.).

John Carver, the author of "Boards that Make a Difference", developed the Policy Board Model, which quickly became a staple platform for non-profits. Board members should have a demonstrated commitment to the organisation and be willing to grow in the knowledge and abilities regarding the organisation. Non-profit organisations will adopt one main model, such as Carver's Policy Board Model, and add one or more boards to round out the needs of the organisation. For example, a health organisation may form an advisory board to advise them and a charity board to work on fundraising. Religious organisations operate under different rules than other non-profits. Churches, faith missions, and other religious organisations may add a religious board, so that they may be better stewards of their organisations' assets (The Board Effect, n.d.).

The view of the researcher is that in this model the board governs the organisation through following and adhering to policies. The chances of good governance in this model are high. The CEO has more powers conferred on him/her by the board; this may also translate into the board trusting the CEO.

#### 2.6.8 The Advisory Board Model

In the advisory board model, a board is selected and nominated by the executive director. This provides prima facie legitimacy to organisations but governs only in a nominal sense (The Aids Committee of Ottawa, n.d.; World Class Boards, n.d.). Board members provide advice and may rubber-stamp the executive director's recommendations (The Aids Committee of Ottawa, n.d.). An advisory board model

includes a stakeholder forum. In this model, the advisory layer would involve engaging citizens' skills to determine the scientific and technical needs of the users (European Open Science Cloud Governance Framework, n.d.). The term 'advisory' is meant in the context to concern engaging with all the stakeholders and to consider them peers in the decision-making process. They should perform a role that is both advisory and guiding; it should provide strong guidance and direction to the strategic and executive layers (European Open Science Cloud Governance Framework, n.d.).

A CEO who founds an organisation will soon find that he/she needs help in running it. An advisory board serves as the primary resource for the CEO to turn to for help and advice. Members of an advisory board are trusted advisors who offer professional skills and talents at no cost to the organisation (The Board Effect, n.d.). Advisory boards may also be formed in addition to an organisation's board to help and advise the board as a whole. Advisory board members typically have established expertise or credentials in the non-profit organisation field. An organisation that is visibly connected to an advisory board's name, can increase the organisation's credibility, fundraising efforts, or public relation efforts (The Board Effect, n.d.).

The advisory board is one of the most traditional styles of non-profit governance seen today. Members of an advisory board typically have little direct decision-making power but very high influence over the CEO, offering him/her advice (Process PA, n.d.). An advisory board will be made up of industry luminaries who are able to provide highly professional skills and a vast network of connections to the non-profit organisation. The organisation benefits massively from these skills and connections, leveraging them to boost credibility, fundraising, and advertising (Process PA, n.d.). A non-profit organisation may form an advisory board in addition to the organisation's usual board. The advisory board members bring their professional skills and talents to the organisation (On Board Meeting, n.d.). Since they have established their authority in the non-profit industry, they help the organisation expand its reach, boost credibility, and elevate its fundraising and public relations efforts.

It is the understanding of the researcher that in this model, the board operates without the Chief Executive Office (On Board Meeting, n.d.). Therefore, the board makes consent decisions as a group democratically. Moreover, in this model all board

members are equal and no member is superior to the other. The model requires the board members to be committed to the organisation and willing to take responsibility for the actions of the whole board. In addition, members of an advisory board are well experienced and have knowledge of the industry with expertise to render professional services, yet at no cost to the organisation.

## 2.7 Conclusion

This chapter demonstrated the importance of the theories, concepts, and models of both intergovernmental relations and governance. By unpacking the theories, concepts and models of both intergovernmental relations and governance demonstrated how these words linked for the purpose of this study. The discussion further displayed how the government spheres interrelated with each other. This became clear in this chapter when it discussed intergovernmental relations concepts such as the intensity of relations, government threshold, governmental distance and power dependency, and how these relations used their powers to bargain between each other.

The chapter also discussed different models of intergovernmental relations. The models discussed included the agency model, the stewardship model, the power-dependency model, the Marxist and dual-state model, the coordinate-authority model, the inclusive-authority model, and the overlapping-authority model. These models demonstrated the different relationships between the government spheres.

This chapter further clarified the word 'governance'. It was only proper to do justice to the word 'governance' to formulate a discussion around its theory, concepts, and models. Hence, the chapter gave context on the governance theory and further discussed governance concepts such as accountability, transparency, the rule of law, good governance, participatory democracy, and network governance. These governance concepts assisted in enhancing our understanding of governance. Lastly, through this chapter, a better understanding of governance was drawn through detailed discussions of governance models, including the operational model, the collective governance model, the management governance model, the constituent

governance model, and the traditional governance model. The discussions in this chapter form a linkage to the title of the study.

## **CHAPTER 3: THE COMPOSITION, MANDATE, ROLES, FUNCTIONS AND AGENDA OF INTERGOVERNMENTAL FORUM IN SOUTH AFRICA**

### **3.1 Introduction**

Intergovernmental Relations Forums are the conclave where the authorities of distinct levels of government meet to debate, exchange information, and seek advice on issues of familiar interest (Education and Training Unit, n.d.). Often, the Intergovernmental Relations Forums are enhanced and strengthened by technical formations where office bearers of similar levels of government gather to make, arrange, and be a source of strength to their political equals (Education and Training Unit, n.d.). This explanation provides context towards a better understanding of the study yet it is more relevant to this chapter. Therefore, this chapter will deliberate on the role of the Intergovernmental Relations Forums and the internal rules for the Forums.

Furthermore, this chapter will expatiate on the composition, mandate, roles, functions, and agenda of different Intergovernmental Relations Forums, such as the President's Coordinating Council, MinMECs, the Budget Council, the Local Government Budget Forum, the Forum for South African Director-Generals, the Premier's Intergovernmental Forum and the District Intergovernmental Forum.

Moreover, this chapter will make it easy to comprehend the significance of the characteristics and attributes of Intergovernmental Relations Forums. The chapter will further contribute comprehensive knowledge towards a better understanding on the assessment of the level of governance in the Intergovernmental Relations Forums in the Free State.

### **3.2 The Role of Intergovernmental Relations Forums**

According to Mkhwane (2019: 42), in South Africa, the intergovernmental relations system was established as the tool to ensure cooperative governance, which in turn ensures the constructive collaboration of activities aimed at delivering public services to the citizenry. The Intergovernmental Relations Forums are facilitative in nature and

relationships formed through them ensure that government units are capacitated to effectively participate and implement the government's mandate of achieving its goals (Mkhwane, 2019: 43). Whilst Intergovernmental Relations Forums are vital for coordination and reducing unnecessary overlaps in order to achieve national objectives, the importance of the autonomy of the provincial and local spheres of government to respond to their provincial and local economic, social, cultural and historic needs should be recognised, Mkhwane (2019: 43) argues.

According to Mkhwane (2019: 43), intergovernmental relations could take the form of autonomous policy making, consultation, coordination, joint decision making, or even conflict resolution. Malan (2012: 116) cites evidence in support of the idea that in South Africa, the Constitution (1996) is the supreme law and provides the fundamental framework for the structures and processes of government. Malan (2012: 116) further states that it serves as the ultimate resource on how institutions of government should operate and co-operate with one another. In co-operating, the three spheres of government should co-ordinate their actions, avoid turf battles, and participate in the intergovernmental relations structures as well as follow the intergovernmental relations processes (Malan, 2012: 116). Malan (2012: 116) emphasises that the Intergovernmental Relations Forums and co-operation are crucial in any system where powers have been allocated concurrently to different spheres of government.

The process of co-operation takes place within a legislative and institutional framework and therefore, the founders of the Constitution included the most detailed provisions about intergovernmental relations and co-operative government of any constitution at the time, and since then (Malan, 2012: 116). The Practitioner's Guide to the Intergovernmental Relations System (2010: 63) states that the main function of any intergovernmental relations forum should be a place where the members of government disseminate information, consult, and arrange their actions. This is essential for their forecasting as the Intergovernmental Relations Forums are key drivers for coordinated planning and are an appropriate access to avoid public encounters and judicial processes when there are strains amongst levels of government in South Africa (Practitioner's Guide to Intergovernmental Relations System, 2010: 63).

It is the view of the researcher that the role of Intergovernmental Relations Forums is to share information, consult, coordinate, facilitate, and plan for activities in a specific sphere of government towards rendering improved services to their constituents.

### 3.3 The Internal rules for Intergovernmental Relations Forums

The Intergovernmental Relations Framework Act 13 of 2005 instructs every structure to adopt internal rules that deal with: a) the appellation of the intergovernmental formulation; b) the responsibilities of the person running the meeting; c) the person presiding in the absence of symposiarch; d) the number of confrontations and the manner in which meetings are held; e) the official way for making decisions; f) the official way for resolving disagreements; and g) the official way for amending the internal regulations.

The view of the researcher is that the internal rules for Intergovernmental Relations Forums were legislated in the Intergovernmental Relations Framework Act 13 of 2005. Therefore, any Intergovernmental Relations Forum in South Africa should be established according to the prescripts of the Intergovernmental Relations Framework Act 13 of 2005.

### 3.4 Types, mandate, composition, roles, functioning and agenda of Intergovernmental Relations Forums

#### 3.4.1 The President's Coordinating Council

The President's Coordinating Council is the main forum where other intergovernmental forums must forge a relationship by making systems for communication across the areas and levels of government. The President's Coordinating Council grants a logical and consistent system, and solidarity and decisiveness, which is strengthened by declaring a framework of its nature and functions that developed gradually over the years (Practitioner's Guide to Intergovernmental Relations System, 2010: 66). Moreover, the President's Co-ordinating Council is a consultative forum for the President to raise matters of national interest with Premiers and organised local

government on the implementation of national policy and legislation in provinces and municipalities (Dullah Omar Institute, n.d.).

Regarding the composition, Kariuki, Reddy and Wissink (2021: 36) specify that at the apex of the architecture of intergovernmental forums is the President's Coordinating Council, and that it brings together the president, key national ministers, nine premiers, and the president of SALGA. This view is supported by Sections 6 to 8 of the Intergovernmental Relations Framework Act 13 of 2005. The Intergovernmental Relation Framework Act 13 of 2005 states that the President's Coordinating Council comprises of the Presidency, the Minister of Cooperative Governance and Traditional Affairs, the Premiers of the nine provinces, and the chairperson for organised local government (Intergovernmental Relations Framework Act 13 of 2005).

The Practitioner's Guide to Intergovernmental Relations System (2010: 65) states that the President's Coordinating Council consists of the President, the Deputy President, the Minister in the Presidency, the Minister of Provincial and Local Government, the Cabinet member heading Finance, the Cabinet member heading Public Service, the Provincial Premiers, and a municipal councillor appointed by the national organisation on behalf of organised local government. This information is backed by the Department of Cooperate Governance and Traditional Affairs, which states that the President's Coordinating Council consists of the President; the Deputy President; the Minister in the Presidency; the Cabinet member responsible for finance; the Cabinet member responsible for the public service; the Premiers of the nine provinces; and a municipal councillor designated by the national organisation representing organised local government (CoGTA, n.d.).

Olivier (2007: 77) states that the President's Coordinating Council is a non-statutory body, consisting of the President as a Chairperson, the nine provincial premiers, and the minister for Provincial and Local Government. At the inception of the intergovernmental relations system, the President's Coordinating Council was formed, which sought to bring together all the role players (Intergovernmental Relations Framework Act 13 of 2005). It permits the provincial and local government to give assistance to national policy, as well as to ensure a well arranged reply to the

execution of national policies and agenda at the provincial and local spheres (Practitioner's Guide to Intergovernmental Relations System, 2010: 66).

The President's Coordinating Council meets regularly to oversee the implementation of national policies and legislation, and to ensure that national, provincial, and local development strategies are aligned to each other (Education and Training Unit, n.d.). Regarding its roles, the President's Coordinating Council is used for consultation by the President to the provinces and municipalities on issues concerning the application of national policies and other laws in the provinces and local municipalities, the arrangement and placement of factors regarded as important, goals and plans across all three spheres of government and on other issues of importance that have an effect on the interest to other governments (Practitioner's Guide to Intergovernmental Relations System, 2010: 66). It also co-ordinates and aligns priorities, objectives and strategies across national, provincial and local government and other reports dealing with the performance of provinces and municipalities (Dullah Omar Institute, n.d.).

According to the Department of Cooperate Governance and Traditional Affairs, the Council is a consultative forum for the President to raise matters of national interest with provincial governments and organised local government and to hear their views on those matters; to consult provincial governments and organised local government on (i) the implementation of national policy and legislation in provinces and municipalities; (ii) the co-ordination and alignment of priorities, objectives and strategies across national, provincial and local governments; and (iii) any other matters of strategic importance that affect the interests of other governments; to discuss performance in the provision of services in order to detect failures and to initiate preventive or corrective action when necessary; and to consider (i) reports from other intergovernmental forums on matters affecting the national interest, including a report referred to in Section 21; and (ii) other reports dealing with the performance of provinces and municipalities (Intergovernmental Relations Framework Act 13 of 2005; CoGTA, n.d.). The Council is a powerful body and its effectiveness lies in it being a consultative forum where local government can influence national strategy and policy (Kariuki *et al.*, 2021: 36-37).

The functions of the President's Coordinating Council, according to Olivier (2007: 77), are as follows: it meets twice a year, and its functions include the enhancement of the ability of provincial executives to make inputs on the formulation of national policies, the promotion of inter-provincial dialogue, dispute resolution at an inter-provincial level as well as between provinces and the national government, and improving co-operation between the national and provincial spheres of government (also as regards the strengthening of local government development and urban renewal). As the Council is a non-formal body, its decisions are however not formally binding and enforceable (Olivier, 2007: 77-78). Moreover, the President's Coordinating Council provides consistency to the system, the predictability and stability of which is strengthened by formalising the system of rules of its configuration and duties (Intergovernmental Relations Framework Act 13 of 2005).

Moreover, the President's Coordinating Council is the consultative forum for the President where he/she brings up issues of national interest with the provincial and local government and listens to their ideas on those issues (Practitioner's Guide to Intergovernmental Relations System, 2010: 65). Regarding the agenda: The Intergovernmental Relations Framework Act 13 of 2005 stipulates that the President convenes the meetings of the Council; and determines the agenda for a meeting of the Council. Suggestions for inclusion in the agenda for a meeting may be submitted to the Minister in terms of a framework determined by the President. The Minister is responsible for providing administrative and other support services to the Council (Intergovernmental Relations Framework Act 13 of 2005).

The stipulation is further supported by the Practitioner's Guide to Intergovernmental Relations System (2010) that the President is the symposiarch of the council and may request whoever not appearing on the Intergovernmental Relations Framework Act to attend the assembly of the council. It is the prerogative of the President to include issues to be discussed on the agenda, yet members of the Council may forward their inputs to the agenda. The President's Coordinating Council meets twice a year and the Cooperative Governance and Traditional Affairs Department offers the Council secretariat services (Practitioner's Guide to Intergovernmental Relations System, 2010: 66).

The President may invite any person not mentioned in Subsection (1) to a meeting of the Council (South African Government: Intergovernmental Relations Framework Act 13 of 2005; CoGTA, n.d.). Suggestions for inclusion in the agenda for a meeting may be submitted to the Minister in terms of a framework determined by the President. The Minister is responsible for providing administrative and other support services to the Council (Intergovernmental Relations Framework Act 13 of 2005; CoGTA, n.d.).

The researcher supports the statements above, further submitting that this structure exists at the national level of government and is a high profile forum used by the President to consult with and assess government service delivery at the national, provincial and local level. Also, there is the expectation that all members of the Forum should contribute on cross-sectoral issues to impact national policies. Moreover, the President uses the platform to measure service delivery progress and deliberate on other matters of strategic importance.

#### 3.4.2 MinMECs

The Intergovernmental Relations Framework Act 13 of 2005 states that the Ministers and Members of Executive Councils, known as MinMECs, have been used for information sharing and consultation, as well as the alignment of policies and the coordination of actions. Since 1996, the informal intergovernmental forums have been formed along sectoral lines that consisted of the national ministers and the provincial counterparts meeting in MinMECs (Intergovernmental Relations Framework Act 13 of 2005). Only the financial, police and educational sectors have formalised their structures into statutory bodies (Intergovernmental Relations Framework Act 13 of 2005).

Kahn *et al.* (2016: 103) explain that MinMECs are forums that bring together ministers at national level with the equivalent members of the Executive Council at provincial level. There is still no formal structure to facilitate intergovernmental relations between the national and provincial executive. Ministers and MECs do meet informally, however, in what is known as MinMEC (Parliamentary Monitoring Group, n.d.). This is a meeting between the Minister and the nine provincial MECs who deal with the same portfolio. MinMECs plays a meaningful role in the process of co-operative government

(Parliamentary Monitoring Group, n.d.). According to the Practitioner's Guide to the Intergovernmental Relations System (2010: 66), MinMECs are a true reflection of an "excellent use of an idea that is recorded accurately in the legislation".

Each MinMEC is composed of an appropriate national Minister, the Deputy Minister, the members of the Executive Committees of the nine provinces operating in the identical functional area, and the municipal representatives, if the responsibility is connected to Schedule B4 and B5 of the Constitution (Practitioner's Guide to Intergovernmental Relations System, 2010: 66). Olivier (2007: 78) states that 23 informal MinMECs, consisting of the relevant minister and provincial MECs, have been established. The MinMECs deal with the functional areas within the concurrent national and provincial domain and they play an important role as regards to the arrangement in terms of policy, as well as policy implementation and legislation (Olivier, 2007: 78).

The MinMECs are complemented by the so-called Technical MinMECs, which consist of a senior official of the national department concerned and senior line functionaries from the provincial governments (Olivier, 2007: 78). They provide technical and administrative support, as well as advice, to the (political) MinMECs. However, no provision exists for the enforceability of the decisions taken in any of these bodies (Olivier, 2007: 78).

The mandate of the MinMECs is to function as instruments of intergovernmental cooperation since they bring together different sectoral role players (Kahn *et al.*, 2016: 104). They also function as a platform for provinces to explain the uniqueness or peculiarity of their situation to each other (Kahn *et al.*, 2016: 104).

