

**The manifestation and practice of Intergovernmental Relations in  
the Mohokare Local Municipality**

by

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## **DECLARATION**

I, Moitshepi Thembaletu Lipholo, hereby declare that this Master's degree mini-thesis for the Programme in Governance and Political Transformation at the University of the Free State is my own work and has not been submitted by any individual or me at other universities. Equally, I declare that all reference materials used in this study have been rightfully acknowledged.

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## **DEDICATION**

This research is dedicated to my late brother, Khotso Lebohang Raleting, who sadly departed this poignant world two months before the completion of this study. I won't weep for you, my brother, because you lived your life to the fullest. Rather, I will let you rest in your buffalo-hide bed, where your foremothers' repose. Now you are in the land of the brave, the ancestral land. Rest in eternal amity, my brother, until we meet again.

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I continue to be, as always, the son of my society, and I want to help my people in any form, including through my intellectual efforts. This research is for my people in the Mohokare Local Municipality. To my main source of strength, wisdom and protection, my ancestors, this research was completed because of their spiritual presence in my life.

To my mother, Mpho Lipholo, I am forever indebted to your teachings, support and guidance. Thanks, mom, for teaching me that the best investment is to invest in education. Ka leboha Mme waka for your magnificent selfless efforts to make sure I finished my master's degree. I carry with me your teachings Mme waka, and I know success will be a permanent comrade in my journey. Salute to the rest of the Lipholo clan, and in particular my brother, Seatile Lipholo.

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To the late Dr Alexius Amtaika, the honour goes to him for teaching me "... of what use will be my education, if it is not linked with the noble and intellectual quest to understand and solve the problems facing our people at the local sphere of government". May his intellectual soul rest in peace.

## **LIST OF ACRONYMS AND ABBREVIATIONS**

ANC	African National Congress
COGTA	Cooperative Governance and Traditional Affairs
IDP	Integrated Development Plan
IGR	Intergovernmental Relations
FPT	Federal Provincial and Territorial Governments
MEC	Member of Executive Council
NCOP	National Council of Provinces
RSA	Republic of South Africa
SALGA	South African Local Government Association
USA	United State of America

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# **CHAPTER 1: INTRODUCTION AND BACKGROUND OF THE STUDY**

## **1.1 Background to Intergovernmental Relations and motivation for the study**

The year 1994 saw the dawn of a new and democratic governance system in South Africa. This democratic process came about with the abolishment of the apartheid system, which was based on racial segregation and discrimination. Kahn, Madue and Kalema (2016: 3) state that a significant development that came with the dismantling of the apartheid system was a reconfiguration of intergovernmental relations (IGR). One of the aims in introducing IGR as a new governance system was to create conducive interaction amongst national, provincial and local government to speed up service delivery to the masses.

IGR was built around the already existing three spheres of government inherited from the apartheid government (Amtaika, 2013: 57). Concerns were raised by governance scholars regarding the monopoly of power that was centred in the national government (Nkwezane, 2012: 1). What IGR did was to promote recommendations for mutual relations between the three spheres of government and other bodies of the state. As the Constitution (RSA, 1996: 25) stipulates in Chapter 3, Section 40 (1), the government is divided between the national, provincial and local spheres, which are distinctive, interdependent and interrelated. Section 41 (1) (h) emphasises that co-operation between the spheres and all organs of government must be based on mutual trust and faith by fostering friendly relations and help in supporting one another (RSA, 1996: 25).

The Constitution calls for a cooperative style of government. Chapter 3 of the Constitution outlines the principles of cooperative governance and intergovernmental relations, which must be followed by all spheres and all bodies of government (RSA, 1996: 25). This style of cooperative governance is guided by the principle of all spheres of government and all organs of the state working together. This is to preserve the peace, national unity, and the indivisibility of the country (RSA, 1996: 25). Most importantly, cooperative governance is meant to secure the well-being of the people of South Africa. A co-operative government must be based on mutual trust and good

faith (RSA, 1996: 25). Governmental interaction is guided by the Constitution and other legislative documents, including the White Paper and the Green Paper. Combining the common ground found in those legislative documents, one can conclude that IGR is founded on establishing smooth, effective and efficient cooperation between the three spheres of government (Schwella, 2015: 83). All of the above illustrates that the 1996 Constitution promotes and supports IGR. Any mechanism that is proposed and advocated by the Constitution is worth exploring. IGR is no exception when it comes to this phenomenon (Kahn et al., 2016: 11).

It is important to define these two concepts before introducing the views of different scholars regarding the work of IGR and cooperative government. Kahn et al. (2016: 11) state that IGR can be defined as the mutual relations between all spheres of government and, equally, all organs of state – in the context of South Africa. These authors (2016: 11) add that IGR is the working together, relationship bonding, sharing of responsibilities, and support between the organs of state and all spheres of the government.

Concerning cooperative government, Duvenhage and Venter (2014: 38) define it as interaction between and working together of government institutions. Amtaika (2013: 7) defines cooperative government as, firstly, the involvement of mutual assistance in working together towards common goals: and secondly, the collective responsibilities and objectives of the country that indirectly or directly force government institutions to co-exist and work together.

The Constitution promotes IGR and cooperative government by setting out the principles that must be followed by all spheres of government and all government organs in South Africa (Kahn et al., 2016: 11). It is those principles outlined in Chapter 3 of the Constitution that shape, or at least influence, the definition of those concepts in the context of South Africa. The basics of those definitions are useful in providing information regarding the manifestation and practice of IGR in the Mohokare Local Municipality, which is the focus of this study.

Mnisi (2012: 20) voices his optimistic views when it comes to the productivity of IGR and co-operation between government bodies. At the 2012 Annual Conference of the

Institute of Municipal Finance Officers, Mnisi emphasised that, through the process of co-operation between government bodies, municipalities are capable of achieving clean audits. Mnisi is not the only one with this perspective. The then Minister of Finance, Pravin Gordhan (2012: 30-31), at the same conference, stated that with leadership commitment, cooperation by all government spheres and the use of the right skills, clean administration in government is an achievable goal. Through the process of improving relations and cooperation between all the spheres of government, local government can be turned around (Nkwezane, 2012: 29). Mnisi added that good governance is achievable if the principles of IGR, as stated in Chapter 3, Section 41 (1) of the Constitution, are followed. According to Mnisi (2012: 22), under the leadership of the National Executive Committee, structures such as the South Africa Local Government Association (SALGA), district municipalities, the Treasuries of the national and provincial governments, and the government departments (such as Cooperative Governance and Traditional Affairs – COGTA) working as a united force, good governance will be achieved (Mkhize, 2018).