The functions of the MinMECs include being responsible for the harmonisation of legislation within a given sector; being responsible for the division and deployment of financial resources; the harmonisation of programmes on a national basis; consultation and negotiation on national norms and standards; the integration of intergovernmental policies and strategy; the formulation of joint programmes and projects; the sharing of sectoral information; and the assignments of roles and responsibilities between the different spheres of government (Kahn *et al.*, 2016: 104).

A MinMEC performs a similar function: its role is described as “a consultative forum for the Cabinet member responsible for the functional area. The linkages between the Presidential Coordinating Council and MinMECs also give effect to the top-down hierarchy” (Steytler, 2016, 312-313).

The roles of MinMECs are the following: to provide advice, identify problems, anticipate potential areas of conflict, comment on national policy, and propose legislation. They also determine the government’s short and long-term priorities (Kahn *et al.*, 2016: 104). Moreover, the MinMECs within the identified sector have the obligation to align and coordinate. Every MinMEC pays attention to a specific area and the intention is to enhance the coordination of events at the functional domain across the levels of government (Practitioner’s Guide to Intergovernmental Relations System, 2010: 66).

On the agenda of MinMECs is to discuss issues of national interest raised in a specific MinMEC. The inputs and needs of provincial and local governments are listened to (Practitioner’s Guide to Intergovernmental Relations System, 2010: 67). Its agenda also covers appropriate policy, and legislative recommendations can be developed. The priorities, strategy, and policy objectives in that functional area across all three spheres of government can be aligned in its agenda and the delivery of service can be monitored (Practitioner’s Guide to Intergovernmental Relations System, 2010: 67). This forum also discusses national laws that influence provinces, which are typically announced at MinMECs where the accounting Minister would look for support from MECs for the drafting of a law and prior to the submission of the Bill in Cabinet (Practitioner’s Guide to Intergovernmental Relations System, 2010: 67).

The view of the researcher is that this forum should not only be used for consultation, information sharing, the alignment of policies, and the coordination of actions but should also be used as a forum where its members report about the implementation and progress of the information shared, the progress and outcomes of issues that consultation was based on, and the progress and results of policies aligned, including the impact of actions coordinated.

### 3.4.3 The Budget Council

The Budget Council Forum was set up by the Intergovernmental Fiscal Relations Framework and yet lived before the Intergovernmental Relations Framework Act (Practitioner's Guide to Intergovernmental Relations System, 2010: 67). According to Olivier (2007: 76), the Council was established in terms of Section 2(1) of the Intergovernmental Fiscal Relations Act 97 of 1997. It consists of the Minister of Finance as the chairperson, the nine MECs for Finance, and the chairperson of the Financial and Fiscal Commission (Practitioner's Guide to Intergovernmental Relations System, 2010: 67). Comprising the Minister of Finance, the nine MECs for Finance and five representatives from SALGA, the Budget Forum has been meeting in tandem with the Budget Council, which has the same membership but without local government representation (Kariuki *et al.*, 2021: 36).

The mandate and role of the Budget Council is to play a consultative role to the national government and the provincial governments on taxes, and estimates on income and expenditure, or financial issues influencing the provincial level of government (Practitioner's Guide to Intergovernmental Relations System, 2010: 67). The Budget Council must be consulted by the national, provincial and local government as regards the provincial sphere, proposed policy or legislation affecting the provinces, and issues pertaining to the management of any provincial finances. No direct provision is however made for an enforcement mechanism (Olivier, 2007: 76-77). The Forum's role is to deal with issues regarding the management of finances or keeping track of the finances of provinces, or of any particular province, or deliberations on provinces (Practitioner's Guide to Intergovernmental Relations System, 2010: 68).

Another role of the Forum is to deal with issues affecting the budget that emanated from a MinMEC, which are forwarded to the Budget Council by the applicable national Minister who is the chairperson of the MinMEC (Practitioner's Guide to Intergovernmental Relations System, 2010: 68). Given the Budget Forum's critical role, it is important to note that it has never become a forum driven by local government matters (Kariuki *et al.*, 2021: 37).

The key task of the Forum is to make recommendations to the Cabinet on the division of revenue. The Forum may be used by the national government to consult provinces on the division of revenue, as may be required by the law (Practitioner's Guide to Intergovernmental Relations System, 2010: 67). Moreover, the Budget Forum is a critical national intergovernmental relations forum because it participates in the annual budget process (Kariuki *et al.*, 2021: 36).

The Budget Council is chaired by the Minister of Finance and is attended by the MECs of Finance from the nine provinces. The finance and fiscal commission's representative may also be present (Practitioner's Guide to Intergovernmental Relations System, 2010: 67). The National Treasury determines the agenda. Even though Section 6 of the Intergovernmental Fiscal Framework Act (RSA, 1997a) envisages the Budget Forum as a platform where all three spheres of governments consult on issues that include matters tabled by the Minister of Finance, the agenda is dominated by the National Treasury (Kariuki *et al.*, 2021: 37).

It is the view of the researcher that the Forum must also allow MECs to share best practices in their respective provinces in their provincial budgets and in their financial management, and also develop consequence management for provinces which are lacking. This could assist in financial management accountability in provincial financial affairs, as well as improve services delivery in the provinces.

#### 3.4.4 The Local Government Budget Forum

Affiliation to the Local Government Budget Forum is based on the formulation of the arranged order in local government. The five representatives are from the South African Local Government Association (SALGA) and a representative from each of its provincial chapters (Practitioner's Guide to Intergovernmental Relations System, 2010: 68). The Finance Minister and the Finance MECs of each province affiliates to the Forum (Practitioner's Guide to Intergovernmental Relations System, 2010: 67). According to Olivier (2007: 78), the Local Government Budget Forum was established in terms of Section 5(1) of the Intergovernmental Fiscal Relations Act 97 of 1997 and it consists of the Minister of Finance (the chairperson) and the nine MECs responsible for provincial finances.

The Forum exists according to the conditions and terms outlined in the Intergovernmental Fiscal Relations Act 97 of 1997 (Practitioner's Guide to Intergovernmental Relations System, 2010: 68). The required duties of the Forum include serving on a structure where the national, provincial and local level of government approach each other to seek information and advice on taxes, budgets, or financial matters impacting on local government, any prescripts or laws bearing financial entailments on local government, any issue affecting the management of finances, or the close observation of the progress of the finances of local government (Practitioner's Guide to Intergovernmental Relations System, 2010: 68).

The Forum also deals with any matters referred to it by the Minister of Finance. The issues affecting the allocations that emanate in a MinMEC can be forwarded to the Budget Council by the concerned National Minister, who is the chairperson of the MinMEC in consultation with the Finance Minister (Practitioner's Guide to Intergovernmental Relations System, 2010: 68). Another role of the Forum is that it may perform dispute settlement functions (Practitioner's Guide to Intergovernmental Relations System, 2010: 68).

Olivier (2007: 78) states that the Local Government Forum's functions include being consulted on all fiscal and budgetary matters affecting the local sphere of government. Decision-making is consultative, and no specific mechanisms for enforcement exist. Regarding co-ordination between the national government and provincial governments and within provincial governments, the Minister of Finance chairs the Local Budget Forum (Practitioner's Guide to Intergovernmental Relations System, 2010: 67). The Forum must meet annually. The Forum's attendance includes a representative of the Fiscal Commission and Finance (Practitioner's Guide to Intergovernmental Relations System, 2010: 67). Any persons could also be part of the meeting on the behest of the Minister (Practitioner's Guide to Intergovernmental Relations System, 2010: 68).

The Intergovernmental Relations Framework Act 13 of 2005 prescribes that the Cabinet member responsible for the functional area for which a national intergovernmental forum is established convenes the meetings of the Forum, and determines the agenda for the meeting. Suggestions for inclusion in the agenda for a

meeting may be submitted to the relevant Cabinet member in terms of a framework determined by that Cabinet member. The Department of the relevant Cabinet member is responsible for providing administrative and other support services to the Forum (Intergovernmental Relations Framework Act 13 of 2005).

The view of the researcher is that due to corruption and the looting of government funds, the Forum's role should be changed from a consultative forum to a reporting forum. This will allow for a mechanism of enforcement. Members of the Forum should also report on their budgets and the impact their budgets have produced.

#### 3.4.5 The Forum of South African Directors-General

The Forum of South African Directors-General incorporates the provincial and national spheres (Practitioner's Guide to Intergovernmental Relations System, 2010: 72). Olivier (2007: 78) states that the Forum of South African Directors-General is a non-statutory body that consists of the Director-General in the Office of the President, who is the chairperson of the Forum, the Director-General of Provincial and Local Government, all Directors-General of national departments, as well as the nine Provincial Directors-General. Its mandate relates to intergovernmental relations issues and it advises the government (Practitioner's Guide to Intergovernmental Relations System, 2010: 72). Its objective is to ensure proper coordination of all government programmes at national and provincial levels. Kahn *et al.* (2016: 108) further state that the main aim with the establishment of the Forum was to coordinate policy and facilitate intergovernmental cooperation at the horizontal and vertical levels of government. The role of the Forum is to guarantee feedback to enhance the arrangement of policy making and the execution around the government and distributing knowledge in the best applicable way in public management (Practitioner's Guide to Intergovernmental Relations System, 2010: 72). Kahn *et al.* (2016: 108) state that the Forum provides a regular opportunity for directors-general to share their experiences on policy formulation and implementation. Kahn *et al.* (2016: 108) add that the Forum is charged with the duty of advising political office bearers. However, Kahn *et al.* (2016: 109) conclude that the independence of the Forum is at times perceived as a threat to political office-bearers.

The functioning of the Forum includes various smaller forums, similar to the Cabinet Clusters, which look at challenged areas, such as the government and the economy, administration, security, social welfare and justice (Practitioner's Guide to Intergovernmental Relations System, 2010: 72). The clusters of the Forum mirror the Ministerial Clusters. The Forum of South African Directors-General clusters provide technical support to the Ministerial Clusters.

Olivier (2007: 78) states that the Forum functions as a technical and administrative support body for the President's Coordinating Council and it participates in the coordination of cross-cutting (interdepartmental and intergovernmental) issues such as rural development and urban renewal (as well as to make recommendations to the Cabinet in this regard). It also finalises the agenda for the two annual South African Cabinet breakaways (Olivier, 2007: 78).

Kahn *et al.* (2016: 109) state that the Forum's role has been diminished by the establishment of other intergovernmental relations structures, notably the President's Coordinating Council and the cluster system at Cabinet level. The chairperson of the Forum is the Director-General in the Office of the President, granting it a distinctive label of command (Practitioner's Guide to Intergovernmental Relations System, 2010: 72).

The view of the researcher is that the Forum comprises of the administrators of government at the senior level of government and their responsibilities include the coordination of government programmes. Moreover, the Forum is entrusted with the responsibility to ensure that all government programmes deliver as per the legislation and policies. The Forum is also entrusted with advising government on its programmes, whilst ensuring proper coordination. The view of the researcher is that given the mandate, role and functioning of the Forum, the success or failure of the government depends entirely on this forum.

#### 3.4.6 The Premier's Intergovernmental Forum

The Premier's Intergovernmental Forum consists of the Premier, the MEC for Local Government, other members of the Provincial Executive designated by the Premier,

Mayors of districts and Metropolitan Municipalities, and a person acting on behalf of the applicable provincial chapter of SALGA (Practitioner's Guide to Intergovernmental Relations System, 2010: 69). In some provinces, local municipalities' mayors have been included as members of the Premier's Intergovernmental Forum (Practitioner's Guide to Intergovernmental Relations System, 2010: 69). In the Free State, the structure is co-chaired by the Premier and the Provincial Chairperson of SALGA-FS. Its main members are the MEC responsible for local government, SALGA, District Municipalities, the Office of the Premier, and any other institution the Premier might decide to invite (CoGTA Free State, n.d.).

Kariuki *et al.* (2021: 36) support the above statements by submitting that the Premiers' Intergovernmental Forums bring together the premier, key MECs, district and metropolitan mayors, and a representative from organised local government. They have been established, in most cases, with an expanded membership that includes local municipalities (Kariuki *et al.*, 2021: 36). The Premiers' Intergovernmental Forums consist of a member of the executive council of the province, who is responsible for local government in the province; the mayor of the district and metropolitan municipalities in the province; and a municipal councillor designated by organised local government in the province (Mofolo, 2012: 239). Mathenjwa (2014: 142) argues that although Section 17(3) of the Intergovernmental Relations Framework Act 13 of 2005 allows the Premier to invite any person not mentioned specifically in the Act to the Forum, the composition of the Forum shows weaknesses, particularly by excluding representatives from the category B municipalities.

It is the understanding of the researcher that Mathenjwa (2014) argues that representatives of category B municipalities should form part of the Forum permanently, but not by the prerogative of the Premier.

The Premier's Intergovernmental Forum receives and discusses reports of other provinces' IGR Forums, as well as District Intergovernmental Forums (Practitioner's Guide to Intergovernmental Relations System, 2010: 70). Mofolo (2012: 239) states that the Premier's Intergovernmental Forum's purpose is to promote and facilitate intergovernmental relations between the province and local governments in each province. The Intergovernmental Relations Framework Act 13 of 2005 further states

that the Premier's Intergovernmental Forum is mainly non-statutory and is established in terms of a Memorandum of Understanding or a protocol; yet it emphasises that it provides the vital link between the provincial executive and local government. Its objectives are consultation, coordination, and cooperation (Intergovernmental Relations Framework Act 13 of 2005).

The Intergovernmental Relations Framework Act 13 of 2005 states that a Premier's Intergovernmental Forum is a consultative forum for the Premier of a province and local governments in the province (a) to discuss and consult on matters of mutual interest, including (i) the implementation in the province of national policy and legislation affecting local government interests; (ii) matters arising in the President's Co-ordinating Council and other national intergovernmental forums affecting local government interests in the province; (iii) draft national policy and legislation relating to matters affecting local government interests in the province; (iv) the implementation of national policy and legislation with respect to such matters; (v) the development of provincial policy and legislation relating to such matters; (vi) the implementation of provincial policy and legislation with respect to such matters; (vii) the co-ordination of provincial and municipal development planning to facilitate coherent planning in the province as a whole; (viii) the co-ordination and alignment of the strategic and performance plans and priorities, objectives and strategies of the provincial government and local governments in the province; and (ix) any other matters of strategic importance that affect the interests of local governments in the province; and (b) to consider reports from (i) other provincial intergovernmental forums on matters of mutual interest to the province and local governments in the province; and (ii) district intergovernmental forums in the province (Intergovernmental Relations Framework Act 13 of 2005).

The abovementioned roles are further articulated in the Practitioner's Guide to Intergovernmental Relations Systems (2010: 70), which states that the Premier's Intergovernmental Forum's role is as a consultative forum for the Premier and local government in a province. The Forum deliberates on the execution of national policies, prescripts and laws that negatively impact on municipalities. The Forum also debates new national promulgation that will have a bearing on local government (Practitioner's Guide to Intergovernmental Relations System, 2010: 70). Furthermore, it ensures that

the influence of new and existing principles of action adopted by the province and laws are debated in the Premier's Intergovernmental Forum. Another vital role of the Forum is to see to it that issues impacting on municipalities that emanated from the President's Coordinating Council, alternatively in a MinMEC, are deliberated on (Practitioner's Guide to Intergovernmental Relations System, 2010: 70).

The Premier's Intergovernmental Forum also discusses the coordination of provincial and municipal development planning to facilitate coherent planning in a province (Practitioner's Guide to Intergovernmental Relations System, 2010: 70). The Forum further focusses on the arrangement of high-level provincial and municipal plans. Moreover, the procedures of delegations in the province or the distribution of authority to the municipalities can be debated in the Premier's Intergovernmental Forum (Practitioner's Guide to Intergovernmental Relations System, 2010: 70).

In addition, each Premier's Intergovernmental Forum adopts its own internal rules. The Premier is the chairperson of the Forum and can invite any person not mentioned in the Intergovernmental Relations Framework Act to the Premier's Intergovernmental Forum (Practitioner's Guide to Intergovernmental Relations System, 2010: 69).

The attendance at the Premier's Intergovernmental Forum is not limited to the actors mentioned in the Act. The Forum reserves its nature as a main figure in intergovernmental relations formulation (Practitioner's Guide to Intergovernmental Relations System, 2010: 69). Furthermore, the agenda of the Premier's Intergovernmental Forum is determined by the Premier; other propositions to the agenda may be handed to the Premier (Practitioner's Guide to Intergovernmental Relations System, 2010: 69). The Department of the Premier provides the Premier's Intergovernmental Forum with the secretariat.

The view of the researcher is that the Forum is aware of the high-level plans of provinces and municipalities; hence, it is important that its role should be extended to ensure that all the plans of municipalities are achieved, and, where necessary, support (including financial and human resources) should be dedicated to municipalities. This will translate into improved service delivery by municipalities.

### 3.4.7 The District Intergovernmental Forums

The District Intergovernmental Forum comprises the Mayor of the district municipality and the Mayors of the local municipalities in the district (Practitioner's Guide to Intergovernmental Relations System, 2010: 70). The Intergovernmental Relations Framework Act 13 of 2005 states that a District Intergovernmental Forum consists of the mayor of the district municipality; the mayors of the local municipalities in the district or, if a local municipality does not have a mayor, a councillor designated by the municipality; and the administrator of any of those municipalities if the municipality is subject to an intervention in terms of Section 139 of the Constitution (Intergovernmental Relations Framework Act 13 of 2005). The District Mayor is the chairperson of the District Intergovernmental Forum and can extend an invitation to anyone omitted in the Intergovernmental Relations Framework Act to be part of a District Intergovernmental Forum (Practitioner's Guide to Intergovernmental Relations System, 2010: 70; CoGTA, n.d.).

The District Intergovernmental Forum deliberates on issues impacting on the district that emanated from the Premier's Intergovernmental Forum. The District Intergovernmental Forum may forward issues to the Premier's Intergovernmental Forum or even another province's Intergovernmental Relations Forum (Practitioner's Guide to Intergovernmental Relations System, 2010: 72).