After mentioning the positive aspects of IGR and cooperative governance, it is only fair to provide a different narrative. Sceptics argue that IGR is only good on paper, but unproductive and fruitless on the ground. Kekana (2014: 13) supports this statement by asserting that IGR is a complex process, which, without technical balance for interaction between the structures of government, can be very unproductive. This will equally affect the process of service delivery. Kekana (2014: 13) adds that IGR does not provide clarification on political power relations and there are still various uncertainties regarding the duties and administrative allocations between all the spheres of government.

Coetzee (2010: 84) is another scholar who has questioned IGR and cooperative governance from a practical perspective. The author (2010: 84-85) questions whether IGR is just a myth. Coetzee (2010: 85) raises the issue of instability on the ground and the role IGR is meant to play in combating this instability. According to her (2010: 85), maladministration, public protests, corruption and poor service delivery forces one to believe that IGR and cooperative governance are not productive.

Even though these problems mentioned above are caused by many factors, for the purpose of this research, the focus will be on the role IGR plays in either prolonging or halting those problems. This study will utilise the indicators highlighted by Coetzee (2010) in order to assess the practice of IGR in the Mohokare Local Municipality (Mohokare, 2019: 3). The researcher will look at the role of IGR in addressing issues such as poor service delivery, instability, corruption, unrest and violent protests in Mohokare (Mohokare, 2019: 4).

The Mohokare Local Municipality is located in a rural area. The concern has always been that IGR is not developed enough in South Africa to tackle the co-operation issues faced by rural municipalities. The power of fiscal allocation being channelled to the provincial government has slowed the development of Mohokare. This is because the population guides the principles of fiscal allocation, whereas in the context of Mohokare, what is needed is a fiscal allocation that will be based on the needs of the Municipality and its people. IGR has provided the Free State provincial government with duties and functions that could be manipulated. The provincial government in this area has been accused of cadre deployment, which has led to the Municipality being run by officials who are incompetent and unable to perform the necessary duties (Mohokare, 2019: 14).

IGR refers to the interdependent relationship between the different spheres of government. Kahn et al. (2015: 7) state that relationships among governmental institutions and departments form part of IGR. For the purpose of this research, the focus will be on the relationships between the three spheres of government – local, provincial and national. The researcher will concentrate on the manifestation and practice of IGR in the Mohokare Local Municipality. The purpose of using Mohokare as the focal point is to link the theoretical perspective of IGR to the practical side of it. Some scholars, such as Coetzee (2011: 85-86), have questioned the importance of cooperative governance and IGR in combating the manifestation of instability in South African societies. Using the Mohokare Local Municipality as an example to zoom in and examine IGR will hopefully lead to enhancing the effectiveness and efficiency of service delivery to the people of Mohokare (Mohokare, 2019: 3).

The Mohokare Local Municipality is a Free State local government body that is situated in the south-eastern part of the province. It forms part of the Xhariep District. The District comprises of three local municipalities – Mohokare, Kopanong and Letsemeng (Mohokare, 2019: 8-9).

Mohokare comprises of three towns, namely Zastron, Rouxville and Smithfield. Based on Census 2016, the Mohokare Local Municipality has a population of 35 840 people. With a population of this size, the local municipality is constitutionally obligated to provide service delivery to its people. Chapter 7 of the Constitution, Section 152 (b), emphasises the fact that local government must ensure the provision of services to communities in a sustainable way (RSA, 1996: 83). Just like most of South African municipalities, Mohokare is also subject to problems. These include lack of service delivery, protest marches, maladministration and an unhealthy relationship between local municipality and other spheres of government (Mohokare, 2019: 6).

Whatever can enhance the values of good governance and speed up the process of service delivery is worth researching. The objectives of IGR are to preserve peace and secure the well-being of the people of South Africa (RSA, 1996: 25). Equally, good governance and service delivery form part of the goals of IGR. This makes this governance system an important one to research. It should then be worth researching, to come up with recommendations for assisting the South African governance system to be able to confront the challenges it faces. Recently, scholars have established that IGR is not working as it should. One of the reasons for this, as Schwella (2015: 16) and Webster (2017: 84) point out, is the lack of knowledge development in researching the challenges and issues of this system. This statement by Schwella and Webster motivates the necessity of this research. The researcher aims to produce new knowledge that will ensure IGR becomes effective and productive. New pieces of legislation, which could be useful regarding IGR, are the motivation for conducting this research. The researcher is of the opinion that society needs clarification and understanding regarding the usefulness of IGR with regards to the social, economic and political problems faced by South Africa – this study hopes to provide the necessary information in this regard (Nzimakwe & Ntshakala, 2015: 826).

## 1.2 Research problem

Bezuidenhout and Davis (2017: 64) describe the research problem as a description that reflects the exact nature of the research project. They (*ibid.*) also state that the section that deals with the research problem is the most important step in the quest to deliver rational and logic research verdicts. This section forms the core of this research, which focuses on producing an understanding of the manifestation and practice of IGR in the Mohokare Local Municipality. Leedy and Ormrod (2013: 28) assert the importance of the inclusion of a research problem in a study. These authors (2013: 28) point to the research problem as the heart of the research process, based on the fact that the main aim of the research is to come up with the solution to a problem.

Research questions are based on the research, which has been narrowed down to focus on the fundamental aspects that need to be addressed (Du Plooy-Cilliers, Davis & Bezuidenhout, 2017: 69). The research question of this study will be based on questioning the process of IGR in the Mohokare Local Municipality. The question will focus on co-operation with the provincial government, to determine whether the relationship between the Mohokare Local Municipality and the provincial government is based on mutual trust and good faith. The researcher will also question how successfully these two spheres of government assist and support one another. The questioning process of this research will also interrogate IGR in general. In this way, the questioning of IGR will be done in a holistic way.