The District Intergovernmental Forum promotes cooperation of all the municipalities in a district by bringing the mayors of the district and local municipalities together (Intergovernmental Relations Framework Act 13 of 2005). Shopola (2021: 41) supports the statement that the Forum is regarded as a consultative forum where the district and local municipalities discuss issues of mutual interest. According to CoGTA (n.d.), a district intergovernmental forum promotes and facilitates intergovernmental relations between the district municipality and the local municipalities in the district.

The roles of the District Intergovernmental Forum, as prescribed in the Intergovernmental Relations Framework Act 13 of 2005, are to serve as a consultative forum for the district municipality and the local municipalities in the district to discuss and consult each other on matters of mutual interest, including to draft national and

provincial policy and legislation relating to matters affecting local government interests in the district; the implementation of national and provincial policy and legislation with respect to such matters in the district; matters arising in the Premier's Intergovernmental Forum affecting the district; mutual support in terms of Section 88 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); the provision of services in the district; coherent planning and development in the district; the co-ordination and alignment of the strategic and performance plans and priorities, objectives and strategies of the municipalities in the district; and any other matters of strategic importance which affect the interests of the municipalities in the district (Intergovernmental Relations Framework Act 13 of 2005; CoGTA, n.d.).

A district intergovernmental forum may refer a matter arising in the forum to (a) the Premier's Intergovernmental Forum; or (b) any other provincial intergovernmental forum established in terms of Section 21 of the Intergovernmental Relations Framework Act 13 of 2005 (CoGTA, n.d.). Moreover, the roles of the District Intergovernmental Forum include that municipalities can debate the execution of national plans and laws that disturbs the district and deliberate on future national plans and laws that will impact negatively on the district (Practitioner's Guide to Intergovernmental Relations System, 2010: 71).

In terms of service delivery, the role of the District Intergovernmental Forum is to debate the improvement of the delivery of service in the district and the problems that could delay such improvements (Practitioner's Guide to Intergovernmental Relations System, 2010: 71). The District Intergovernmental Forum meeting can also deal with initiatives such as shared services models. Regarding planning, the District Intergovernmental Forum plays a vital role in the arrangement of planning in the district (Practitioner's Guide to Intergovernmental Relations System, 2010: 71). It discusses the coordination of district and local Integrated Development Plans to produce a coherent plan in the district. Another role of the District Intergovernmental Forum is to provide mutual support. There is a responsibility on all municipalities to be available to sustain other municipalities in the district and the execution may be deliberated at the District Intergovernmental Forum (Practitioner's Guide to Intergovernmental Relations System, 2010: 71). Lastly, in terms of dispute resolution, the District Intergovernmental Forum could, and has been used to resolve strains among

municipalities in the district. The constrictions about difficult matters like the division of authority and responsibilities can be solved at the District Intergovernmental Forum (Practitioner's Guide to Intergovernmental Relations System, 2010:71).

Thornhill (2009: 683) is in support of the above statement that the roles of a district intergovernmental forum include drafting national and provincial policy and legislation relating to matters affecting local government interests in the district; implementing national and provincial policy and legislation with respect to such matters in the district; and providing mutual support in accordance with Section 88 of the Municipal Structures Act, 1998. They include providing services in the district; undertaking coherent planning and development of the district; co-ordinating and aligning strategic and performance plans and priorities in the district; and performing any other matter of strategic importance affecting the municipalities in the district (Thornhill, 2009: 683).

Regarding the functioning, each District Intergovernmental Forum adopts its own rules. A District Intergovernmental Forum must converge at least once annually with interested parties who have a keen interest in the development of the district, which may include parties providing services (Practitioner's Guide to Intergovernmental Relations System, 2010: 70). The District Municipality provides the District Intergovernmental Forum with a secretariat (Practitioner's Guide to Intergovernmental Relations System, 2010: 70).

The chairperson of a district intergovernmental forum convenes the meetings of the forum; and determines the agenda for a meeting of the forum (Intergovernmental Relations Framework Act 13 of 2005). Suggestions for inclusion in the agenda for a meeting may be submitted by local municipalities in the district to the chairperson (CoGTA, n.d.). Most local municipalities in a district may request the chairperson in writing to convene a meeting of the district intergovernmental forum at a time and place set out in the request; or to include in the agenda for a meeting any specific matter for discussion (Intergovernmental Relations Framework Act 13 of 2005). The majority of the local municipalities in a district may request the chairperson in writing to convene a meeting of the district intergovernmental forum at a time and place set out in the request; or to include in the agenda for a meeting any specific matter for discussion (CoGTA, n.d.). The chairperson of the Forum presides at its meetings, but if that

chairperson is absent from a meeting, the members present must elect another member to preside at the meeting (CoGTA, n.d.). The Forum must meet at least once per year with service providers and other role players concerned with development in the district to co-ordinate the effective provision of services and planning in the district (CoGTA, n.d.).

The district municipality is responsible for providing administrative and other support services to the forum (Intergovernmental Relations Framework Act 13 of 2005). The Practitioner's Guide to Intergovernmental Relations Systems (2020: 71) states that the Mayor of the District decides on what goes to the agenda, yet the Mayors of local municipalities contribute proposals to the agenda.

It is sensible to legally take part in a manner which allows municipalities to impact the District Intergovernmental Forum's agenda and impact the calling of the meetings by the Mayor of the District (Practitioner's Guide to Intergovernmental Relations System, 2010: 71). It is also important that the District Intergovernmental Forum consults the provincial government on the District Intergovernmental Forum's programme, as arranged with strategic planning of the province and fiscals are the main responsibility of the intergovernmental relations within the province (Practitioner's Guide to Intergovernmental Relations System, 2010: 71).

It is the view of the researcher that as much as the Forum consists of the mayors of the district and local municipalities, an invitation to the Premier should be standard for the Forum. The Premier's attendance to the Forum will enhance the participation of local municipalities and will also provide guidance and leadership towards the alignment of district and local strategic plans to the provincial strategic plan. This will ensure that there is constructive collaboration in the province.

### 3.10 Conclusion

This chapter forms a crucial part of this mini dissertation as it provides context on the Intergovernmental Relations Forums in South Africa. The background on the Intergovernmental Relations Forums enables the reader to have a clear and better

understanding as to how the research will approach the assessment of the level of governance in the Intergovernmental Relations Forums in the Free State.

Moreover, this chapter explicitly demonstrated the pivotal role of Intergovernmental Relations Forums in South Africa. It demonstrated this by particularly discussing the role of Intergovernmental Relations Forums, the internal rules for Intergovernmental Relations Forums, the different types of Intergovernmental Relations Forums, such as the President's Coordinating Council, MinMECs, the Budget Council, the Local Government Budget Forum, the Forum for South African Directors-General, the Premier's Intergovernmental Forum, and the District Intergovernmental Forum. The main discussions about these forums were based on their composition, mandates, roles, functions, and agendas.

The information provided in this chapter indicates that the Intergovernmental Relations Forums consult with their members to share and disseminate professional advice; they also meeting with their members to debate key issues of mutual interest. This information will contribute towards enabling the researcher to perform a detailed assessment of the governance levels of the Intergovernmental Relations Forums in the Free State in the next chapter.

## **CHAPTER 4: THE INTERGOVERNMENTAL RELATIONS FORUMS IN THE FREE STATE PROVINCE**

### **4.1 Introduction**

The previous chapter presented a comprehensive discussion on the legislative roles of the Intergovernmental Relations Forums. Furthermore, it presented the types, mandates, compositions, functions, and agendas of intergovernmental forums by zooming in on the President's Coordinating Council, the MinMECs, the Budget Council, the Local Government Budget Forum, the Forum for South African Directors-General, the Premier's Intergovernmental Forum, and the District Intergovernmental Forums. This chapter will focus on the data collection on the Intergovernmental Relations Forums in the Free State.

The significance of data collection is that it will allow the study to assess and provide a better understanding on whether the Intergovernmental Relations Forums contribute towards improving and strengthening service delivery in the Free State Province. Furthermore, the data collected is anticipated to provide clarity on whether the Intergovernmental Relations Forums in the Free State practice good governance. The data collected may also assist in determining whether the Intergovernmental Relations Forums in the Free State deliver on their mandate. In simpler terms, the data collected is envisaged to respond to the aims and objectives outlined in Chapter one of this study. Therefore, this chapter will provide a synopsis of the statutory and non-statutory Intergovernmental Relations Forums in the Free State Province. However, only the two statutory Intergovernmental Relations Forums, namely, the Premier's Intergovernmental Forum and the District Intergovernmental Forums will be discussed.

### **4.2 The Intergovernmental Relations Forums in the Free State Province**

The constructive relationships with various international partners across the various functional areas of government are maintained in the Free State Provincial Government. In the Free State Province, the Department of the Premier is responsible for providing the coordination, sustenance and growth of these relationships within the

wider policy framework and the background determined by the Department of International Relations and Cooperation (DIRCO) (Free State Online, n.d.). In the Free State Provincial Government, the Department of the Premier has a unit designated to deal with intergovernmental relations. The purpose of the unit is to establish, facilitate and improve intergovernmental relations in the Free State Provincial Governments, to report on the coordination of intergovernmental relations between the three spheres of government, to report on the coordination of international relations in support of provincial development imperatives, to report on protocol services rendered at government events, to report on Official Development Assistance (ODA), and to report on strategic partnerships created as a result of international relations engagements in Africa and the world (Free State Department of the Premier Annual Performance Plan, 2018/2019-2020/2021: 52).

The Free State Department of Cooperative Governance and Traditional Affairs is entrusted with the following policy mandate, namely, the President's Coordinating Council, the Premier's Coordinating Forum, the Municipal International Relations Policy Framework, and the White Paper on Local Government, among others (Department of Cooperative Governance and Traditional Affairs Annual Report, 2018/2019: 70-72). It aims to achieve these policy mandates through its Strategic Outcome-oriented Goals under Programme 2: Local Governance. The Programme aims at establishing, monitoring, regulating, strengthening, supporting, and capacitating municipalities in terms of the Constitution (1996) (Department of Cooperative Governance and Traditional Affairs Annual Report, 2018/2019: 70-72). Core services rendered by the Programme include ensuring compliance by and the effective functioning of municipalities within the approved regulatory framework, monitoring and supporting municipalities towards ensuring financial viability; promoting good governance service delivery, enhancing community participation and strengthening intergovernmental relations; providing support and assistance towards accelerating municipal transformation and organisational development; and monitoring, evaluating and reporting on municipal performance (Department of Cooperative Governance and Traditional Affairs Annual Report, 2018/2019: 70-72).

The following statutory intergovernmental relations structures have been established in the province. First is the Premier's Coordinating Forum. The structure is co-chaired

by the Premier and the Provincial Chairperson of SALGA-FS (Free State Online, n.d.). Its main members are the MEC responsible for local government, SALGA, District Municipalities, the Office of the Premier, and any other institution the Premier might decide to invite. The structure was established during 2005. The second structure is the Technical Premier's Coordinating Forum. This structure is the Provincial Technical IGR support structure for the Premier's Coordinating Forum. It is co-chaired by the Director-General and the Provincial Executive Officer of SALGA-FS. Its main members are the same as in the political structure and was established in 2006 (Free State Online, n.d.). The third structure is MECLOGA, which is a Provincial Local Government Sector Forum. It is co-chaired by the MEC responsible for local government and the Provincial Chairperson of SALGA-FS, and it discusses sector specific matters informed by Section 154 of the Constitution. Its main members are the MEC responsible for Local Government, District Municipalities, and any other institution the chairpersons might decide to invite. It was established in 2005 (Free State Online, n.d.). The fourth structure is the Technical MECLOGA. This structure operates at the provincial sphere of government and is supported by Provincial Technical Intergovernmental Relations. It is co-chaired by the HOD for the Department of Local Government and the Provincial Executive Officer of SALGA-FS. It is the replica of its political structure and was also established in 2005 (Free State Online, n.d.).

In the district sphere of government, the Free State has four District Coordinating Forums and these were established in all the four districts in 2006. The District Mayors chair them. Their main members are the local mayors and any other stakeholders the district chairperson might decide to invite (Free State Online, n.d.). The second structure in the district is the Technical District Coordinating Forums. The District Municipal Managers chair them. Their main members are local municipal managers and any other stakeholder the chairperson might decide to involve. These structures were all established in 2006 in all the districts of the Free State Province (Free State Online, n.d.).

At the provincial level, the Free State Province has non-statutory intergovernmental relations based on the Intergovernmental Relations Framework. They are the Provincial Speakers Forum, the Provincial Planning Forum, the Provincial LED Forum, the Provincial Five-Year LGSA MRE Forum, the Provincial Communicators Forum, the

Provincial Community Development Workers (CDW) Task Team, Provincial Public Participation, the Provincial Joints Committee, the Forum for Heads of Departments (Chaired by the Director-General), and the Cluster System based on four priority areas of the Free State Growth and Development Strategy (FSGDS). Furthermore, at the district level, the Free State has the following non-statutory intergovernmental relations structures based on the Intergovernmental Relations Framework and the Municipal Intergovernmental Relations structures, namely, the District Five-Year Local Government South Africa, the District Integrated Development Plan (IDP) and Local Economic Development (LED) Forums, the District Interdepartmental Community Development Workers (CDW) Forums, District Public Participation, the Speakers' Forum, the Municipal Managers Forum, the Forum of Chief Financial Officers, the Cooperate Services Forum, the Communication/Communicators Forum, the Health and Safety Forum, and the Member of the Executive Committee for Local Government (MECLOGA) (Free State Online, n.d.).

#### 4.3 A discussion of the Intergovernmental Forums

##### 4.3.1 The Premier's Coordinating Forum

The Free State Department of the Premier's Annual Performance Plan (2012/2013: 42) indicated that the Programme: Policy and Governance had four Strategic Objectives, namely, 1) Unit on Women, Children, People with Disabilities and other focus groups; 2) Intergovernmental Relations; 3) Provincial Policy Management; and 4) Performance Monitoring and Evaluation. The purpose of the Strategic Objective: Intergovernmental Relations was to coordinate intergovernmental relations between the Free State Provincial Government and other spheres of government, and it deals with international relations. The target set for this strategic objective was 20 (Free State Department of the Premier Annual Performance Plan, 2012/2013: 42). The Free State Department of the Premier's Annual Performance Plan (2018/19-2020/2021: 53) outlined that Strategic Objective (programme) 3 was to align, integrate and coordinate the activities of all national, provincial, municipalities and State Owned Entities (SOEs) towards the goals and priorities of the government. It further expatiated that the fulfilling of this mandate was achieved through integrated research, integrated

planning, and provincial government infrastructure coordination (Free State Department of the Premier Annual Performance Plan, 2018/19-2020/2021: 53).

The Department of the Premier in the Free State is responsible to give effect to relevant legislation guiding intergovernmental relations, as well as the specific mandate in respect of the coordination of special programmes focusing on gender, youth, the elderly, and the disabled. The function of support to military veterans was also a key area in respect of services rendered by the Department (Free State Department of the Premier Annual Performance Plan, 2018/2019-2020/2021: 53). Under this objective, the strategic indicator for the Department of Premier was 0% compliance by the Departments and Municipalities with Chapter 3 of the Constitution (Free State Department of the Premier Annual Performance Plan, 2018/2019-2020/2021: 53). According to the Free State Department of the Premier's Annual Performance Plan (2018/2019-2020/2021: 53), an 80% target was achieved in 2018/2019, a 90% target for 2019/2020, and a 90% target for 2020/2021 (Free State Department of the Premier Annual Performance Plan, 2018/2019-2020/2021: 53).

The Department of the Premier's Programme Performance Indicators: the Premier's Coordinating Forum facilitated and coordinated a target of 4 during 2018/2019. In the financial year 2019/2020, the Department of Premier also had an annual target of 4, as well as during 2020/2021 (Free State Department of the Premier Annual Performance Plan, 2018/2019-2020/2021: 53). Under the Sub-Programme: Executive Support, the Programme exists to render efficient secretariat services to the Executive Council, the Forum of Head of Departments, and Provincial decision-making fora. The outcome in this regard was as follows: a functional, efficient, effective provincial government, and the output is operational and functional in the Provincial Premier's Coordinating Forum. The Output Indicator stated that the Premier's Coordinating Forum resolution and estimated targets were 4 for 2020/2021, 2021/2022, 2022/2023, and 2023/2024 (Free State Department of Premier Annual Performance Plan, 2021/2022: 39-40). Under the Output Indicator: a tracking and accountability system was established; the Indicator is stated as system development to ensure that resolutions of the Exco, the Premier's Coordinating Forum, the Clusters, and the Forum of Head of Departments were communicated to and implemented by the

provincial departments. The annual target for this output was 1 (Free State Department of the Premier Annual Performance Plan, 2021/2022: 39-40).

#### 4.3.2 The District Intergovernmental Forum

The Department of Cooperative Governance and Traditional Affairs' Annual Performance Plan for the period 2016/2019 stated under Programme 2: Local Governance that the purpose of the Programme was to establish, monitor, regulate, strengthen, support and capacitate municipalities in terms of the Constitution (Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2016-2019: 47). In the Programme, the Sub-Programme: Public Participation, under the Strategic Objective: Cooperative Governance and Service Delivery through effective community participation, it stated under Non-Standardised Performance Indicators and Target that it had to monitor the functionality of the District Intergovernmental Relations structures. It further estimated the baseline for 2015/2016 to be 4, for 2016/2017 it was 4, and for 2018/2019 it was also 4 (Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2016-2019: 47).

The Free State Department of Cooperative Governance and Traditional Affairs' Annual Performance Plan (2017/2020: 57) further stated that on the Output: Functionality of the District IGR structures, the Output Indicator Target for monitoring the functionality of the District IGR structures was 4 per financial year from 2017 to 2020. During the 2017/2018 financial year, the Output Indicator Target for monitoring the functionality of the District IGR was 4 (Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2017/2020: 57). The following financial year, which was 2018/2019, the Output Indicator Target for monitoring the functionality of the District IGR was 4 (Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2017/2020: 57). Also, in the financial year 2019/2020, the Output Indicator Target for monitoring the functionality of the District IGR structures was 4 (Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2017/2020: 57).