To provide context for the problem, we need to reflect on the historical events and the origin of IGR in South Africa. After the collapse of the apartheid system, the newly elected government, under the leadership of the African National Congress (ANC), developed new governance mechanisms (Mamphole, 2017: 85). The ANC was confronted by the challenge of correcting the wrongs of the apartheid system. Scholars, such as Kahn et al. (2016: 2), support the ANC's decision to restructure the South African IGR system in 1996. The principles of the apartheid system were based on segregation. The racial segregation that was practiced by the apartheid regime had physical impacts on the design of South Africa (Duvenhage & Venter, 2011: 24). The philosophy of segregation spread to the organising of the government. As Thornhill

and Cloete (2014: 44) state, the separation of homelands, townships, rural areas and urban areas had a costly impact on the effectiveness of the three spheres of government under the apartheid regime. Based on the argument put forward by Thornhill and Cloete (*ibid.*), one can understand why the new democratic government decided to restructure the relationship between all three spheres of government.

From the above information, four problems can be deduced. Firstly, because of the historical background of the country, the new government had to develop a new IGR system, which implies that it was in a developmental stage. Secondly, because of it being in the developmental stage, the IGR system produced uncertainty in the country. Thirdly, because of the historical development of IGR in South Africa, the public and scholars have argued that this system still needed to be worked out to be effective. Lastly, IGR might be facing challenges because the country's ever-increasing population at local level was not considered when it was introduced in 1996 (Tau, 2015: 801).

South Africa is facing problems, most of which are governance-related, concerning the practical and productive running of the government. Coetzee (2010: 84-85) mentions a few: the phenomenon of maladministration, violent protests, poor leadership, and the unhealthy working relationship amongst the spheres of government. Nealer (2018: 178) believes that some of the problems facing South Africa are governance-based – in the sense of the effectiveness of IGR and cooperative governance. Nealer (2018: 179) adds that to ensure effective and efficient service delivery at local government level, IGR between the three spheres of government must be improved. Nealer (2018: 179) suggests mechanisms that can be used to improve the relationship between the national, provincial and local government. IGR and cooperative governance can be helpful in addressing some of the problems South Africa faces (Duvenhage & Venter, 2014: 74).

There is an abundance of literature regarding the phenomenon of IGR, but the problem with most of it is that it fails to link theory with the practical situation (Matebesi, 2017: 24). Scholars like Thornhill and Cloete (2014) only provide information regarding the work of IGR from a constitutional perspective. The intellectual danger with this approach is that it makes the people only understand the good and bad of IGR from a

written perspective. This research will take a different approach from that of Thornhill and Cloete. At the same time, the researcher does acknowledge that some things can be learnt from their approach.

The constitutional approach will form part of this study. What this approach tries to do is to make people understand IGR from a legal perspective (Van der Waldt, 2018: 87). After all, one can only find the principles of IGR and cooperative governance in the Constitution – in Chapter 3 Section 41 (RSA, 1996: 25). As Schwella (2015: 79) asserts, for one to have a clear understanding of the manifestation and practice of IGR in South Africa, one must understand the background of, as well as have knowledge of the country's Constitution. In the researcher's search to produce logic information and propose recommendations regarding the problems facing the Mohokare Local Municipality, the Constitution will be examined – in particular, Chapter 3 Section 41, because this section legitimises IGR. It outlines the principles of IGR and cooperative governance, which all spheres of government are constitutionally obligated to follow (RSA, 1996: 25). Venter and Landsberg (2014: 29) further support this by emphasising that IGR is helpful with regards to the procedures that take place between the different governmental spheres, both at the vertical and horizontal level. This research will examine this statement by Venter and Landsberg by using the Mohokare Local Municipality as an example.

The Intergovernmental Relations Framework Act No 13 of 2005 is helpful in the context of the legal approach. The Act seeks to offer clarification regarding core aspects when it comes to the understanding of IGR at the national level of government. To understand the establishment of intergovernmental structures, the Intergovernmental Relations Framework Act No 13 of 2005 is crucial. These structures include the President's Coordinating Council, the National Intergovernmental Forums, the Provincial Intergovernmental Forum and, most importantly, the Municipal Intergovernmental Forums (Intergovernmental Relations, Act 2005). The Act explains how IGR is conducted and the resolution of IGR disputes (Haurovi, 2012: 79).

The Mohokare Local Municipality will be utilised as an example to link the theory of this system from the constitutional perspective to the practicality of the objectives of IGR on the ground (Mohokare, 2019: 4). With this approach, the knowledge gap in the

field of IGR will be narrowed. The practice of IGR in Mohokare is not productive – as is stipulated in the Constitution. For example, in 2016, the Municipality proposed six programmes to the provincial government and only two were approved to be executed. This caused the community of Zastron to revolt and protest. A situation such as this makes one question the effectiveness of IGR in speeding up the process of service delivery (Nealer, 2018: 17). The Constitution points out that IGR, in the context of the Mohokare Local Municipality, means that the provincial government must trust, cooperate with, and support the local government. So, what support is the provincial government giving Mohokare (Mohokare, 2019: 4)? There seems to be a lack of cooperation and support between these two spheres of government. When one looks at the relationship between these two spheres, from the perspective of good governance values, the problem is visible (Gregory, 2012: 17). In terms of responsibility and accountability, the relationship is problematic.

Assessing the problems facing the Mohokare Local Municipality in a holistic manner, one will have to agree that most of the problems are IGR orientated. For Mohokare to execute programmes that might be helpful to the community and stimulate the local economy, it has to obtain approval from the Free State provincial government. This interdependence is approved and facilitated by the principles of IGR. This constitutional obligation process has caused protests and mistrust between municipal officials and the citizens (Matebesi, 2017: 73-77). One of the reasons is that the municipal officials will propose and inform the public about the programmes that they want to implement, and then the provincial government approves only a few – as happened in 2016 (Mohokare, 2019: 14). A critical question that one might ask is: “Should the local government’s aspirations depend on the provincial government, given the fact that it is the officials of the local government that know what the people want?” This question is asked in the context of the Mohokare Local Municipality (Tau, 2015: 820). Co-operation between the Mohokare Local Municipality and the provincial government is facilitated by constitutional legislation and the issue is based on whether the legislation should be changed or revisited every five years so as to be certain that the facilitation is impartial and productive (Mohokare, 2019: 17).