Moreover, the Department of Cooperative Governance and Traditional Affairs' Annual Performance Plan (2019/2020: 78) stated that on the Output: Functionality of the District IGR structures, the Output Indicator Target for monitoring the functionality of the District Intergovernmental Relations structures was 4 during 2019/2020 (Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2019/2020: 78). During the 2019/2020 financial year, the Output Indicator Target for monitoring the functionality of the District Intergovernmental Relations was one per quarter (Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2019/2020: 78).

In addition, the Department of Cooperative Governance and Traditional Affairs' Annual Performance Plan (2020/2021: 57) stated that on the Output: Functionality of the District IGR structures, the Output Indicator Target for monitoring the functionality of the District IGR structures was 4 during 2020/2021 (Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2020/2021: 57). This meant that during the 2019/2020 financial year, the Output Indicator Target for monitoring the functionality of the District Intergovernmental Relations was one per quarter (Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2020/2021: 57).

Furthermore, the Free State Department of Cooperative Governance and Traditional Affairs' Annual Performance Plan (2021/2022: 67) stated that on the Output: Functionality of the District IGR structures, the Output Indicator Target for monitoring the functionality of the District IGR structures was 4 during 2021/2022. During the 2021/2022 financial year, the Output Indicator Target for monitoring the functionality of the District IGR was 1 per quarter (Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2021/2022: 67). The Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2022/2023 also stated that on the Output Functionality of District Intergovernmental Relations Structures, on the Output Indicator: Monitoring of District Intergovernmental Relations Structures as Audited/Actual Performance during 2018/2019, 2019/2020, and 2020/2021 was 4 for all the stated financial years (Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2022/2023: 57). It further outlined the estimated targets for 2022/2023, 2023/2024, and 2024/2025 as 4

(Department of Cooperative Governance and Traditional Affairs Annual Performance Plan, 2022/2023: 57).

#### 4.3.2.1 Fezile Dabi District Intergovernmental Relations

The Fezile Dabi District Municipality's 2012/2013 Draft Annual Report Consolidated under Component B: Intergovernmental Relations stated that the Constitution requires all the spheres of government to observe the fundamental principles of cooperation between the spheres of government concomitant to this background. The Fezile Dabi District Municipality sees intergovernmental relations between the spheres of government as a crucial tool to enhance and speed up service delivery (Fezile Dabi District Municipality Draft Annual Report Consolidated, 2012/2013: 19). It further stated that the District Coordinating Forum's objective in the Fezile Dabi District Municipality was to promote and facilitate intergovernmental relations and cooperative government between the District Municipality and the local municipalities. Furthermore, it stated that the District Coordinating Forum was a consultative platform where all mayors and other stakeholders within the district convened, discussed, and consulted each other on matters of mutual interest (Fezile Dabi District Municipality Draft Annual Report Consolidated, 2012/2013: 19).

The Fezile Dabi District Municipality's Draft Annual Report Consolidated (2012/2013: 19) further reported that the District Intergovernmental Forum held one meeting each quarter of the financial year 2012/2013, yet no dates and venues of the meeting were indicated on the Fezile Dabi District Municipality Draft Annual Report Consolidated, 2012/2013. In terms of Technical Intergovernmental Relations, the Fezile Dabi District Municipality Draft Annual Report Consolidated (2012/2013: 20) reported that there is a Technical Intergovernmental Relations (Technical IGR) structure in the district that promotes and facilitates intergovernmental relations between the district municipality and the local municipalities in the district, as well as other sector departments in the province. During the period under review, the Fezile Dabi District Municipality Draft Annual Report Consolidated (2012/2013: 20) reported that the Technical Intergovernmental Relations held four meeting.

Moreover, the Fezile Dabi District Municipality's Annual Report (2014/2015: 7) under Governance, Component B reported on the intergovernmental relations in the district, stating that it was mainly driven through the three intergovernmental structures during the period under review, namely, the District Coordinating Forum, the Speaker's Forum, and the Technical Intergovernmental Relations Forum (Fezile Dabi District Municipality Annual Report, 2014/2015: 7). The responsibilities and activities of the Forums were as follows during the reporting period under review: the intergovernmental relations structures in the District are a) The District Coordinating Forum – its responsibility is to promote and facilitate intergovernmental relations and cooperative government between the District Municipality and its affiliated local municipality; b) The Speaker's Forum – its objective is to provide for the sharing of ideas and the integration of municipal programmes, to identify areas of weakness, as well as the type of integration needed (Fezile Dabi District Municipality Annual Report, 2014/2015: 7), and c) the Technical Intergovernmental Relations Forum between the District Municipality and the local municipalities within the District and other sectors. The Annual Report 2014/15 further provided details of intergovernmental relations structures meetings held with dates and venue details attached, apart from the Speakers' Forum as no meetings were held during the period (Fezile Dabi District Municipality Annual Report, 2014/2015: 8).

The Fezile Dabi District Municipality's Draft Annual Report (2015/2016: 23) under Governance: Component B provided a similar context, reporting on the Fezile Dabi District Municipality's Draft Annual Report 2014/2015. The Report stated, referring to intergovernmental relations in the district, that the relations within the District were driven through the three intergovernmental structures during the period under review, namely the District Coordinating Forum, the Speaker's Forum, and the Technical Intergovernmental Relations Forum. The responsibilities and activities of these forums were as follows during the reporting period under review. The intergovernmental relations structures in the district were as follows: a) The District Coordinating Forum – its responsibility is to promote and facilitate intergovernmental relations and cooperative government between the District Municipality and its affiliated local municipality, b) the Speaker's Forum – its objective is to provide for the sharing of ideas and the integration of the Municipality's programmes, and to identify areas of weakness as well as the type of integration needed (Fezile Dabi District Municipality

Draft Annual Report, 2015/2016: 23), and c) the Technical Intergovernmental Relations Forum between the District Municipality and the local municipalities within the District and other sectors.

However, the Fezile Dabi District Municipality's Draft Annual Report 2015/2016 reported that no district coordinating meetings were held during the period under review (Fezile Dabi Annual Report, 2015/2016: 24). It further reported that the Speaker's Intergovernmental Relations Forum conducted four meetings, and it provided the dates and venues of the meetings. Furthermore, the Fezile Dabi District Municipality Draft Annual Report 2015/2016 reported that the Technical Intergovernmental Relations conducted three meetings. All three dates and the venues of the meetings were provided (Fezile Dabi District Municipality Draft Annual Report, 2015/2016: 24).

The Fezile Dabi District Municipality's Draft Annual Report (2017/2018: 14) under Governance, Component B reported on the intergovernmental relations in the district and it stated that the intergovernmental relations within the district were mainly driven through the three intergovernmental structures during the period under review, namely, the District Coordinating Forum, the Speaker's Forum, and the Technical Intergovernmental Relations Forum. The responsibilities and activities of these forums were as follows during the reporting period under review (Fezile Dabi District Municipality: Draft Annual Report, 2017/2018: 14): the intergovernmental relations structures in the district are a) The District Coordinating Forum and its responsibility is to promote and facilitate intergovernmental relations and cooperate government between the District Municipality and its affiliated local municipality; b) the Speaker's forum and its objective is to provide for the sharing of ideas and the integration of municipal programmes and to identify areas of weakness, as well as the type of integration needed, and c) the Technical Intergovernmental Relations Forum between the District Municipality, Local Municipalities within the District and other sectors at the higher sphere of government (Fezile Dabi District Municipality: Draft Annual Report, 2017/2018: 14).

Furthermore, the Report stated that during the period 2017/2018 different intergovernmental relation structures scheduled meetings, as per the details outlined

in the Fezile Dabi District Municipality's Draft Annual Report (2017/2018: 15). However, no meetings were held in 2017/2018 for the District Coordinating Forum. For the Speaker's Forum, no details were provided in terms of meetings, dates and venues (Fezile Dabi District Municipality: Draft Annual Report, 2017/2018: 15). Regarding the Technical Intergovernmental Relations Forum, the Fezile Dabi District Municipality's Draft Annual Report (2017/2018: 15) reported that the Forum only held one meeting and the details of the meeting in terms of the date and venue were provided.

The Fezile Dabi District Municipality's Draft Annual Report (2018/2019: 19) provided the same context under Governance in Component B that dealt with Intergovernmental Relations in the Fezile Dabi District. The Fezile Dabi Annual Report 2018/2019 under Governance, Component B reported on intergovernmental relations in the District and it stated that it was mainly driven through the three intergovernmental structures during the period under review, namely, the District Coordinating Forum, the Speaker's Forum, and the Technical Intergovernmental Relations Forum. The responsibilities and activities of these forums were as follows during the reporting period under review. The intergovernmental relations structures in the district are a) the District Coordinating Forum and its responsibility is to promote and facilitate intergovernmental relations and cooperative government between the District Municipality and its affiliated local municipalities; b) the Speaker's Forum and its objective is to provide for the sharing of ideas and the integration of municipal programmes, and to identify areas of weakness, as well as the type of integration needed, and c) the Technical Intergovernmental Relations Forum between the District Municipality and Local Municipalities within the District and others sector at the higher sphere of government (Fezile Dabi District Municipality: Annual Report, 2018/2019: 19-20). The Report further stated that only one meeting of the Technical Intergovernmental Relations Forum was held and the details of the date and the venue were stated (Fezile Dabi District Municipality: Annual Report, 2018/2019: 20). The Report further stated that no meetings were held by the District Coordinating Forum and Speaker's Forum during the 2018/2019 period.

The Fezile Dabi District Municipality's Annual Report (2019/2020: 19) under Governance, Component B reported on intergovernmental relations in the District,

stating that intergovernmental relations within the District were mainly driven through the three intergovernmental structures during the period under review, namely, the District Coordinating Forum, the Speaker's Forum and the Technical Intergovernmental Relations Forum. The Fezile Dabi District Municipality via the utilisation of its intergovernmental relations function and established functions seeks to achieve the following: to promote horizontal and vertical partnership building towards coherent governance for the effective provision of municipal services and the realisation of the national priorities; coordinate and partake in district, provincial and national intergovernmental structures; the implementation, reporting and monitoring of the back to basics programme; to coordinate and facilitate good relationships with municipalities and the provincial and national spheres of government; to ensure that internal departments and sections build strategic developmental partnerships with their technical counterparts; to coordinate the sharing of the best practices, knowledge and information amongst municipalities; and to enhance both municipal human and financial resources capacity, leading to improved municipal service delivery.

The Fezile Dabi District Municipality's Annual Report (2019/2020: 20) further reported that the Technical Intergovernmental Relations Forum held eight meetings, with seven of these meetings being COVID-19 Technical Command Council meetings, and only one meeting being a Technical Intergovernmental Relations meeting. It mentioned all the details of these meetings in terms of the purpose, date, and venue. The Fezile Dabi District Municipality's Annual Report (2019/2020: 20) moreover stated that the District Coordinating Forum conducted eight meetings during the period under review. Seven of these meetings were Political COVID-19 Command Council meetings and one meeting was for a District Coordinating Forum meeting (Fezile Dabi District Municipality Annual Report 2019/2020: 20). The Fezile Dabi District Municipality's Annual Report (2019/2020: 20) provided the dates and venues of all these meetings. During 2019/2020, the Speaker's Forum conducted no meetings (Fezile Dabi District Municipality: Annual Report, 2019/2020: 20). Furthermore, the Fezile Dabi District Municipality's Final Annual Report (2020/2021: 18) reported that, during the period under review, the District Municipality held six District Coordinating Forum meetings. It outlined the purpose of the meetings, provided the dates of the meeting, and the venues where the meeting were held. The Report stated that only one Speakers' Forum meeting was conducted during the period under review (Fezile Dabi District

Municipality: Final Annual Report, 2020/2021: 19). Under the Technical Intergovernmental Relations Forum meetings, six meetings were reported with details such as the purpose of the meeting, the dates of the meeting, and the venues where the meetings were held. All the meeting were COVID-19 related meetings (Fezile Dabi District Municipality Final Annual Report, 2020/2021: 19).

In addition, the Fezile Dabi District Municipality's Draft Unaudited Annual Report (2021/2022: 18) stated that the District Coordinating Forum conducted two meetings during the financial year 2021/2022. It provided the details of the meetings, such as the purpose, the dates, and the venues where the meeting were held. Regarding the Speakers' Forum, the Fezile Dabi District Municipality's Draft Unaudited Annual Report (2021/2022: 18) reported that one meeting was conducted. The Report provided the details of the meeting; that is, the purpose of the meeting, the date, and the venue where the meeting was held. Regarding the Technical Intergovernmental Relations Forum, it was reported that it held two meetings; details such as the date, the purpose of the meeting, and the venue were provided (Fezile Dabi District Municipality Draft Unaudited Annual Report, 2021/2022: 18).

#### 4.3.2.2 Lejweleputswa District Intergovernmental Relations

According to the Lejweleputswa District Municipality's Draft Annual Report (2013/2014: 13), the District continued to sustain the use of intergovernmental relations structures in the Municipality to ensure that it saved scarce resources through sharing ideas and planning. The Lejweleputswa District Municipality was an integral player in an environment, which includes the provincial and the local spheres (Lejweleputswa District Municipality Draft Annual Report 2013/2014: 13). The Lejweleputswa District Municipality at a political level reported to structures established at provincial level and all the information required at that level was submitted by the Executive Mayor (Lejweleputswa District Municipality Draft Annual Report 2013/2014: 13). The Provincial Forum, where political leadership plays a pivotal role, specifically refers to structures such as Premier's Coordinating Forum, as well as the Executive Council on Local Government Affairs (MECLOGA) (2013/2014). Other forums where the Lejweleputswa District played a role were the Provincial Forum for CFOs, the Energy Forum, the Water Forum and the Provincial IDP Forum

(Lejweleputswa District Municipality Draft Annual Report 2013/2014: 13). The main activities of these forums are to align provincial service delivery goal and ensure that planning eventuates into a coordinated and common outcome (Lejweleputswa District Municipality Draft Annual Report 2013/2014: 14).

The Lejweleputswa District Municipality's Draft Annual Report (2016/2017: 53), under Component B of Intergovernmental Relations, stated that the District Municipality actively participated in National Intergovernmental Relations in collaboration with the Department of Cooperative Governance and Traditional Affairs through the Back to Basics Programme for the year under review (Lejweleputswa District Municipality Draft Annual Report, 2016/2017: 53). The District Municipality submitted all its monthly reports to the National Department of Co-operative Governance (2017/2018: 60). The Lejweleputswa District Municipality's Draft Annual Report (2016/2017: 54) further stated that the District Municipality actively participated in various provincial intergovernmental structures. Through this process, all agenda settings and engagement matters relating to the Lejweleputswa District Municipality and Local Municipalities in its area of jurisdiction were elevated to a provincial level (Lejweleputswa District Municipality Draft Annual Report, 2016/2017: 55).

In the District, the Lejweleputswa District Municipality as the custodian of Intergovernmental Relations Structures in the District facilitated the establishment of the following forums for better coordination with the five municipalities, namely: the Mayor's Forum, the Speaker's Forum, the Municipal Managers' Forum, the Internal Audit Forum, the Local Economic Development Managers' Forum, the Internal Audit Forum, the Performance Management Forum, and the Disaster Management Forum and the Labour Relations Forum (Lejweleputswa District Municipality Draft Annual Report, 2017/2018: 63). All these meetings' frequency was four, and they were reported to be functional and active (2016/2017: 55-56; 2017/2018: 63; 2018/2019: 61; 2019/2020: 59; 2020/2021: 61).

Moreover, the Lejweleputswa District Municipality's Annual Report (2017/2018: 61; 2018/2019: 59; 2019/2020: 57; 2020/2021: 60) stated that the major structure envisaged to promote and facilitate intergovernmental relations between the provinces and local government in the Province was the Premier's Intergovernmental Relations

Forum. The Lejweleputswa District Municipality actively participated in various provincial intergovernmental structures. In this regard, there was direct engagement on a political intergovernmental and senior management level with regard to the following provincial structures, namely, the District IDP, the Managers' Forum, the Local Economic Development Managers' Forum, the Intergovernmental Political Forum, the Intergovernmental Technical Forum, and the Mayors' Forum (2017/2018: 63; 2018/2019: 59; and 2020/2021: 61).

The Lejweleputswa District Municipality's Annual Report (2018/2019: 62; 2019/2020: 60; 2020/2021: 62; 2021/2022: 60) further stated that the District Municipality, via the utilisation of its intergovernmental relations function and established functions, sought to achieve the following: to promote horizontal and vertical partnership building towards coherent governance for the effective provision of municipal services and the realisation of national priorities; to coordinate and partake in the district, provincial and national intergovernmental structures (Lejweleputswa District Municipality Annual Report, 2018/2019: 59; 2019/2020: 57; 2020/2021: 59; 2021/2022: 57); the implementation, report and monitoring of the Back to Basics Programme; to coordinate and facilitate good relations with municipalities and provincial and national spheres of government; to ensure that internal departments and sections build strategic developmental partnerships with their technical counterparts; to coordinate the sharing of the best practices, knowledge and information amongst municipalities; and, to enhance both municipal human and financial resources capacity, leading to improved municipal service delivery (Lejweleputswa District Municipality Annual Report, 2018/2019: 59; 2019/2020: 57; 2020/2021: 59; 2021/2022: 57).

The Lejweleputswa District Municipality actively participated in various provincial intergovernmental structures. This allowed for a direct engagement on a political and senior management level with regard to the following provincial structures: the District IDP Managers' Forum, the LED Managers' Forum, the Chief Financial Officers' Forum, the Intergovernmental Technical Forum, and the Mayors' Forum (Lejweleputswa District Municipality Annual Report, 2018/2019: 59; 2019/2020: 57; 2020/2021: 60; 2021/2022: 58). Through this process, all the agenda settings and engagement matters relating to the Lejweleputswa District Municipality and Local Municipalities in its area of jurisdiction were evaluated to a provincial level (Lejweleputswa District

Municipality Annual Report, 2018/2019: 60; 2019/2020: 58; 2020/2021: 60; 2021/2022: 58). The following meetings are held quarterly: the Provincial IDP Forums, the Provincial IDP Assessment Panel, the Provincial Disaster Management Forums and the Provincial Performance Management Meeting (Lejweleputswa District Municipality Annual Report, 2018/2019: 60; 2019/2020: 58; 2020/2021: 60; 2021/2022: 58). The Lejweleputswa District Municipality attends this meeting to obtain guidance for the municipal planning processes, to report on the district planning process, to obtain financial support and technical support on the municipal IDP and public participation, to ensure alignment of policies with the national and provincial sector, and for the identification of capacity gaps, training and development (Lejweleputswa District Municipality Annual Report, 2018/2019: 60; 2019/2020: 58; 2020/2021: 60; 2021/2022: 58).