The fiscal allocation of municipalities is decided upon by the national government and approved by the provincial government. This indicates the exclusion of local

government in key financial decision-making. The provincial government is constitutionally tasked to evaluate the fiscal allocation of municipalities based on the population. The Mohokare Local Municipality has raised concerns regarding this mechanism. For it, the fiscal allocation should be based on the needs of the municipalities and their communities, not the population. Tau (2015: 817) has questioned the power local government has when it comes to influencing national and provincial government regarding fiscal allocation, concluding that local government has little power to influence the allocation (Tau, 2015: 881). Tau's comments might find expression in the context of Mohokare's concerns as the Municipality has questioned the hierarchal structure of co-operation between the spheres of government (Mohokare, 2019: 17).

The hierarchal side of IGR has given the national and provincial government too much power to intervene in the affairs of local government. This issue is not exceptional in the case of Mohokare. Concerns have been raised that the Free State provincial government is misusing IGR power to promote cadre deployment. The governing political party in the provincial government, the ANC, sent members to work at the Mohokare Local Municipality. This influenced the effectiveness and productiveness of Mohokare. IGR lack checks and balances, and this fact has led to political interference in the local government sphere. Even the minister of Cooperative Governance and Traditional Affairs (COGTA) has said that political interference has contributed to the collapse of municipalities (Tau, 2015: 38). This is a problem IGR is struggling to combat; meanwhile, incapable people are deployed to the municipalities, leading them to fail in the provision of sustainable service delivery. The Mohokare Local Municipality is located in a rural area, and the development of IGR has proven not to prioritise rural municipalities' needs and aspirations (Mohokare, 2019: 13).

Within the discipline of Governance and Political Transformation, scholars such as Coetzee and Kahn et al. have researched and explored the work of IGR in South Africa. However, these scholars have not sufficiently addressed IGR in the rural areas or explained it using a town that is experiencing the realities of IGR. Despite the outstanding research on themes, such as IGR at national, provincial and local government level, scholars have yet to explore the importance of IGR in a municipality that is located in the centre of the country, and the implications of people going to this

local government to use its resources and facilities. The knowledge gap regarding the manifestation and work of IGR in the Mohokare Local Municipality needs to be addressed. If this problem is not confronted, the country will be left with an inadequate understanding, which might create the problem of ill-information regarding decision making when it comes to restructuring legislation governing IGR.

### **1.3 The aim of the research**

This research aims to provide practical information regarding the manifestation and practice of IGR. The goal is to contribute rationally and logically to the knowledge gap regarding the interactions between the organs of state. The Mohokare Local Municipality will be used as an example with the aim of connecting the theory to the practical information. What influenced the decision to choose Mohokare is its geographical position. Zastron, the town in which the head offices of the Mohokare Local Municipality are located, separates the Free State from the Eastern Cape. This Municipality has experienced service delivery issues that, with proper IGR, could be reduced. The aim is to look at the role IGR plays in the problems facing Mohokare. The researcher hopes to understand whether IGR is prolonging or exacerbating these problems. The researcher also wants to understand and investigate why IGR is not occurring as it should – based on the principles as stipulated in the Constitution – or whether the legislation and principles are there, but government officials are ignoring them (Mohokare, 2019: 4-6).

The aim of this research is to provide an understanding of the situation regarding IGR in the Mohokare Local Municipality and to produce an ideal situation of IGR in the Municipality. The researcher will endeavour to provide a picture of what the Mohokare Local Municipality could be like if all the principles and legislation of IGR are followed. Information regarding the IGR process in the Mohokare Local Municipality will be provided. The interactions the Municipality has with others spheres of government in the context of IGR will also be examined. Investigating the challenges and benefits related to IGR in the quest for speedy and effective service delivery to the community of Mohokare is one of the aims of this research. Bezuidenhout and Davis (2017: 64) state, “Researchers need to unpack, unearth or uncover various layers or dimensions of a problem in their exploration of a certain phenomenon in different contexts.”

### **1.3.1 Objectives**

This research is imperative in order to

- understand the conceptualisation of IGR and cooperative government;
- produce critical information about the manifestation and practice of IGR in the Mohokare Local Municipality. The Municipality, like all the other municipalities in the country, is constitutionally obligated to adhere to the principles in Chapter 3 of the Constitution;
- explore the relationship between the Mohokare Local Municipality and the provincial government so as to uncover the reasons for the lack of cooperation between the two spheres. Also, to unpack the two-tiered system and determine the difficulties that led to the community members of Zastron protesting about the unproductive relationship between the Mohokare Local Municipality and the provincial government in 2016;
- explore Mohokare's issues within the context of IGR with reference to ensuring the well-being of the people of Mohokare, and providing effective, transparent, accountable and coherent governance;
- investigate ways in which IGR may enhance the principles of good governance; and
- provide mechanisms that both IGR and cooperative governance can use to reduce or eradicate problems that lead to poor service delivery, as has happened in the Municipality under study.

### **1.4 Research methodology**

As Du Plooy-Cilliers and Cronje (2017: 167) assert, data gathering is one of the most vital features of any research study. For any researcher to combat invalid results and findings, great care must be taken when it comes to the collection of data. To be able to collect data, it is important to choose the correct research methodology. Then, it is necessary to define what is meant by research methodology. Leedy and Ormrod (2013: 19) define it as the philosophy of the process behind research, through the technique of gathering information.

To be able to respond to the research problems and questions of the research, the methodology that will be utilised by the researcher will be qualitative. What influenced the reason behind opting for qualitative research is the fact that this research method deals with the underlying qualities of subjective experiences (Du Plooy-Cilliers et al., 2017: 173). Understanding the manifestation and practice of IGR in the Mohokare Local Municipality is not about measuring and quantifying the experience of this governance system. Therefore, quantifiable measures do not apply to this research, because the manifestation and practice of IGR deals with the governance system and lived experience of the community of Mohokare (Mohokare, 2019: 4).