In addition, the Lejweleputswa District Municipality's Annual Reports (2018/2019: 60, 2019/2020: 58, 2020/2021: 60, and 2021/2022: 58) state that the District Municipality as a custodian of intergovernmental relations structures in the district has facilitated the establishment of 11 forums for better coordination with the five local municipalities. The Executive Mayor of the Lejweleputswa District Municipality envisaged the significance of intergovernmental relations politically, especially with local municipalities and with the district playing the oversight role (Lejweleputswa District Municipality Annual Report, 2018/2019: 60; 2019/2020: 58; 2020/2021: 60; 2021/2022: 58). The forums facilitated and coordinated by the Lejweleputswa District Municipality included the Mayors' Forum: the purpose of this forum is that the District Executive Mayors and Local Mayors meet to engage on governance (it meets four times in a year); and the Speaker's Forum: its frequency of meetings is also four times a year, its purpose is to identify and implement programmes, and it is chaired by the District Speaker. The Municipal Managers' Forum is chaired by the District's Municipal Manager. The frequency of the meetings for this forum is four times a year and its purpose is to discuss matters of municipal interest (Lejweleputswa District Municipality Annual Report, 2018/2019: 61; 2019/2020: 59; 2020/2021: 61; 2021/2022: 59).

The IDP Managers' Forum discusses IDP processes and alignment between the District and the Local Municipalities. It meets four times per annum and is chaired by the District IDP Manager. The LED Managers' Forum's purpose is to engage in ways

to improve economic projects and stimulate the local economy. It is composed of the District LED Manager, who is the chairperson of the Forum and the Local Municipalities' LED Managers. The LED Forum meets four times per annum (Lejweleputswa District Municipality Annual Report, 2018/2019: 61; 2019/2020: 59; 2020/2021: 61; 2021/2022: 59). The Internal Audit Forum sits four times per annum and it is chaired by the District Internal Audit Manager. The Forum discusses ways to improve audits of the municipalities and the Auditor-General's audit findings, and to exchange ideas on the best audit practices. Its composition includes the District Internal Audit Manager and the five Local Municipalities' internal audit managers (Lejweleputswa District Municipality Annual Report, 2018/2019: 62; 2019/2020: 60; 2020/2021: 62; 2021/2022: 59).

The Performance Management Forum meets four times per annum and is chaired by the District Performance Management Manager. The members of the Forum include the District Performance Manager and the five Local Municipalities' Performance Management Managers. The purpose of this forum is to engage in ways to improve the performance system, and report on the Auditor-General's Performance Findings (Lejweleputswa District Municipality Annual Report, 2018/2019: 62; 2019/2020: 60; 2020/2021: 62; 2021/2022: 60). The IGR Technical Forum consists of officials of both the Local Municipalities and the District. The Forum meets four times per annum to discuss issues of the Intergovernmental Relations Forum and best practices. The Forum is chaired by the District Municipal Manager (Lejweleputswa District Municipality Annual Report, 2018/2019: 62; 2019/2020: 60; 2020/2021: 62; 2021/2022: 60). The Waste Management Forum sit four times per annum to discuss waste management matters. Its composition includes the Provincial Waste Management Manager, the District Waste Management Managers, and Local Municipalities' Waste Management Managers. This forum is chaired by the District Waste Management Manager (Lejweleputswa District Municipality Annual Report, 2018/2019: 62; 2019/2020: 60; 2020/2021: 62; 2021/2022: 60). The Disaster Management Forum discusses disaster related issues and sits four times per annum. Its membership includes Provincial Disaster Management Managers, District Disaster Management Managers, and Local District Management Managers. The Forum is chaired by the District Disaster Management Manager (Lejweleputswa District Municipality Annual Report, 2018/2019: 62; 2019/2020: 60; 2020/2021: 62;

2021/2022: 60). The Labour Relations Forum sits four times per annum and its purpose is to discuss labour related matters. It is composed of the management and the employees' representatives (Lejweleputswa District Municipality Annual Report, 2018/2019: 62; 2019/2020: 60; 2020/2021: 62; 2021/2022: 60).

#### 4.3.2.3 Thabo Mofutsanyana District Intergovernmental Relations

The Thabo Mofutsanyana District Municipality's Draft Annual Report 2012/2013 stated nothing about its district intergovernmental relations. The Thabo Mofutsanyana District Municipality's Draft Annual Report 2013/2014 also stated nothing in relation to its district intergovernmental relations during the period under review. The Thabo Mofutsanyana District Municipality's Annual Performance Report (2015/2016) stated that in order to comply with the legislative requirements and fulfil its obligations in terms of cooperative governance and intergovernmental relations to improve service delivery to communities and to succeed in service delivery of government services requires an approach in which the three spheres work in partnership in terms of the principles of cooperative government and intergovernmental relations (Thabo Mofutsanyana District Municipality Annual Performance Report, 2015/2016: 42).

As part of complying with legislative requirements and the fulfilment of its obligations in terms of cooperative governance and intergovernmental relations, the Thabo Mofutsanyana District Municipality established a number of internal structures and systems, including an Intergovernmental Forum, which complies with the requirements of the Intergovernmental Relations Framework Act 2005 (Act 13 of 2005) namely, the Thabo Mofutsanyana District Mayors' Forum, which provides a technical support structure in terms of the aforementioned Act, for example, the Municipal Managers' Forum, the Chief Financial Officers' Forum, the District-wide Communication Forum, and other district-wide intergovernmental forums for specific purposes, for example, the Integrated Development Plan Forum, the Local Economic Development Forum, the District HIV/AIDS Council, the District-wide Water Forum, and the Batho Pele Forum (Thabo Mofutsanyana District Municipality Annual Performance Report: 2015/2016: 43).

The Thabo Mofutsanyana District Municipality's Annual Report (2016/2017: 41) under Component B, which talks about intergovernmental relations, stated that in order to comply with the legislative requirements and fulfil its obligations in terms of cooperative governance and intergovernmental relations, the Thabo Mofutsanyana District Municipality established a number of internal structures and systems, including an Intergovernmental Forum, which complies in all respects with the requirements of the Intergovernmental Relations Framework Act 13 of 2005 (Thabo Mofutsanyana District Municipality Annual Report, 2016/2017: 41). Moreover, the Thabo Mofutsanyana District Mayors' Forum and a number of technical support structures in terms of the aforementioned Act, for example, the Municipal Managers' Forum, the Chief Finance Forum, the District Communication Forum, and the District-wide Water Forum were established (Thabo Mofutsanyana District Municipality Annual Report, 2016/2017: 42).

The Thabo Mofutsanyana District Municipality's Annual Performance Report (2018/2019: 35) further stated that in order to comply with the legislative requirements and fulfil its obligations in terms of cooperative governance and intergovernmental relations to improve service delivery to communities and success in the service delivery of government services required an approach in which the three spheres worked in partnership in terms of the principles of cooperative government and intergovernmental relations. As part of complying with legislative requirements and fulfilment of its obligations in terms of Cooperative Governance and Intergovernmental Relations, the Thabo Mofutsanyana District Municipality had established a number of internal structures and systems, including an Intergovernmental Forum which complied with the requirements of the intergovernmental Relations Framework Act 2005 (Act 13 of 2005), plus the Thabo Mofutsanyana District Mayors' Forum, and technical support structures in terms of the aforementioned Act, for example, the Municipal Managers' Forum, the Chief Financial Officers' Forum, the District-wide Communication Forum, and other District-wide intergovernmental forums for specific purpose, for example, the Integrated Development Plan Forum, the Local Economic Development Forum, the District HIV/AIDS Council, the District-wide Water Forum and the Batho Pele Forum (Thabo Mofutsanyana District Municipality Annual Performance Report, 2018/2019: 35-36).

Section 3 of the Municipal Systems Act requires that municipalities exercise their executive and legislative authority within the constitutional systems of cooperative governance envisaged in Section 41 of the Constitution (Thabo Mofutsanyana District Municipality Annual Report, 2020/2021: 37). The Thabo Mofutsanyana District Municipality recognises the importance of intergovernmental relations to improve service delivery to communities. Success in the delivering of services to the nation requires an approach in which the three spheres of government work in partnership in terms of the principles of cooperative government and intergovernmental relations (Thabo Mofutsanyana District Municipality Annual Report, 2020/2021: 37).

In order to comply with the legislative requirements and fulfil its obligations in terms of cooperative governance and intergovernmental relations, the Thabo Mofutsanyana District Municipality established a number of internal structures and systems (Thabo Mofutsanyana District Municipality Annual Report, 2020/2021: 37): an Intergovernmental Forum, which complies in all respects with the requirements of the Intergovernmental Relations Framework Act (Act 13 of 2005), the Thabo Mofutsanyana Mayors' Forum, a number of technical support structures in terms of the aforementioned Act, for an example, the Municipal Managers' Forum, the District Communication Forum, the District-wide Water Forum, the District Batho Pele Coordinators' Forum, and the District LED Managers' Forum (Thabo Mofutsanyana District Municipality Annual Report, 2020/2021: 37). The Annual Report further stated that the Thabo Mofutsanyana District Municipality also envisaged to entrench other forums or structures, such as the District CFO's Forum, the District Human Resource Managers' Forum, and the District PMS Managers' Forum.

The Thabo Mofutsanyana District Municipality's Annual Performance Report (2021/2022: 35) stated that in order to comply with the legislative requirements and fulfil its obligations in terms of cooperative governance and intergovernmental relations to improve service delivery to communities, success in service delivery in government services to the nation required an approach in which the three spheres worked in partnership in terms of the principles of cooperative government and intergovernmental relations. As part of complying with legislative requirements and in fulfilment of its obligations in terms of cooperative governance and intergovernmental relations, the Thabo Mofutsanyana District Municipality established a number of

internal structures and systems, including an Intergovernmental Forum which complies with the requirements of the intergovernmental Relations Framework Act 13 of 2005, the Thabo Mofutsanyana District Mayors' Forum, and those that provide technical support structure in terms of the aforementioned Act, for example, the Municipal Managers' Forum, the Chief Financial Officers' Forum, the District-wide Communication Forum, and other district-wide intergovernmental forums for specific purpose, for example, the Integrated Development Plan Forum, the Local Economic Development Forum, the District HIV/AIDS Council, the District-wide Water Forum and the Batho Pele Forum (Thabo Mofutsanyana District Municipality Annual Performance Report, 2021/2022: 35).

#### 4.3.2.4 Xhariep Dabi District Intergovernmental Relations Forum

Chapter 2 of the Xhariep District Municipality's Annual Report (2013/2014: 28, 2015/2016: 20, 2018/2019: 20, 2020/2021: 21 & 2021/2022: 20) under Component B stated that Section 53 of the Municipal Systems Act required that municipalities exercised their executive and legislative authority within the constitutional system of cooperative governance envisaged in Section 41 of the Constitution. Intergovernmental Relations Forums are mainly informal, making the system flexible to respond to changing circumstances (Xhariep District Municipality Annual Report: 2013/2014: 28; 2015/2016: 20; 2018/2019: 20; 2020/2021: 21; 2021/2022: 20). The approach of the Act is therefore that it does not seek to govern the intergovernmental relations in its totality but provides only the broad framework in terms of which the spheres of government interact with one another. The Xhariep District Municipality does not participate in any national forum, except participating in meetings when invited by the National Department (Xhariep District Municipality Annual Report: 2013/2014: 28; 2015/2016: 20; 2018/2019: 20; 2020/2021: 21; 2021/2022: 20). The above information is supported by the Xhariep District Municipality's Annual Reports of 2013/2014: 29; 2015/2016: 20; 2018/2019: 21; 2020/2021: 22; 2021/2022: 21.

The Xhariep District Municipality's Annual Reports (2013/2014: 29; 2015/2016: 20; 2018/2019: 21; 2020/2021: 22; 2021/2022: 21) further stated that the Xhariep District Municipality is part of the Premier's Coordinating Forum, which is used to facilitate the intergovernmental relations between the province and the local government in the

Free State Province. The District also participates in the provincial forums, which include the Provincial IDP Forum, the Provincial Energy Forum, the Provincial AIDS Forum, as well as the South African Local Government Association (SALGA). The Annual Reports (2013/2014: 29; 2015/2016: 20; 2018/2019: 21; 2020/2021: 22; 2021/2022: 21) further stated that the role of the District was to serve as a consultative forum for the District Municipality and Local Municipalities to discuss and consult each other on matters of mutual interest, including the matters arising in the Premier's Intergovernmental Forum that affected the District (Xhariep District Municipality Annual Report: 2013/2014: 29; 2015/2016: 20; 2018/2019: 21; 2020/2021: 22; 2021/2022: 21), including the provision of services in the District and coherent planning and development in the District, and other matters of strategic importance which affected the interest of the municipalities in the District. This included information sharing, best practice, and capacity building (Xhariep District Municipality Annual Report: 2013/2014: 29; 2015/2016: 20; 2018/2019: 21; 2020/2021: 22; 2021/2022: 21). The meetings were held once a quarter, whereby the District Municipality was responsible for ensuring the coordination of intergovernmental relations within the District Municipality with Local Municipalities in the district (Xhariep District Municipality Annual Report: 2013/2014: 29; 2015/2016: 20; 2018/2019: 21; 2020/2021: 22; 2021/2022: 21).

The Xhariep District Coordinating Forum consisted of the Executive Mayor and three primary members, who were the local mayors, namely, the Mayor of Kopanang Local Municipality, Letsemeng Local Municipality, and Mohokare Local Municipality (Xhariep District Municipality Annual Reports, 2014/2015: 21; 2016/2017: 24; 2017/2018:21; 2019/2020: 20). The Technical Support Committee Forum consisted of the District Municipal Managers and three primary members (the Local Municipalities' Manager). The Forum must meet at least once a year with service providers and other role players concerned with development in the District to coordinate the effective provision of services and planning (Xhariep District Municipality Annual Report, 2014/2015: 21; 2016/2017: 24; 2017/2018: 21; 2019/2020: 20).

#### 4.3.2.5 Margaung Metropolitan Municipality Intergovernmental Relations

The Margaung Metropolitan Municipality participated in the intergovernmental forums at the national and provincial spheres of government (Margaung Metropolitan Municipality Draft Annual Report: 2013/2014: 18). The Margaung Metropolitan Municipality's Annual Report (2015/2016: 20) also reported that the Margaung Metropolitan Municipality participated in intergovernmental forum at the national and provincial level. It further emphasised that the Municipality participated actively in the Premier's Coordinating Forum and MECLOGA to raise challenges facing the Municipality with other municipalities, Provincial Government Departments and SALGA's Free State Chapter (Margaung Metropolitan Municipality Annual Report 2014/2015: 18; 2015/2016: 20; 2016/2017: 17).

The Margaung Metropolitan Municipality's Annual Reports (2014/2015: 18; 2015/2016: 20; 2016/2017: 17) further stated that the city was a member of the Forum of Heads of Departments in the Province. At the national level, the Municipality participated in Human Settlements and Cooperative Governance and Traditional Affairs MinMECs, which were the platforms to provide progress in implementing the Urban Settlement Development Grant (USDG), as well as Back to Basics Programme, and tease out the impact and outcomes thereof. The Margaung Metropolitan Municipality's Annual Reports (2014/2015: 18; 2016/2017: 17) also stated that the benefits of participating in these structures were highlighted in the opportunities to be harnessed by the Municipality in fostering strategic partnerships with government departments (Margaung Metropolitan Municipality Annual Report, 2014/2015: 18; 2016/2017: 17-18). In terms of the relationship with municipalities, the Margaung Metropolitan Municipality's Annual Reports (2014/2015: 18; 2015/2016: 20) stated that the Municipality had established a municipal entity, Centlec, to provide electricity services to its citizens and manage and maintain public lightning on behalf of the city. The decisions of Centlec were taken by a duly consulted Board of Directors and through the business plan and sale of business agreement the entity accounted to the city through the Executive Mayor (Margaung Metropolitan Municipality Annual Report, 2014/2015: 18; 2015/2016: 20-21; 2016/2017: 18).

The Mangaung Metropolitan Municipality's Draft Annual Reports (2018/2019: 20; 2019/2020: 35) and the Mangaung Metropolitan Municipality Consolidated Annual Report (2020/2021: 45) stated that the Mangaung Metropolitan Municipality participated actively in the Premier's Coordinating Forum and the Member of the Executive Council and Local Government (MECLOG) to raise challenges facing the Municipality with other municipalities, provincial government departments, and SALGA's Free State Provincial Chapter (Mangaung Metropolitan Municipality Draft Annual Report, 2018/2019: 20; Mangaung Metropolitan Municipality Annual Performance Plan, 2019/2020: 35; Mangaung Metropolitan Municipality Consolidated Annual Report: 2020/2021: 45). The Mangaung Metropolitan Municipality actively participated in the Forum of Heads of Departments in the Province, and in the Municipal Managers' Forum, the Provincial Integrated Development Plan Managers' Forum, as well as in the Provincial Performance Managers' Forum (Mangaung Metropolitan Municipality Annual Performance Report, 2019/2020: 35; Mangaung Metropolitan Municipality Draft Annual Report, 2018/2019: 20; Mangaung Metropolitan Municipality Consolidated Annual Report: 2020/2021: 45). The latter two are under the auspices of the Provincial Department of Cooperative Governance and Traditional Affairs (Mangaung Metropolitan Municipality Consolidated Annual Report: 2020/2021: 45). The city participates in Human Settlements, and Cooperative Governance and Traditional Affairs MinMECs, which are platforms to provide input in implementing the Urban Settlement Development Grant (USDG), as well as the Back to Basics Programme, and tease out the impact and outcomes thereof. The Mangaung Metropolitan Municipality also takes part in the circular 88 Metropolitan Forum that is constituted of the National Treasury, the South African Cities Network, Statistics South Africa, the Department of Planning, Monitoring and Evaluation, and all Metropolitan Municipalities (Mangaung Metropolitan Municipality, Annual Performance Plan: 2019/2020: 36; Mangaung Metropolitan Municipality Consolidated Annual Report: 2020/2021: 45). The benefits for participating in these structures is highlighted in opportunities being harnessed by the municipality in fostering strategic partnerships with government departments (Mangaung Metropolitan Municipality, Annual Performance Report 2019/2020: 36; Mangaung Metropolitan Municipality Consolidated Annual Report: 2020/2021: 45).