In the process of using the qualitative research method, the study will gain richness and depth in the data obtained from complex phenomena in a social context. The aim of using this methodology for this study is to provide thick descriptions of the manifestation and practice of IGR in the Mohokare Local Municipality (Du Plooy-Cilliers et al., 2017: 186). This research methodology is suitable for the phenomena of IGR because it is interested in the depth of human experience. The researcher will explore the manifestation and practice of IGR in the Local Municipality and try to link the impact of this governance system with the human experience of the people of Mohokare.

Moreover, a deductive approach will be utilised. This method will help break down the topic, so that it progresses from a general overview to a specific conclusion (Du Plooy-Cilliers et al., 2017: 190). To create an understanding of the working relationship of the Mohokare Local Municipality and other government organs hinges on narrowing down the manifestation and practice of IGR in the Mohokare Local Municipality to a specific context (Mohokare, 2019: 4).

Qualitative data collection will be used in this study with the aim of exploring, understanding and describing the manifestation and practice of IGR in the Mohokare Local Municipality, as this study does not hope to measure, predict, qualify and generalise, as quantitative research studies do. The method of the proposed research will be based on desktop research. This type of literature study involves the collection of data from already existing material. In the context of the topic of this study, material such as the Constitution of South Africa, the White Paper on Local Government, the

Intergovernmental Relations Framework Act 13 of 2005, books, and documents of the Mohokare Local Government will be utilised. Desktop research is effective, and in this study, it will be used to describe the starting phase of IGR.

Qualitative content analysis also forms part of the research methodology of this study. The method will be used for the subjective interpretation of the information through a systematic sorting process of coding and detecting themes or patterns. Qualitative content analysis also includes the systematic analysis of social artefacts in order to provide in-depth clarification. The interpretative paradigm is also utilised through the process of qualitative content analysis with the goal of producing a rich description of the social reality mirrored in the texts. In the context of this research, this approach will be productive when narrating texts, such as transcripts, news reports and Municipality documents (Leedy & Ormrod, 2013: 19).

IGR came into effect after the adoption of the Constitution in 1996 (Mase, 2010: 33). Hence, the Mohokare Local Municipality adopted the principles of IGR in 1996. Looking at IGR from 1996 until 2019 makes it a historical phenomenon. Thus, this study uses historical research as one of the mechanisms to provide a logical understanding of the manifestation and practice of IGR in Mohokare. By opting for historical research, the researcher is not reducing this to a history study, but the aim is to look back at the history of the phenomena to provide a comprehensive understanding of IGR in Mohokare (Schwella, 2015: 67).

The historical analysis in the context of this research will be based on examining and describing the events that occurred in the past. Those events will be the ones that occurred because of IGR – both those that challenged the effectiveness of IGR or supported it. As Du Plooy-Cilliers et al. (2017: 192) emphasise, when conducting historical research, one is looking to find patterns that occurred in the past. Most of the information for this study will come from secondary sources. What is advantageous about historical research is that the documents used as data are already in the public domain and cannot be tampered with or altered (Du Plooy-Cilliers et al., 2017: 192).

As mentioned before, most of the material to be used will be from secondary sources. A mix of constitutional, historical, conceptual and empirical information will be utilised

in this research. Books, academic papers, articles, government documents and internet material will be the backbone of this research. The manifestation and practice of IGR in the Mohokare Local Municipality is an institutional phenomenon; thus, the research will be based on an institutional analysis (Kekana, 2014: 15). This will be done to examine institutional operation dynamics. The co-operation between the spheres of government is based on two agreements. The first is the constitutional agreement stipulated in Chapter 3 of the Constitution and the second is institutional agreements (RSA, 1996: 25). Therefore, the study will utilise an interpretivist research paradigm.

## **1.5 Structure of the study**

This study contains six unified chapters.

### **Chapter 1: Orientation and introduction**

This chapter of the study contains an introduction, a problem statement, as well as the background of IGR. An overview of the manifestation and practice of IGR in the Mohokare Local Municipality forms part of this section. It looks at the relationship that the Mohokare Local Municipality has with other spheres of government, in particular, the Free State provincial government. This study exposes the unproductive governance relationship the local government has with the provincial government. Moreover, the aims and objectives of the study are contained in this chapter. The methodology to be used to collect data is also clearly defined. Furthermore, the different approaches to the research are outlined in this part of the study, and the reason for choosing the qualitative research method is explained.

### **Chapter 2: Theoretical framework**

This chapter will offer an historical overview of IGR in South Africa from 1996. The background of IGR and cooperative government at local level will be explained. The chapter will also look at theories or approaches that are applicable in the context of IGR. Hence, a conceptualisation of cooperative governance and IGR will be done.

### **Chapter 3: Legislation in reference to cooperative government and IGR**

This chapter explores legislation that deals with cooperative government and IGR processes, and how they are interlinked. The legislation will include the Constitution of the Republic of South Africa, 1996, the Intergovernmental Relations Framework Act 13 of 2005, the Intergovernmental Fiscal Relations Act 977 of 1997, the Municipal Structure Act 177 of 1998, the Municipal System Act 32 of 2000, and the Municipal Finance Management Act 56 of 2003.

### **Chapter 4: Manifestation of IGR in South Africa and the Mohokare Local Municipality**

This chapter deals with IGR in South Africa at national, provincial and local government level; in particular, the challenges, issues, relationships and intervention of national and provincial government in dealing with the conflict facing local government. The focus will further be on the cooperation between provincial and local government. The researcher will outline the situation on the ground, specifically in the Mohokare Local Municipality. This part of the study also deals with the issues, problems, challenges and opportunities IGR provides to the Municipality. The relationships Mohokare has with other spheres of government will also be investigated.

### **Chapter 5: Findings, recommendations and conclusion**

This chapter deals with the problem areas that have been pointed out as far as IGR in the Mohokare Local Municipality is concerned. The researcher provides a summary of the study and presents the findings and recommendations.

#### **1.6 Concluding remarks**

This chapter outlined the aim of the study, namely, investigating the manifestation and practice of IGR in the Mohokare Local Municipality in the Free State. It further provided the background of the phenomenon of IGR in South African, depending mostly on desktop research and examining government documents, such as the Constitution.