#### 4.4 Conclusion

This chapter began by offering reflections on the previous chapter. It further focused on data collection on the Intergovernmental Relations Forums in the Free State Province. Moreover, the chapter discussed the Intergovernmental Relations Forums in the Free State focusing on the Premier's Intergovernmental Forum. It also collected data on four District Intergovernmental Relations Forums in the Free State, namely, the Fezile Dabi District Coordinating Forum, the Lejweleputswa District Coordinating Forum, the Thabo Mofutsanyana District Coordinating Forum, and the Xhariep District Coordinating Forum. Lastly, the researcher collected data on the Intergovernmental Forum at the Mangaung Metropolitan Municipality. The researcher used the Intergovernmental Relations Framework Act 13 of 2005 and the Annual Performance Plans and the Annual Reports of different departments, District Municipalities, and the Mangaung Metropolitan Municipality to assist in assessing the level of governance in the Intergovernmental Relations Forums in the Free State.

These documents assisted the researcher greatly as they provided a clear understanding on matters concerning the Intergovernmental Relations Forums in the Free State Province and in the districts. The information collected from these official government documents all fell within a circle of ten years and each document used has been cited and referenced accordingly. This painted a picture of how the Province and the Districts approached and dealt with matters relating to Intergovernmental Relations Forums.

The data collected will form part of the discussions in the next and last chapter of this study. Chapter 5 will present the findings of the research based on the information collected. Recommendations will be made and these recommendations are anticipated to make a significant contribution to the field of intergovernmental relations in the Free State Province. In the next chapter, the conclusion of the study will also be drawn, and the main points of each chapter will be highlighted.

## **CHAPTER 5: THE FINDINGS, RECOMMENDATIONS AND CONCLUSION**

### 5.1 Introduction

The preceding chapter presented the detailed data collection for this study. This chapter will begin with providing an overview of the study, then it will move on to an analysis of the study, the findings of the study, the recommendations that will be linked to the identified findings, a summary of the study, and it will conclude by highlighting the contributions of the study. Yet, before that, it is important to state that the topic for this study is “Assessing the level of governance in the Intergovernmental Relations Forums in the Free State”. This topic was chosen because of the observation that the Free State Province is one of the provinces in South Africa that is greatly affected by service delivery challenges. This prompted the researcher to conduct a study to investigate and assess the level of governance in the Intergovernmental Relations Forums in the Free State. This research was undertaken to investigate the root causes of the above-mentioned observation and to contribute positively to the study of intergovernmental relations, particularly in the Free State.

In conducting this research, the following questions formed the basis of the study, namely, 1) Is intergovernmental relations policy and planning effected in the Free State? 2) Do the Intergovernmental Relations Forums in the Free State deliver on their mandate? 3) Do the Intergovernmental Relations Forums in the Free State monitor, support and develop interventions for municipalities? 4) What is the role of the Intergovernmental Relations Forums in the Free State in the decision-making and management of service delivery? 5) Do the Intergovernmental Relations Forums in the Free State contribute towards the development of the national report on intergovernmental relations? 6) Do the Intergovernmental Relations Forums in the Free State practice good governance?

The research objectives were: 1) To investigate whether intergovernmental relations policy and planning is effected in the Free State; 2) To determine whether the Intergovernmental Relations Forums in the Free State deliver on their mandate; 3) To evaluate whether the Intergovernmental Relations Forums in the Free State monitor, support and develop interventions to municipalities; 4) To research the role of

Intergovernmental Relations Forums in the Free State in the decision-making and management of service delivery; 5) To gauge whether intergovernmental relations in the Free State contribute towards the development of the national report on intergovernmental relations; and, 6) To assess the Intergovernmental Relations Forums in the Free State's practice of good governance.

The research questions were answered and the research objectives were reached by understanding the background of intergovernmental relations and the consistency of poor service delivery at the provincial and local levels of government in the Free State. The legislative prescripts, such as Chapter 3 of the Constitution (1996), the Intergovernmental Relations Framework Act 13 of 2005, the Local Government: Municipal Systems Act 32 of 2000, the Annual Performance Plans of government departments in the Free State, and the Annual Reports of the government departments, the district municipalities and one metropolitan municipality gave context and assisted greatly towards reaching these objectives of the study. The researcher achieved his objectives by conducting the research through desktop research by searching the Internet, sourcing official documents, articles, journals, and strategic documents, such as Annual Performance Plans and Annual Reports, both from the government departments and the district municipalities in the Free State.

The research question, namely, "Is the Intergovernmental Relations Policy and Planning effected in the Province?", commanded the researcher to formulate the objective to investigate whether the Intergovernmental Relations Policy and Planning are effected in the Free State. The objective was achieved through the assistance of the Intergovernmental Relations Framework Act and the Constitution. The researcher noted that the composition, mandate, roles, and agenda of the Intergovernmental Relations Forums were implemented, as stated in the Constitution and in the Intergovernmental Relations Framework Act, as stated in Chapter 2 and Chapter 3 of this study.

The research question, "Do the Intergovernmental Relations Forums in the Free State deliver on its mandate?", emanated from the observation of the status of service delivery in the Free State. This prompted the researcher to formulate the objective to determine whether the Intergovernmental Relations Forums in the Free State deliver

on their mandate so as to address this research question. The researcher achieved this objective by consulting the Intergovernmental Relations Framework Act 13 of 2005, mostly referred to in Chapter 2 under the theoretical framework of Intergovernmental Relations wherein it made mention of the mandates of various Intergovernmental Relations Forums. The mandate of Intergovernmental Relations Forums in the Free State was then assessed, as compared to the prescripts, which are the Intergovernmental Framework Act 13 of 2005 and the performance reports in the Annual Reports of the Premier's Intergovernmental Forum, the District Municipalities, and Mangaung Metropolitan Municipality in the Free State.

The research question, "Do the Intergovernmental Relations Forums in the Free State monitor, support and develop interventions to municipalities?", encouraged the researcher to develop the objective to evaluate whether the Forums in the Province monitor, support, and develop interventions for municipalities. Hence, the researcher established that the reports of the district municipalities reported nothing in terms of monitoring, supporting, and developing interventions, which were employed by the district municipalities under the auspices of the Intergovernmental Relations Forums. The objective was achieved as the researcher was able to confirm, using the district municipalities' annual reports, that none of the districts reported on matters relating to monitoring, support and interventions, which were developed in terms of intergovernmental relations.

The research question, "What is the role of the Intergovernmental Relations Forums in the Free State in decision-making and the management of service?", prompted the researcher to develop the objective to research the role of the Forums in the Province in decision-making and the management of services. This objective was achieved in Chapter 3 of this study where the roles of intergovernmental forums were discussed. However, the district municipalities' annual reports reflected no evidence of their Intergovernmental Relations Forums' role in the management of services.

The research question, "Do the Intergovernmental Relations Forums in the Free State contribute towards the development of national reports on intergovernmental relations?", allowed the researcher to arrive at the objective to gauge whether the Intergovernmental Relations Forums in the Free State contribute towards the

development of national reports on intergovernmental relations. The objective was achieved through conducting research on the reports of the Intergovernmental Relations Forums of the District Municipalities' annual reports and the provincial reports of the Department of the Premier and the Premier's Intergovernmental Forum. The District Intergovernmental Forums submit their reports to the Premier's Intergovernmental Forum, and the Premier's Intergovernmental Forum submits its reports to the President's Coordinating Council. This is according to the prescripts of the Constitution and the Intergovernmental Framework Act. In this study, this is stated in Chapter 3 and Chapter 4 under Intergovernmental Relations.

The research question, "Do the Intergovernmental Relations Forums in the Free State practice good governance?", allowed the researcher to arrive at the objective to assess whether Intergovernmental Relations Forums in the Free State practice good governance. The theoretical framework of governance in Chapter 2 of the study assisted the researcher greatly in achieving this objective. The researcher established that some elements of governance are practiced in the Intergovernmental Relations Forums in the Free State and that some elements of good governance were neglected. The concepts in Chapter 2 of the study were also visible in some of the Intergovernmental Forums' reports in Chapter 4 of this study. This enabled the researcher to logically articulate a view, perform an analysis, and formulate the discussion, findings and recommendations of this study.

## 5.2 Overview of the chapters

### 5.2.1 Overview of Chapter 2

Chapter 2 examined the keywords, namely, the theory, the concepts, and the model of intergovernmental relations and governance. In terms of the concepts of intergovernmental relations, this chapter focused on and discussed the intensity of the relations, governmental threshold size and governmental distance, power dependency, and bargaining power. The chapter also discussed the models of intergovernmental relations, both under a unitary state and in federal systems. Under the unitary state, the chapter discussed the agency model, the stewardship model, the power-dependency model, and the Marxist and dual-state model. Under the federal

system, the chapter discussed the following models, namely, the coordinate-authority model, the inclusive authority model, and the overlapping authority model. The chapter further discussed the theory of governance linked to the views of various authors. The approach in this chapter pertaining to the governance concepts included concepts such as accountability, transparency, the rule of law, good governance, participatory democracy, and network. The chapter concluded with a discussion of governance models, that is, the operational model, the collective model, the management model, and the results-based model. The discussions of the theories, concepts, and models of both intergovernmental relations and governance explained, indicated, and emphasised the importance and linkage to both intergovernmental relations and governance.

### 5.2.2 Overview of Chapter 3

This chapter discussed the Intergovernmental Relations Forums in South Africa. The chapter commenced by outlining the role of Intergovernmental Relations Forums, continued by discussing the internal rules for Intergovernmental Relations Forums, and concluded by discussing the composition, the mandate, the roles, the functions, and the agenda of Intergovernmental Relations Forums in South Africa. In discussing the composition, mandate, roles, functions, and agenda of Intergovernmental Relations Forums in South Africa, the chapter paid attention to the statutory Intergovernmental Relations Forums, specifically to the President's Coordinating Council, MinMEC, the Budget Council, the Local Government Budget Forum, the Forum of South African Directors-General, the Premier's Intergovernmental Forum, and the District Intergovernmental Forums. The chapter provided context on Intergovernmental Relations Forums in South Africa and offered a better understanding of these forums in South Africa. The discussion on the composition, mandate, roles, functions, and agenda was important precisely because it formed the basis for understanding these elements of intergovernmental relations in South Africa.

### 5.2.3 Overview of Chapter 4

This chapter examined the Intergovernmental Relations Forums in the Free State Province. This chapter formed the heart of the study as it dealt with the data collection

on Intergovernmental Relations Forums in the Free State. The data was collected from government departments, such as the Department of the Premier, and the Department of Cooperative Governance and Traditional Affairs in the Free State. Moreover, the data was collected from four district municipalities, namely, the Fezile Dabi District Municipality, the Lejweleputswa District Municipality, the Thabo Mofutsanyana District Municipality, and the Xhariep District Municipality. Furthermore, data was collected from the Mangaung Metropolitan Municipality. This data was sourced from official documents such as Annual Performance Reports and Annual Reports. Other data was sourced from the official websites of the institution concerned, as this study was a desktop study. The significance of this chapter to the study is that it assisted the researcher to understand different dynamics and the operations of the four district municipalities and one metropolitan municipality pertaining to the matters of Intergovernmental Relations Forums. Furthermore, the chapter contributed immensely to the researcher's ability to present the analysis and findings. Moreover, the chapter assisted the researcher to develop recommendations for the provincial government and its departments dealing with the Intergovernmental Relations Forums. The data collected from this chapter enabled the researcher to put forward contributions to the policy and intergovernmental relations framework.

### 5.3. Discussion

According to Bochel and Bochel (2018: 216), the agency model considers local authorities as subordinate to the central government, with little or no discretion in the implementation of national policies. The view of the researcher is that it may be true that the local authorities may be subordinate to the central government in implementing national policies, yet in terms of intergovernmental relations matters, the Act dictates that local municipalities participate in the District Intergovernmental Relations Forums. The District Intergovernmental Relations Forums are subordinate to the Premier's Intergovernmental Forum. Another fact is that the local authorities do not report directly to the central government, but through the Department of Cooperative Governance and Traditional Affairs. The Premier's Intergovernmental Forum is subordinate to the central government.

The stewardship theory is a framework that argues that people are motivated to work for others or for organisations to achieve the tasks and responsibilities with which they have been entrusted. Block (1993) states that the power lies with the steward, but the steward is completely willing to share his power with everyone in the organisation at every level, in such a manner that everyone is jointly responsible and accountable for the purpose of the organisation and the outcomes. This model is seen in intergovernmental relations where the national government gives provincial governments the powers to run their own Intergovernmental Relations Forums without any interference. Yet again, provincial governments afford local authorities, through District Intergovernmental Forums, to run their Intergovernmental Forums' business without any interference; this is in line with the Intergovernmental Relations Framework Act 13 of 2005. By doing this, it allows all the members of the Intergovernmental Forums in the province to perform their assigned tasks and responsibilities, as entrusted to them by the Act. This indicates that intergovernmental policy and planning has been effected in the Free State. Hence, it can be said that the stewardship model is thriving in the Intergovernmental Relations Forums in the Free State.

Under the partnership model, the partnership is a culture of cooperation wherein all members of the team are truly invested in the success of the business. In such businesses, all team members can be appointed partners, as it is a question of purpose, not seniority. This is seen in the Intergovernmental Relations Forums where the chairperson of the Forum is granted the power to invite whosoever he/she wishes to invite to a meeting of the Forum. These powers are granted to the chairperson by the Intergovernmental Relations Act. This is evidence that the partnership model is used in the Technical Intergovernmental Relations Forums.

Regarding the power dependency model, Bochel and Bochel (2018: 16) state that the model sees national government and local authorities as each having their own resources, such as legal, financial, knowledge and political, whilst Kahn *et al.* (2016: 41) highlight that the power dependency model pays particular attention to bargaining between the different levels of government. The power dependency model plays a part in the Intergovernmental Relations Forums in the following manner: the national government gives Municipal Infrastructure Grants to municipalities to perform special

projects. The Grant is specifically earmarked for special projects in the municipalities, as dictated by the national government. The mayors of local municipalities participate in the District Intergovernmental Forums to report on progress on how the Grant was used or how the Grant is going to be used, as dictated by the national government. This means that the national government has power over the local government and that it is dependent on the national government. Hence, this model does exist in Intergovernmental Relations Forums.

The Marxist and dual-state model's perspective on intergovernmental relations is that local government is one arm of the capitalist state, providing the conditions for continued capital accumulation and the maintenance of social order. It further applies a general theory of the capitalist state with little modification for what has become known as the local state. The linkage to intergovernmental relations in this model is that in the agenda of the Intergovernmental Relations Forums' meetings, the chairperson may opt to discuss the conditions for continued capital accumulation, as it is important for municipalities to raise their own revenue. Hence, this model is useful in intergovernmental relations.

Under the federal system of intergovernmental relations models, the coordinate model advocates for a non-interference paradigm of intergovernmental relations. This is observed in the Free State in the Office of the Premier. The data demonstrated that the Office of the Premier deals with intergovernmental relations by concentrating on international relations and leaving the issues of intergovernmental relations to the Provincial Department of Cooperative Governance and Traditional Affairs. In terms of intergovernmental relations in the Free State, the Department of the Premier is responsible for coordinating the Premier's Intergovernmental Forum and therefore does not interfere with the Intergovernmental Relations Forums in the districts in the Free State. This indicates that that non-interference is practiced in the Free State; thus, this model is practiced in intergovernmental relations in the Province.

With the inclusive authority model, Kahn *et al.* (2016: 43) state that the model works on the supposition that government entities interrelate like a circle in a Venn diagram. The area covered by each circle represents the proposition of power exercised by that jurisdiction in respect to the other. This is also witnessed in Intergovernmental

Relations Forums in the Free State. This is witnessed in the fact that the members of the Premier's Intergovernmental Forums and the District Intergovernmental Forums are inclusive; that everybody is included as per the Intergovernmental Relations Framework Act and any other entities may be invited as per the prerogative of the chairperson. Hence, it can be said that this model exists and is practiced in the Free State. Kahn *et al.* (2016: 43) further assert that the model demonstrates that sub-national governments are effectively subordinates of the national government with an insignificant or incidental impact on national politics, in general, and the public, in particular. This is witnessed when the national government allocates the budget and grants to the sub-national government to perform the national government duties and expects that, through the Intergovernmental Relations Forums in the sub-national governments, they must practice the objectives of the Intergovernmental Relations Framework Act on behalf of the national government.

The overlapping authority model manifests interdependent relationships and the authority pattern is characterised by bargaining or negotiating (Ikeanyibe *et al.*, 2019: 1045). The existence of nine provincial jurisdictions, 284 municipal jurisdictions, and a further subdivision of municipal jurisdictions into districts, and metropolitan and local municipality types, presents overlaps in terms of service delivery target areas (Mathebula, 2004: 127). This model shows that there are areas where a particular sphere has exclusive power. This power and influence are available to anyone whose jurisdiction is significantly limited by their inability to operate unilaterally, unless expressly set out or in law. This practice exists in the Intergovernmental Relations Forum where there is a Premier's Intergovernmental Forum in the provinces. The Premier's Intergovernmental Forum's jurisdiction falls within the perimeters of the province, but not in the district and the local municipalities, and the District Intergovernmental Forums operate under the jurisdiction of a district municipality within a specific province.

Kjar (2004: 10-11) states that governance is the capacity of government to make and implement policy, and to steer society. Among the different, relevant and important views of authors in this research, the discussion takes the approach of Lessassy (2022) on governance theory, which is unilateral governance by a company and bilateral governance. Unilateral governance is a formal control mechanism in nature

that is administered through a set of supplier-delivered rules. The bilateral approach suggests that control is based on relational norms of flexibility and solidarity, which the parties build upon to achieve common goals. Lessassy (2022) further described the bilateral approach as best reflecting the dynamics of the supplier and retailer under consideration.