The following chapter will focus on the theoretical framework and the key concepts to be used throughout the study.

## **CHAPTER 2: THEORETICAL FRAMEWORK AND CONCEPTS**

### **2.1 Introduction**

This chapter deals with the vital aspects of this research; for example, definitions of key concepts are provided. In addition, theories that apply to this research are outlined and models that can explain the phenomenon of IGR are discussed. The chapter also introduces international perspectives on IGR and then narrows them down to the South African context.

Important concepts like IGR, cooperative government, governance and local government are clarified in this chapter. After providing the proper definitions for these concepts, this chapter will outline the objectives of the concepts. The 'how' part is also covered in this chapter; that is, how do these concepts work in practical terms? The clarification of these concepts will also be linked to the topic of this research, which is to examine the manifestation and practice of IGR in the Mohokare Local Municipality.

Governance theories that can be linked to the topic will be introduced. The Legal/Constitutional, Democratic, Bureaucratic, and Operational/Normative approaches are discussed as governance theories that share common ground with the topic of the study. These theories will be utilised throughout the research. In the context of this research, the theoretical framework will be utilised as supposition intended to explain the manifestation and practice of IGR in the Mohokare Local Municipality, especially based on general principles, independent of IGR, which need to be explained (Mohokare, 2019: 17).

Government models will also be discussed in this chapter. These are Decentralism, Federalism, and Unitarism. The evaluation process on this chapter will be based on a comparison between Decentralism and Federalism in the context of South African IGR. The researcher will then focus on providing an understanding of the international perspective when it comes to IGR. The American Federal System, and the Canadian and Australian IGR systems will be discussed (Khoza & Adam, 2007: 187).

## **2.2 The concepts of intergovernmental relations.**

### **2.2.1 Intergovernmental Relations**

From the outset it should be noted that the quest to understand IGR is linked to understanding the key concepts of IGR. One of the objectives of this section is to define concepts that are linked to the topic of the research. This process will unfold through the systematic method of conceptual orientation.

Key concepts that will undergo a rigorous process of defining will include *IGR*, *cooperative government*, *governance*, and *local government*. These four concepts are vital to this research and interlink the topic with the content of the study (Du Plooy-Cilliers et al., 2017: 52). It will be problematic, if not impossible, to have a comprehensive understanding of the manifestation of IGR in the Mohokare Local Municipality without having a clear understanding of the key concepts.

A universally agreed-on definition of IGR is still lacking (Kahn et al., 2016: 4). The first, formal definition of IGR came in 1930 when William Anderson stated that it is a vital body of activities and interactions taking place between government spheres of all types and levels in the political system. In the United States of America (USA), the term came into practice during the initiation of the New Deal in the 1930s. During this time, the federal government opted for IGR as one of the mechanisms to combat the economic and social chaos during the Great Depression (Ewing, 2016: 29). Learning from this strategy, one can say that a working objective of IGR is to solve economic and social problems. In addition, the case of the USA demonstrates that IGR can work as a policy instrument to choose a valid path for the assessment of practical effects (Kahn et al., 2016: 4).

The concept of IGR refers to how the various spheres of government work (Thornhill & Cloete, 2014: 43). It is essential to mention that this happens in two ways: vertical and horizontal. IGR is the mechanism that maintains cooperative relationships and coordination between government organs. In the context of South African, IGR is based on all spheres of government being distinct, interdependent and interrelated (RSA, 1996: 25). If one looks at it vertically, IGR is all about interventions, control and commands from the highest level of government to the lower levels (Kahn et al., 2016:

13). However, the problem with this definition of IGR, whether in the context of a vertical view or not, is that exploitation and reinforced subjugation by the higher level of government by another will justify the dependence of the lower level on the higher level.

From the preceding discussion, three things can be deduced. Firstly, IGR has no settled on or agreed upon definition, but the common perspective amongst scholars is that it is about coordination and cooperation (Kahn et al., 2016: 11-13). Secondly, there are two types of interactions between the various spheres of government – vertical and horizontal. Lastly, in the context of South Africa, all spheres of government are constitutionally obligated to promote the principles of IGR (RSA, 1996: 25).

It will be futile to define IGR as a concept but not explain how this concept is applicable in practical terms. In South Africa, the working process of IGR is found in its legislative documents, such as Chapter 3 of the Constitution, which specifies the work and objectives of IGR (RSA, 1996: 25-26). Other legislative documents that stipulate the work of IGR include the White Paper on Local Government and the Intergovernmental Relations Framework Act 13 of 2005. Coordination and cooperation are at the core of IGR. All spheres of government must work together to solve issues confronting the public. Whether the issues are poor service delivery, or dysfunctional government departments and maladministration, the cooperative government must strive to eradicate those issues. As already mentioned in this chapter, when the USA faced economic and social havoc in the 1930s, it used IGR as one of the mechanisms to combat its problems (Kahn et al., 2016: 4-5). It is thus evident that IGR is useful in addressing financial issues.

IGR works as an instrument to secure the well-being of South Africa's people, as mentioned in Section 41 (1) (b), Chapter 3 of the Constitution (RSA, 1996: 25). Poor service delivery, as Matebesi (2017: 14) states, is an issue South Africa has to overcome. According to Coetzee (2010; 84-85), poor service delivery is a serious problem nationwide. Coetzee (*ibid.*) adds that IGR is tasked with solving the problem of a lack of service delivery. Moreover, IGR can ensure satisfactory service delivery (Coetzee, 2010: 85). Even though Coetzee opines that IGR can address service delivery problems, some scholars are not so optimistic. Amtaika (2013: 54) is one of

those who are sceptical about IGR and its role in speeding up service delivery. He (2013: 56) emphasises that there is sufficient evidence in the public domain to convince ordinary people and scholars that IGR has failed local government and that IGR is problematic.