The operation of the distribution channel is based on 1) incentive systems, 2) oversight procedures, and 3) means of enforcement. To ensure that there is consistent incentives to local municipalities, such as grants, effective and active Intergovernmental Relations Forums such as the Premier's Intergovernmental Forum and the District Intergovernmental Forums must exist. They must also adhere to the oversight procedures developed and aligned with the mandate, roles, functions, and agenda of the Intergovernmental Relations Forums, as per the prescripts of the Intergovernmental Relations Framework Act. The absence of the abovementioned distribution channel will render the Intergovernmental Relations Forums as practicing poor or bad governance, or even a lack of governance.

The governance concepts were used to assess the level of governance in the Intergovernmental Relations Forums in the Free State. In terms of accountability, as a concept of governance, the researcher concludes that accountability can be categorised in terms of horizontal, vertical, social, and political mechanisms. Accountability mechanisms are aimed at making organisations accountable, yet this can be effective only when people in those organisations perceive these mechanisms to exist and consequently adjust their behaviour in the desired direction. In the research, accountability is seen in the form of reporting on issues of the Intergovernmental Relations Forums, both at the level of the provincial government and District Intergovernmental Forums in the Free State. This form of reporting is reflected in the official documents of the provincial government and the district municipalities' annual reports.

Regarding transparency, it is considered as allowing those affected by administrative decisions to know about the resulting facts and figures, and about the process that resulted in those decisions. In terms of this concept of governance, the researcher found that the provincial government and the district municipalities are transparent

because they publicised their Intergovernmental Relations Forums' reports on their official websites and on official documents for public consumption.

Oxford Dictionary (n.d.) defines responsiveness as the ability to react quickly and in a positive way to something. Based on the data collected in this study, the provincial government has displayed an element of responsiveness as a governance concept because, in some of its reports, it set targets for Intergovernmental Relations Forums to curb the identified challenges. Yet some targets set by the provincial government in terms of Intergovernmental Relations Forums were not met. Moreover, the district municipalities' annual reports failed to provide evidence of their Key Responsibility Areas, Outputs, Inputs, and Targets. This is a clear indication that these district municipalities and the metropolitan municipality did not respond diligently to matters relating to their Intergovernmental Relations Forums since they were not able to reflect their Key Responsibility Areas, Outputs, Inputs, and Targets. This is evidence that responsiveness is not fully practiced by the Intergovernmental Relations Forums in the Free State.

The rule of law serves primarily to protect citizens from arbitrary and tyrannical intrusions by the state and its agents, and secondary, to provide citizens with equal protection under the law (Bevir, 2009: 183-184). Lacey (2019: 6-7) states that the rule of law inheres in a cluster of formal values such as clarity, non-retroactivity, publicity universality of reach, the possibility of compliance, and congruence between expressed law and official enforcement. The rule of law expresses not merely formal constraints but procedural commitments, which imply a certain interpersonal attitude. It is in this regard that an observation is made on this concept of governance – that it does prevail in the Intergovernmental Relations Forums in the Free State. The researcher also witnessed that Intergovernmental Relations Forums in the Free State are constituted under Chapter 3 of the Constitution (1996), as well as formulated according to the prescripts of the Intergovernmental Relations Framework Act 13 of 2005.

Governance is understood as a mechanism whereby social actors and state actors interact and coordinate to regulate issues of societal concern (Ulnicane *et al.*, 2021: 78). This was observed in the affairs and the establishment, composition, mandate,

role, and functions of the Intergovernmental Relations Forums in the Free State, where the state actors and the social actors form part of the Forums and, in most instances, the chairperson has the prerogative to invite anyone to be part of their meetings. Furthermore, Gisselquist (2012: 3) defines governance as the exercise of economic, political, and administrative authority to manage all levels of government. In this instance, it can be stated that good governance is practiced and addressed in intergovernmental relations in South Africa. The Intergovernmental Relations Forums across all three spheres of government are established based on economic, political, and administrative authority and, as such, discuss issues pertaining to the economy, politics, and administration in their sphere of operation.

The participatory democracy concept of governance gives citizens a vital role to play in the making of specific decisions through public discussions by means of public negotiation (Bevir, 2009: 147). The other way of thinking of it is as an alternative to representative democracy. In a representative democracy, citizens delegate the task of decision-making and policy implementation to elected officials and appointed bureaucrats (Bevir, 2009: 147). This concept of governance is a true reflection of how the members of Intergovernmental Relations Forums are constituted in all three spheres of government in South Africa. This confirms that good governance is practiced as per the Constitution (1996), and as well as per the prescripts of the Intergovernmental Relations Framework Act 13 of 2005.

Bevir (2009: 137-138) defined a network as a group of intergovernmental actors and the relationship among them. The use of the concept of a network to make sense of social coordination and governance is derived from organisational theory. The term 'network' refers to both the relationship among actors within an organisation and the relationship between various organisations. The interdependence of actors within a network also means that no actor can order the others to act in a certain way (Bevir, 2009: 98). This was evident in all the Intergovernmental Relations Forums, where all actors were at the same level, such as the Ministers, Premiers, MECs, and Mayors in their respective forums. They are from the same organisation, which in this instance is the government, and Intergovernmental Relations Forums are constituted as per the sphere of government, and no member instructs the other, but they are interdependent. This indicates that this concept of governance exists in all spheres of

government and it means that good governance prevails in terms of operating standards, as prescribed by the Constitution (1996) and the Intergovernmental Relations Framework Act 13 of 2005.

Models give us a straight point, which indicate how organisations need to improve. The governance model is a combination of policies, systems, and structures in the strategic and operational framework (The Diligent Corporation, n.d.). The governance model ensures that decision-making is effective and assigns accountability to the board or management. Hence, it is important that leaders, volunteers, and workers should follow the code of conduct of governance models, which incorporate ethics and integrity. It is for this reason that the level of governance in the Intergovernmental Relations Forums in the Free State was assessed to ascertain if there was good governance in their operations.

The Operational Model of Governance, as defined by Treacy and Wiersema (1995: 23), includes process flows, procedures, and reporting mechanisms that implement governance at the level of responsibility. Regarding the characteristics of this model, Chapter 3 and Chapter 4 of this study indicated that discussing the mandates, compositions, functions, roles, agendas and chairmanship of Intergovernmental Relations Forums was, in fact, dealing with the process flows and procedures, as articulated by Treacy and Wiersema (1995). Chapter 4 of this study deals specifically with the collection of data. The data collection entailed the last mechanism of the operational model of governance, which is reporting. The researcher is satisfied that the operational model of governance was evidenced in this study, specifically in Chapter 3 and Chapter 4.

The Collective Model or Collaborative Governance is an innovative model of governance, which is solutions-oriented with a focus on public value, where diverse stakeholders can work in partnership to improve the management of public resources and the delivery of services. This model is not seen in the Intergovernmental Relations Forums, which are governed by the Intergovernmental Relations Act; yet it appears in the non-statutory Intergovernmental Relations Forum and has been named the Technical Intergovernmental Relations Forum, which matches the characteristics of this model and exists to fulfil the purpose of the Collective or Bargaining Model.

According to the Management Model of governance, the board manages operations through a functional committee that may or may not have a staff coordinator. Rather than hiring paid employees to be responsible for human resources, fundraising, financial planning, and programmes, the board forms a committee to perform those duties. This model may be relevant to some institutions, organisations or government departments, but its characteristics are not applicable to Intergovernmental Relations Forums. Intergovernmental Relations Forums operate and perform their responsibilities as per the Constitution (1996) and the Intergovernmental Relations Framework Act 13 of 2005.

A Constituent Model is an approach used by publicly elected officials. Constituents' elected boards have the primary responsibility of balancing the interests of their constituents with the best interest of the organisation. This model is seen in Intergovernmental Relations Forums when they perform their responsibilities; these responsibilities assist the Forums in realising their interests; hence, this model exists in these forums.

The Traditional Model of governance is like the Management Model of governance in that in the Traditional Model the board governs and oversees operations through committees, which are established along functional lines, such as finance and human resources, but it delegates the management functions to the executive director. This model is not applicable to Intergovernmental Relations Forums.

The Results-Based Model is an administrative model in which all actions of the company should be the result of careful strategic planning and constant seeking to find the best possible results. This model aims to optimise the performance and growth of an organisation. This model of governance is not applicable to Intergovernmental Relations Forums. It would have to be combined with other models to suit the Intergovernmental Relations Forums in South Africa. The linkage of this model to these forums relates to the fact that their activities must be reported on in their strategic documents.

In policy governance (the Carver Model), the board governs through policies that establish organisational aims, governance approaches, and management limitations.

These policies should define the relationship of the board with the executive directors. The advisory board model is a model where a board is selected and nominated by the executive directors. In this model, the board members provide advice and rubber-stamp the executive director's recommendations. It is reasonable to conclude that the Traditional Model, the Advisory Model, the Policy Governance (the Carver Model), and the Results-Based Model do not possess the characteristics of intergovernmental relations, yet they are significant and they contribute to governance. For the models to be applied in Intergovernmental Relations Forums, the chairpersons of these forums could invite the CEOs of organisations, where the models are used, to address their meetings.

The researcher submits that the Intergovernmental Relations Forums in the Free State and South Africa were established as per the Constitution (1996). Furthermore, the researcher emphasises that the establishment of the Intergovernmental Relations Forums' mandates, functions, roles and agendas was per the prescripts of the Intergovernmental Relations Framework Act 13 of 2005. Moreover, a level of governance, through its concepts and models, is observed in the Intergovernmental Relations Forums in the Free State. The discussion further indicates how the theory, concepts and models of intergovernmental relations and governance are interrelated in the study.

## 5.4 Findings

### 5.4.1 The Department of Cooperative Governance and Traditional Affairs

The Department of Cooperative Governance and Traditional Affairs' Annual Performance Plans (2015/2016; 2016/2017; 2018/2019), under the Strategic Objective of Cooperative Governance and Service Delivery through effective community participation, stated that Non-Standardised Performance Indicators and Targets are to monitor the functionality of the District Intergovernmental Relations Structures; the targets in this regard were 4. The targets for the same strategic objective in 2017/2020 for the Department of Cooperative Governance and Traditional Affairs were maintained at 4. The study found that the Department of Cooperative Governance and Traditional Affairs, under the target 'Monitoring the functionality of

the District Intergovernmental Relations Structures', met all the targets as stated in the Department's Annual Performance Plan. However, in the District Intergovernmental Forums it was reported in only one District Municipality's Annual Report that a target of six District Intergovernmental Forums was achieved in a particular financial year, and in the rest of the financial years, no District Intergovernmental Forums met the target of four meetings, as per the Act. Yet, the Department of Cooperative Governance and Traditional Affairs Performance Report 2017/2020 reported that all targets were met.

#### 5.4.2 Premier's Coordinating Forum

The objectives of the Department of the Premier's Programme, Policy and Governance, had four Strategic Objectives. One of the objectives was Intergovernmental Relations and its Strategic Objective was to coordinate intergovernmental relations between the Free State Provincial Government and other spheres of government and to deal with international relations; its target was 20 (The Department of Premier Annual Performance Plan, 2012/2013). The researcher found that this was just a plan with targets, as the Department of the Premier's Annual Report in 2018/2019 for the first time reported on the Premier's Coordinating Forum's facilitation and coordination. This means that there was inferior performance and negligence on the side of the Premier's Coordinating Forum regarding facilitation and coordination. The Act was first enacted in 2005, yet it took some 12 years for the Department of the Premier's Intergovernmental Forum in the Free State to be facilitated and coordinated.

The Department of the Premier's Annual Performance Plan 2018/2019-2020/2021 stated that the Department of the Premier in the Free State was responsible to give effect to relevant legislation guiding intergovernmental relations, as well as a specific mandate in respect of the coordination of special programmes focusing on gender, youth, the elderly, and people with disabilities. The researcher established that the Output had a target of one in the 2020/2021 financial year, and this target was achieved (The Department of the Premier Annual Performance Plan, 2020/2021: 48).

The Department of the Premier's Annual Performance Plan 2018/2019, under the Premier's Coordinating Forum, had a target of four for facilitation and coordination. In the 2018/2019 Department of the Premier's Annual Report it was reported that in the financial years 2015/2016 and 2016/2017 there was no target; this could mean that the Premier's Coordinating Forum's facilitation and coordination were not given much attention or that it was only reported on in the financial years 2017/2018 and 2018/2019; hence, it then started to take matters the Forum facilitated and coordinated seriously. The Report further revealed that in the financial year 2017/2018 the Premier's Coordinating Forum met its target of Premier's Intergovernmental Forums that were facilitated and coordinated; yet the following financial year, which is in 2018/2019, only three Premier's Intergovernmental Forums were facilitated and coordinated. The Department of the Premier's Annual Report for 2019/2020 reported nothing on the Premier's Intergovernmental Forums, which were facilitated and coordinated.

Under the Output: Tracking and Accountability System Established, the indicator stated that the system development was to ensure that resolutions of the Exco, the Premier's Intergovernmental Forum, the Clusters and the Forum of Heads of Departments were committed to and implemented by provincial departments; the annual target was one (Department of the Premier's Annual Performance Plan, 2021/2022). The researcher found that regarding the aforementioned Output, in the 2021/2022 Premier's Annual Report, no mention was made of the Output. It could be surmised that this could be because the Output was not reached.

#### 5.4.3 Fezile Dabi District Intergovernmental Forum

The objectives of the District Intergovernmental Forum are listed as promoting and facilitating intergovernmental relations and cooperative government between the District Municipality and Local Municipalities, yet none of the Fezile Dabi District Municipality's Annual Reports reported any information on these objectives.

The Fezile Dabi District Municipality's Annual Report 2012/2013 reported that the Fezile Dabi District Municipality sees the Intergovernmental Relations between the

spheres of government as a crucial tool to enhance and speed up service delivery. Yet the report presented nothing that speaks to the statement.

The Fezile Dabi District Municipality's Annual Reports reported the number of meetings conducted in the financial years, yet no dates and venues of the meetings were provided. The Fezile Dabi District Municipality Annual Reports further indicated that it used the Speaker's Forum as a District Intergovernmental Forum, but this is not according to the Intergovernmental Relations Framework Act.

Moreover, the Fezile Dabi District Municipality's Annual Reports were not consistent in the way the reports were presented. In some financial years, the reports included the purpose of the meeting, and in some financial year the reports omitted the same information.

In addition, some of the Fezile Dabi District Municipality's Annual Reports stated that no District Intergovernmental Forum meetings were held in a certain financial year, whilst in other financial years meetings were conducted and the number of meetings was high.

Finally, the Fezile Dabi District Municipality's Annual Reports on the District Intergovernmental Forums did not reflect a synopsis of the issues discussed, the progress, or the resolutions.

#### 5.4.4 Lejweleputswa District Intergovernmental Forum

The Lejweleputswa District Municipality's Annual Reports reported that it continued to sustain the use of the District Intergovernmental Forum structure in the District Municipality to ensure that it saved scarce resources through the sharing of ideas and planning by acknowledging that the customer was number one. This statement was not justified as the Annual Reports never indicated how scarce resources were saved through the sharing of ideas or how the planning was done.

The Lejweleputswa District Municipality's Annual Reports further stated that at a political level, it reported to the structures established at the provincial level and all

information required at that level was submitted by the Executive Mayor. The Reports did not state the number, dates, and venues of the meetings that were attended at the provincial level or the name of the reports.

Moreover, the Lejweleputswa District Municipality's Annual Reports stated that the District participated in various Provincial Intergovernmental Forum meetings, but the names of the Forums were not mentioned, together with no dates of the meetings, the venues, or what was discussed in the meetings.

According to the Lejweleputswa District Municipality's Annual Reports (2018/2019; 2019/2020; 2020/2021; 2021/2022) the District Municipality via intergovernmental relations established functions that sought to achieve the following: 1) To promote the horizontal and vertical partnership building towards coherent governance for the effective provision of municipal services and the realisation of national priorities, 2) To coordinate and partake in the district, provincial and national intergovernmental structures on the implementation, reporting, and monitoring of the Back to Basics Programme, 3) To coordinate and facilitate good relations with municipalities and the provincial and national spheres of government, 4) To ensure that internal departments and sections build strategic developmental partnerships with their technical counterparts, 5) To coordinate the sharing of best practices, knowledge, and information among municipalities. The aforementioned is not according to the objectives of the Intergovernmental Relations Framework Act. Moreover, no progress or performance report responded to the abovementioned objectives. Another finding is that most of the information reported under intergovernmental relations in the Lejweleputswa District Municipality's Annual Reports is repeated in several Annual Reports of the District Municipality.

#### 5.4.5 Thabo Mofutsanyana District Intergovernmental Forum

The Thabo Mofutsanyana District Municipality's Annual Reports for 2012/2013 and 2013/2014 reported nothing in terms of intergovernmental relations in the district. The 2015/2016 Thabo Mofutsanyana District Municipality Annual Report reported that to comply with the legislative requirements and fulfil its obligations in terms of Cooperative Governance and Intergovernmental Relations to improve service delivery

to communities, success in service delivery of government services to the nation requires an approach in which the three spheres work in partnership in terms of the principles of cooperative government and intergovernmental relations. The study found that this statement was repeated in a number of the Thabo Mofutsanyana District Municipality's Annual Reports, such as 2016/2017, 2018/2019, and 2020/2021. Yet no report ever unpacked how this was, or could, be achieved.

The Thabo Mofutsanyana District Municipality established a number of internal structures and reported on these structures under intergovernmental relations in its annual reports. This is inappropriate as the Thabo Mofutsanyana District Municipality's Annual Reports should separate, emphasise and specify the statutory and non-statutory Intergovernmental Relations Forums as per the Intergovernmental Relations Framework Act. The Thabo Mofutsanyana District Municipality's Annual Reports also did not reflect on how many District Intergovernmental Forum meetings it held. Hence, this is just a report on intergovernmental relations for compliance purposes.

#### 5.4.6 Xhariep District Intergovernmental Forum

The Xhariep District Municipality's Annual Reports (2013/2014; 2015/2016; 2018/2019; 2020/2021; 2021/2022) under 'Intergovernmental Relations' reported that the District Municipality did not participate in any national forums, except when invited. Moreover, none of the Annual Reports indicated whether any meetings had taken place. The Xhariep District Municipality also did not report any participation in national meetings. The abovementioned information on 'Intergovernmental Relations' appears in all the Xhariep District Municipality's Annual Reports; this could mean that the reports are a cut and paste. Although some information differed, the most of information in all the reports was the same.

In addition, the Xhariep District Municipality's Annual Reports (2013/2014; 2015/2016; 2018/2019; 2020/2021; 2021/2022) under 'Intergovernmental Relations' reported that the District Municipality was part of the Premier's Intergovernmental Forum. However, the reports did not indicate how many meetings were attended, the dates or the venues of the meetings, a synopsis of the resolutions, and whether the Xhariep District Municipality's Reports were submitted to the Premier's Intergovernmental Forum. The

Xhariep District Municipality's Annual Reports (2013/2014; 2015/2016; 2018/2019; 2020/2021; 2021/2022) further stated that the role of the District Intergovernmental Forum was to serve as a consultative forum for the district municipality and local municipalities to discuss and consult each other on matters of mutual interests, including matters arising at the Premier's Intergovernmental Forum affecting the district; the provision of services in the district; and, any other matters of strategic importance which are of interest for the municipalities in the district, such as information sharing, best practice, and capacity building. However, the Xhariep District Municipality's Annual Reports (2013/2014; 2015/2016; 2018/2019; 2020/2021; 2021/2022) did not reflect (or report on) performance in terms of these roles under intergovernmental relations.

#### 5.4.7 Mangaung Metropolitan Municipality Intergovernmental Relations

In terms of intergovernmental relations, the study established that the Mangaung Metropolitan Municipality reported its participation in the national and provincial intergovernmental forums, such as the Forum for Heads of Department, the Forum for Human Settlements and Cooperative Governance and Traditional Affairs, and MinMEC, which are the platforms to provide progress in implementing the Urban Settlement Development Grant and Back to Basics Programme, yet none of the Municipality's Annual Reports reflected this. The Annual Reports further stated that the Metropolitan Municipality established a municipal entity, Centlec, to provide electricity services to citizens; this is reported under 'intergovernmental relations', but it is not relevant as it has nothing to do with intergovernmental relations.

### 5.5 Recommendations

#### 5.5.1 The Department of Cooperative Governance and Traditional Affairs

The study found that the Department of Cooperative Governance and Traditional Affairs under the target 'Monitoring the functionality of the District Intergovernmental Relations Structures' met all its targets as stated in the Department's Annual Performance Plan. However, in the Free State District Intergovernmental Forums it was reported in only one District Municipality's Annual Report that a target of six

District Intergovernmental Forums was achieved in one financial year, but in the rest of the financial years, no District Intergovernmental Forum met the target of four meetings per year, as per the Act. Yet, the Department of Cooperative Governance and Traditional Affairs' Performance Report for 2017/2020 reported that all targets were met. **Recommendation:** The researcher recommends that the Department of Cooperative Governance and Traditional Affairs be transparent and that it reports accurately on the status quo.

### 5.5.2 The Department of the Premier

The Department of the Premier's Annual Performance Plan 2018/2019-2020/2021 stated that the Department of the Premier in the Free State was responsible to give effect to relevant legislation guiding intergovernmental relations, as well as a specific mandate in respect of the coordination of special programmes focusing on gender, youth, the elderly, and the disabled. The researcher established that the Output had a target of one in the 2020/2021 financial year and that this target was achieved (The Department of the Premier Annual Performance Plan, 2020/2021: 48). **Recommendation:** The Department of the Premier is to include or develop an output that speaks to the implementation of the guidelines on the Provincial Framework for Intergovernmental Relations.

### 5.5.3 Fezile Dabi District Intergovernmental Forum

The researcher established that the objective of the District Intergovernmental Forum was listed as to promote and facilitate intergovernmental relations and cooperative government between the Fezile Dabi District Municipality and Local Municipalities. However, none of the Fezile Dabi District Municipality's Annual Reports reported any information on this objective. **Recommendation:** The researcher recommends that under 'intergovernmental relations', the objectives of the District Intergovernmental Forums should form part of the Annual Reports of the Fezile Dabi District Municipality.

The researcher further established that the Fezile Dabi District Municipality's Annual Report 2012/2013 reported that the District Municipality considered intergovernmental relations between the spheres of government as a valuable tool to enhance and speed

up service delivery. Yet, the Annual Report presented nothing that speaks to this statement. **Recommendation:** Moving forward, all Fezile Dabi District Municipality's Annual Reports should report on the aforementioned.

Moreover, the researcher found that the Fezile Dabi District Municipality's Annual Reports reported on the number of meetings conducted in different financial years, yet no dates and venues of the meetings were provided. **Recommendation:** The researcher recommends that meetings be conducted as per the prescripts of the Act per financial year, with the dates and venues of the meetings provided.

The researcher further established that the Fezile Dabi District Municipality's Annual Reports indicated that it used the Speaker's Forum as the District Intergovernmental Forum, but this is not according to the prescripts of the Intergovernmental Relations Framework Act. **Recommendation:** The researcher recommends that the Fezile Dabi District Municipality, under intergovernmental relations, must not use the Speaker's Forum for the purposes of the District Intergovernmental Forum.

Moreover, the researcher found that the Fezile Dabi District Municipality's Annual Reports were not consistent in the way the reports were presented. In some financial years, the reports included the purpose of the meeting, and in some financial years' reports it was omitted. **Recommendation:** The researcher recommends that a standard template be developed and used consistently in all matters of the District Intergovernmental Forums in the Fezile Dabi District Municipality.

Furthermore, the researcher ascertained that some Fezile Dabi District Municipality Annual Reports reported that no District Intergovernmental Forum meetings were held in a certain financial year, whilst in other financial years meetings were conducted, and the number of meetings was high. **Recommendation:** The researcher recommends that the Premier, as the chairperson of the Premier's Intergovernmental Forum, should intervene, support, and provide leadership where challenges were detected.

In addition, the researcher established that in the Fezile Dabi District Municipality's Annual Reports on the District Intergovernmental Forum, the reports did not reflect a

synopsis of the issues discussed, progress, or resolutions. **Recommendation:** The researcher recommends that all Fezile Dabi District Municipality Annual Reports under 'District Intergovernmental Relations' must develop a template where issues discussed, progress made, and resolutions reached should be reflected.

#### 5.5.4 Lejweleputswa District Intergovernmental Forum

The researcher determined that the Lejweleputswa District Municipality's Annual Reports stated that it continued to sustain the use of the District Intergovernmental Forum structure in the District Municipality to ensure that it saved scarce resources through the sharing of ideas and planning. The statement could not be validated as nowhere in the Reports was it indicated how the scarce resources were saved through the sharing of ideas or how the planning was done. **Recommendation:** The researcher recommends that the Fezile Dabi District Municipality's Annual Reports must include a report on where scarce resources were saved through the sharing of ideas and planning.

Moreover, the researcher established that the Lejweleputswa District Municipality's Annual Reports stated that at a political level it reported to the structures established at the provincial level and all information required at that level was submitted by the Executive Mayor. The Reports do however not state the number, dates, and venues of the meetings that were attended at a provincial level, or the name of the reports submitted by the Executive Mayor. **Recommendation:** The researcher recommends that details, such as the number of meetings, the dates of the meetings, and the venues where meetings were held must form part of the contents of the report that goes to all the structures it reports to.

Furthermore, the researcher found that the Lejweleputswa District Municipality's Annual Reports stated that the District participated in various provincial intergovernmental forums, but the names of those intergovernmental forums were not mentioned, with no dates of the meetings and the venues, and what was discussed in the meetings. **Recommendation:** The researcher recommends that in its Annual Reports, the Lejweleputswa District Municipality must make mention of all the

intergovernmental forums it participated in, with dates, venues, discussions, and resolutions.

The researcher also determined that the Lejweleputswa District Municipality's Annual Reports (2018/2019; 2019/2020; 2020/2021; 2021/2022) stated that the District Municipality established the following intergovernmental relations' functions: 1) To promote horizontal and vertical partnership building towards coherent governance for the effective provision of municipal services and the realisation of national priorities, 2) To coordinate and partake in the district, provincial and national intergovernmental structures, and to implement, report on, and monitor the Back to Basics Programme, 3) To coordinate and facilitate good relations with municipalities and the provincial and national spheres of government, 4) To ensure that internal departments and sections build strategic developmental partnerships with their technical counterparts, and 5) To coordinate the sharing of the best practices, knowledge, and information among municipalities. This does not correspond with the objectives of the Intergovernmental Relations Framework Act, and moreover, there was no progress or performance report that responded to the aforementioned objectives. **Recommendation:** The researcher recommends that the Lejweleputswa District Municipality's Annual Reports, under intergovernmental relations, must outline the objectives and mandates of the District Intergovernmental Forums and report on their activities as per the objectives and mandate of these forums.

In addition, the researcher established that most of the information reported under the 'Intergovernmental Relations' in the Lejweleputswa District Municipality's Annual Report was repeated in several different annual reports of the District Municipality. **Recommendation:** The researcher recommends that only the objectives and mandate of the District Intergovernmental Forum must be repeated in every Annual Report for the purpose of giving context. Furthermore, a report must reflect the activities, performance, and achievements of the District Intergovernmental Forum.

#### 5.5.5 Thabo Mofutsanyana District Intergovernmental Forum

The researcher established that the Thabo Mofutsanyana District Municipality's Annual Reports for 2012/2013 and 2013/2014 reported nothing in terms of

intergovernmental relations in the District. The 2015/2016 Thabo Mofutsanyana District Municipality Annual Report reported that to comply with the legislative requirements and to fulfil its obligations in terms of Cooperative Governance and Intergovernmental Relations to improve service delivery to communities, success in the service delivery of the government to the nation required an approach in which the three spheres worked in partnership in terms of the principles of cooperative government and intergovernmental relations. The study ascertained that this statement was repeatedly made in a number of Thabo Mofutsanyana District Municipality Annual Reports, namely, 2016/2017, 2018/2019, and 2020/2021. Yet no report ever unpacked how this statement would be achieved. **Recommendation:** The researcher recommends that moving forward, the Thabo Mofutsanyana District Municipality's Annual Reports must under 'Intergovernmental Relations' report on how it complies with the legislative requirements.

The researcher further determined that the Thabo Mofutsanyana District Municipality established a number of internal structures and reported these structures under 'Intergovernmental Relations' in their Annual Reports. **Recommendation:** The researcher recommends that the Thabo Mofutsanyana District Municipality's Annual Reports should separate, emphasise, and specify the statutory and the non-statutory intergovernmental relations forums, as per the Intergovernmental Relations Framework Act.

Additionally, the researcher found that the Thabo Mofutsanyana District Municipality's Annual Reports did reflect how many District Intergovernmental Forum meetings it had conducted. **Recommendation:** The researcher recommends that the Thabo Mofutsanyana District Municipality develop a template with objectives as the Key Responsibility Areas. It must have columns for Inputs, Activities, Targets, and Outputs, which reflect how many meetings were conducted and the purpose of the meetings, together with dates, venues, discussions, progress, and resolutions.

#### 5.5.6 Xhariep District Intergovernmental Forum

The researcher established that the Xhariep District Municipality's Annual Reports (2013/2014; 2015/2016; 2018/2019; 2020/2021; 2021/2022) under 'intergovernmental

relations' reported that the District Municipality did not participate in any national forums, except when invited. The researcher found that none of the aforementioned reports indicated whether meetings took place during the year mentioned in the annual reports. In its reports, the Xhariep District Municipality also did not report any participation in national meetings. The above information appears as is in all the Xhariep District Municipality's Annual Reports; this could mean that the reports are a cut and paste, as the information is the same in all the reports.

The researcher further determined that the Xhariep District Municipality (2013/2014; 2015/2016; 2018/2019; 2020/2021; 2021/2022) under 'Intergovernmental Relations' reported that the District Municipality was part of the Premier's Intergovernmental Forum. However, the reports did not indicate how many meetings were attended, the dates and venues of the meetings, the synopsis of the resolutions, and whether the Xhariep District Municipality's Report was submitted to the Premier's Intergovernmental Forum. **Recommendation:** The researcher recommends that the Xhariep District Municipality in its reporting template must report on the District Intergovernmental Forums meetings. It must have columns for Inputs, Activities, Targets and Outputs, which reflect on how many meetings were conducted, the purpose of the meetings, together with dates, venues, discussions, progress, and resolutions.

The Xhariep District Municipality's Annual Reports (2013/2014; 2015/2016; 2018/2019; 2020/2021; 2021/2022) stated that the role of the District Intergovernmental Forums was to serve as a consultative forum for the District Municipality and Local Municipalities to discuss and consult each other on matters of mutual interest, including matters arising from the Premier's Intergovernmental Forum that affect the district; the provision of services in the District; and, any other matters of strategic importance that were of interest to the municipalities in the District, such as information sharing, best practice, and capacity building. **Recommendation:** The researcher recommends that the Xhariep District Municipality, under 'Intergovernmental Relations', must report on matters of the consultative forum in the district and local municipalities, matters of mutual interest, matters arising at the Premier's Intergovernmental Forums affecting the District, and matters of strategic

importance. This must all be reflected in the Xhariep District Municipality's Annual Reports.

#### 5.5.7 Mangaung Metropolitan Municipality Intergovernmental Relation

The researcher found that in terms of intergovernmental relations, the Mangaung Metropolitan Municipality reported on its participation in national and provincial intergovernmental forums, such as Forum for Heads of Department, the Forum for Human Settlements and Cooperative Governance and Traditional Affairs, and MinMEC, which are platforms at which to report on progress in implementing the Urban Settlement Development Grant and Back to Basics Programme, yet none of the Municipality's Annual Reports reflect such reports. **Recommendation:** The researcher recommends that the status of all such reports must be fully reported on in the Mangaung Metropolitan Municipality's Annual Report.

The Annual Reports further indicated that the Metropolitan Municipality established a municipal entity, Centlec, to provide electricity services to citizens, yet this is reported under 'Intergovernmental Relations', where it is not relevant. It has nothing to do with intergovernmental relations. **Recommendation:** The researcher recommends that the information about Centlec is reported elsewhere in the Mangaung Metropolitan Municipality's Annual Report, but not under 'Intergovernmental Relations'.

Over and above, the researcher recommends that the Free State Government develop a Provincial Intergovernmental Relations Forums Policy, which will be aligned to the Intergovernmental Relations Framework Act 13 of 2005. The policy would assist in the coordination and facilitation of the Intergovernmental Relations Forums in the Province.

The researcher further recommends the Free State Provincial Government, through the Department of Cooperative Governance and Traditional Affairs, develop a standard reporting template for intergovernmental forums to encourage and promote uniform reporting in all matters of intergovernmental forums in the Free State. The reporting template must include the following columns, namely, Targets, Date of the meetings, Venue, Discussions, Resolutions, Progress, and Achievements. This would

assist the intergovernmental forums to report as per the objectives of the Intergovernmental Relations Framework Act.

Moreover, the researcher recommends that the objectives of the Intergovernmental Relations Framework Act be translated into the Key Responsibility Areas of the intergovernmental forums. This would assist the intergovernmental forums to report as per the objectives of the Intergovernmental Relations Framework Act. It would also assist in measuring the performance of the forums and their reporting. It would further contribute significantly towards the governance of the intergovernmental forums.

In addition, the researcher recommends that the agenda of the intergovernmental forum's meetings be standard (aligned to the mandate, roles, and functions of the forums as per the objectives of the Intergovernmental Relations Framework Act) among all the intergovernmental forums in the Free State. This would allow all the forums to address the purpose that they were established for and it could improve their governance.

The researcher finally recommends that all District Intergovernmental Forums report on their performance annually in their District Municipality's Annual Reports and to the Premier's Intergovernmental Forum. This would assist the District Intergovernmental Forums to report as per the objectives of the Intergovernmental Relations Framework Act.

## 5.6 Contributions of the study

This study endeavoured to address numerous gaps and, in doing so, make an important contribution. Based on the identified gaps, the following research contributions were identified. Firstly, no previous study (to the best of the researcher's knowledge and through search in peer-reviewed databases) has empirically explored the assessing of the level of governance in the intergovernmental forums in the Free State. Secondly, the study presented limited research on the understanding of assessing the level of governance in the Intergovernmental Relations Forums in the Free State and its impact on service delivery. Thirdly, the study contributed to the body of knowledge on how the governance of intergovernmental forums could be

ameliorated. Fourth, the study through its recommendations, contributed to all Intergovernmental Relations Forums by offering performance indicators and a practical approach to the business of intergovernmental forums, which is based on better planning, execution, and reporting. Lastly, the study added value through its recommendations, which were aimed at improving the performance and accountability of the Intergovernmental Relations Forums in the Free State Province.

## 5.7 Concluding remarks

It is essential to accentuate that Intergovernmental Relations in South Africa has come a long way. It was however crucial that an assessment of the level of governance in the Intergovernmental Relations Forums in the Free State be undertaken as the outcomes of the study determined and contributed to how to transform governance matters in these Intergovernmental Relations Forums. The study further indicated that the Intergovernmental Relations Forums in the Free State were constituted according to the Constitution (1996) and the Intergovernmental Relations Framework Act 13 of 2005. However, more must be done to improve the Forums' level of governance.

The Intergovernmental Relations Forums under study presented a similar pattern in terms of their reports. Their reports lacked consistency, no standard reporting template, and many reports did not include Key Responsibility Areas, as aligned to the Constitution and the Intergovernmental Relations Framework Act, to address Inputs, Activities, Performance Indicators, Dates, Targets, and Outputs. Furthermore, the reports did not include the discussions of the meetings, the progress, the resolutions, and the achievements. It is for these reasons that strong recommendations were made to mitigate and improve the affairs of the Intergovernmental Relations Forums in the Free State. These strong recommendations may or may not be a watertight remedy to the identified gaps; however, future research could be conducted subsequent to the implementation of the recommendations of this study to evaluate whether they yielded positive results.

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