The statutory work of IGR is an open platform for all units of government to co-operate with one another in mutual trust and good faith (RSA, 1996: 25). The platform must be used to foster friendly relations between the government spheres. Without all organs of state assisting and supporting one another, the objectives of those organs might be slow in being realised, and the citizens will suffer the consequences. IGR must provide enforcement for the spheres of government to assist and support one another. New laws and legislations should be created to ensure that government spheres co-operate. The sharing of information is productive for government, especially in a decentralised government. As Duvenhage and Venter (2014: 34) argue, this helps avoid duplication and the wastage of state resources. Sharing of information and consulting one another, as Chapter 3, Section 41 (1) (h) (iii) of the Constitution emphasises, is vital in the process of service delivery. For example, if the provincial government knows how to solve a service delivery problem that the local government is battling with, this process of sharing and consulting with one another will be beneficial (Khoza & Adam, 2007: 51).

According to Mathebula (2011: 835), for the concept of IGR to be fully understood, one has to break it down into three words. Intergovernmental relations is composed of the words 'inter', 'governmental' and 'relations'. It is vital to explain these one by one. The word *inter* means between, in the midst, among, together, mutual and during. In the context of IGR, *inter* is applied as between, among, mutually done by and working together of spheres of government (Mathebula, 2011: 826). *Governmental* refers to that which relates to government. Heywood (2013: 13) submits that government means political direction and legitimate authority over citizens, communities, the state and society. As an element of IGR, *governmental* refers to a body of individuals and institutions armed with legitimate authority to draft and enforce the laws of the state within defined jurisdictions. *Relations* can be defined as the condition, attribute or feature of people, countries or organisations that are involved in comparison or

contrast with each other. Concerning IGR, *relations* refers to the various connections in which the spheres of government are brought together (Mathebula, 2011: 837).

According to Van Niekerk (2015: 841), the concept of IGR should be understood as a statutory process, which aims to facilitate cooperative governance. It is evident from Van Niekerk's perspective that IGR as a concept cannot be defined without viewing it through a legal lens. This is what makes the processes of IGR statutory. Van Niekerk further states that IGR is the interactions between different the spheres of government, guided by Section 41 (2) of the Constitution. Mubangizi, Nhlabathi and Namara (2013: 777) further maintain that IGR is a governance mechanism, constituting negotiation and consultation processes amongst the spheres of government, targeted at harmonising government decision making and actions.

### **2.2.2 Cooperative governance**

The understanding of this research topic goes hand-in-hand with understanding cooperative governance. It is thus vital to define this concept to provide comprehensible research findings. Nkwezane (2012: 2) states that cooperative governance refers to the legislative prescriptions of the conduct of IGR, as South Africa has three spheres of government, namely, national, provincial and local government, which are distinct, inter-dependent and inter-related (RSA, 1996: 25). These concepts will be discussed in detail in the next chapter.

Venter and Landsberg (2014: 53) further states that in cooperative governance, each sphere holds its unique character and is able to operate independently. The basics of cooperative government assist in understanding the spheres of government more than the levels of government. This is because the spheres of government are not hierarchical in nature, but rather horizontal in structure. Nkwezane (2012: 3) defines cooperative governance as a process of harmonising between the different spheres of administration, such as local government being able to influence the policy it has to implement, rather than only the national and provincial government doing so.

Coetzee (2010: 86) points to another problematic side to IGR in South Africa. She states (*ibid.*) that the establishment of cooperative governance and IGR is a complex

and dynamic process, and its interactions are technical. The Constitution is the legislative document that prescribes, in Chapter 3, the work and principles of cooperative governance and IGR (RSA, 1996: 25). The focus of cooperative governance should be to meet the basic needs of local communities (Mkhize, 2018). Moreover, the work of cooperative governance is to encourage all spheres of government and all organs of the state to co-operate with one another in the spirit of mutual trust and good faith, by fostering friendly relations, and supporting and assisting one another (RSA, 1996: 25). In this sense, one might describe cooperative governance as a partnership between different organs of the state and various spheres of government.

In the context of South Africa, cooperative governance has been used as a governance mechanism to ensure that all spheres of government provide a productive, effective, efficient, transparent, accountable and coherent government (Venter & Landsberg, 2014: 124). After the apartheid system of government, which separated and fragmented South Africa, cooperative governance was and still is viewed as a governance model that will fix the inherited problems post-apartheid. Kahn et al. (2016: 29) state that this governance system is useful, especially when it comes to the programmes of the national and provincial government that need to be executed by the local government. Cooperation and partnership are the pillars of governance in South Africa (Khoza & Adam, 2007: 143). In a country that consists of three spheres of government, these spheres are constitutionally mandated to work together. In this context, cooperative governance is the system that is utilised to initiate and facilitate cooperation between the national, provincial and local government (Khoza & Adam, 2007: 14).

Chapter 3 of the Constitution stipulates the processes that the national, provincial and local government must follow in order to foster friendly cooperation (RSA, 1996: 25). It also states that cooperative governance is about all spheres of government assisting and supporting one another with the objective that this will lead to those respective spheres achieving their constitutional mandate (RSA, 1996: 25). Coetzee (2010: 84) argues that cooperative governance is needed to maintain satisfactory service delivery. She (ibid.) questions whether cooperative governance achieves its mandate, particularly when it comes to local government. The researcher is of the opinion that

Coetzee's argument, regarding the ineffectiveness of cooperative governance in ensuring that all spheres of government assist and support one another, is justifiable. It is reasonable given the problems local government is facing regarding poor service delivery, maladministration, corruption and protests (Coetzee, 2012: 84-85).

The outcomes of cooperative governance are not absolutely good or productive. Coetzee (2010: 84-89) links some of the problems facing South Africa to the incompetence of cooperative governance. For example, she ties the manifestation of instability in society to the inadequacy of IGR. In addition, Coetzee (*ibid.*) asserts that if cooperative governance and IGR do not work properly, instability might occur in society. The dissatisfaction of the masses with the work of IGR might be identified as one of the causes of protests, which sometimes turn violent (Coetzee, 2010: 84). These protests have disturbed the stability of the country, mostly at the local level. Local government experiences protests weekly, and Matebesi (2017: 73) attributes this to poor cooperative governance, amongst other factors. Coetzee (2010: 84) opines that the maladministration, unrest, corruption, violent protests and poor service delivery seen in South Africa forces one to question the work and principles of cooperative governance and IGR.

The population rate of the country is growing, unemployment is skyrocketing, and the citizenry is becoming impatient. All of these factors should force the government to rethink the normal procedures of cooperative governance (Khoza & Adam, 2007: 119). Restructuring and introducing new legislation should be the dominant discussion amongst public officials and the ordinary people of the country. Hence, restructuring and new legislation should be proposed by government officials, the public and researchers; then, it should be considered by those tasked with cooperative government and IGR (2007: 119).

### **2.2.3 Governance**

Heywood (2013: 6) states that the concept of *governance* has no agreed-upon definition, but Political Science scholars concur that it is the various ways through which social life is coordinated. Gregory (2014: 14-16) states that governance itself is an ambiguous concept, lacking a standard definition. He (2014: 16) defines

governance as the ways in which government conducts its affairs to achieve societal goals. This definition might hold water when it comes to the governance objectives in South Africa. For example, the governance system of the local government is based on achieving societal goals, such as ensuring the provision of services to communities in a sustainable way (RSA, 1996: 83). However, what is needed is to move beyond generalisation and try to develop a model of governance that will be explicit with regards to guiding government affairs for the betterment of the people on the ground. From a normative political theory viewpoint, this concept of governance ought to provide an effective way for government departments to operate. One of the values that this concept advocates for is to ensure that government institutions manage to achieve their constitutional objectives. This concept further normalises the aspirations of government institutions to practice good governance principles (Khoza & Adam, 2007: 14).

Governance is the way in which the government elects to conduct its affairs. Fukuyama (2015: 198) argues that for governance to be practical, it needs institutions. Institutions should work as supporting structures for smooth and effective governance operations. The government is regarded as a vital institution for the effectiveness of governance (Tansey & Jackson, 2008: 27). This does not mean governance is impossible without the government. Heywood (2013: 6) is of the opinion that it is possible to have governance without a government. All countries in the world have a government; the challenge, however, might be that some countries do not advance the philosophy of the state and good governance. For example, Raja (2018: 5) argues that Pakistan is on the verge of state collapse, but the government is still present. Raja (*ibid.*) adds that the state might be in disarray, but governance is still present. From the preceding discussion, two issues need to be emphasised – firstly, the importance of governance in comparison to government and the state, and secondly, the survival of governance (excluding good governance), contrary to the state and government.

Heywood (2013: 7) outlines what is needed to safeguard the effectiveness of governance. According to Heywood (2013: 6), governance does not only need institutions but also requires the principle modes, such as markets, hierarchies and networks as supporting mechanisms. For Heywood (*ibid.*), these modes have reshaped governance, and shifted it away from a command and control mechanism

to a reliance on consultation and bargaining. Other scholars have, however, contested Heywood's argument as reducing the government's control and opening space for free market domination. Governance in the state context should put the priorities of society first and keep the domination of the markets at bay.

Fukuyama (2015: 198) is of the view that governance cannot be understood from a holistic perspective. For him, governance can be divided into good governance and bad governance. Fukuyama (2015: 198) further explains that good governance is an approach by the government that is grounded on creating a system founded on the principles of human rights, justice, peace and freedom. According to the definition by the United Nations, good governance can be measured by eight factors: rule of law, responsiveness, public participation, transparency, collective agreement, equality and inclusiveness, effectiveness and efficiency, and accountability (Banerji, 2015). For good governance, the principles of responsivity, accountability, public participation, effectiveness, inclusiveness and transparency should always be promoted and advocated (Coetzee, 2010: 88-89).

In the context of responsivity, IGR links all spheres of government to having a government that is responsive to its public. The cooperation of government spheres through IGR is grounded on promoting accountability through the national sphere overseeing the conduct of the peripheral spheres; the same with the provincial sphere that checks the processes of accountability in local government. Cooperative governance promotes public participation by ensuring that all spheres open space for the public to express their views. Scholars such as Khoza and Adam (2007: 15) argue that the main reason for the creation of IGR was to have effective government by creating cooperation amongst all the spheres. The aim of the establishment of the IGR system was to create an inclusive governance system by making use of all three spheres that run a country (Kahn et al., 2016: 8).

Fukuyama (2015: 198) defines bad governance as governance that leads to things falling apart, in particular the economy and service delivery. Bad governance is a governance system that does not advocate for public participation, and where government cannot be held accountable by the public and government institutions, such as the courts of law and the Public Protector's office. According to Coetzee (2010:

88), cooperative governance and IGR cannot be examined if good governance and the values of good governance are not explained first. This is because one can argue that cooperative governance and IGR are the instruments used to accomplish good governance principles. Coetzee (2010: 88) takes this further by stating that good governance may be viewed as the way in which the government assumes its mandate within a democracy, and promotes a participatory and consultative government. Hence, the inclusion of the public through the process of public participation is one of the pillars of good governance and a democratic government.

#### **2.2.4 Local government**

The South African government is divided into three structures, known as spheres of government, which consist of national, provincial and local government (Pholo, 2012: 49). For this study, the focus will be on local government. This is not to produce selective research, but to meet the objectives of the study topic. The research seeks to understand the manifestation and practice of IGR at the Mohokare Local Municipality (Mohokare, 2019: 17). However, the others sphere of government will not be totally excluded. The phenomenon of IGR is about the relationship between all spheres of government and all organs of the state, which means that the national and provincial government will also be referred to in this study. A democratic model of cooperative governance guides the national, provincial and local government. The fragmentation of the South African government is because of the decentralised model of governance it follows. This model is grounded on the objective of meeting the basic needs of local communities (Coetzee, 2010: 86). The Constitution provides each sphere with certain functions and powers, based on the principle of distinctiveness. The local government has a constitutional mandate, which includes ensuring satisfactory service delivery, providing running water and electricity, providing infrastructure and health services, and creating sustainable human settlements (Van der Waldt, 2018: 184).

It is essential to explain what local government means, to ensure that a common understanding regarding the concept is achieved. Thornhill and Cloete (2014: 20) define local government as the level of government that was created to bring the government closer to the people. However, more importantly, it gives members of the

public a sense of participation in the political processes that influence their everyday lives (Gregory, 2012: 15). Based on this definition, one may conclude that local government unites the municipalities, which are created to provide public services and goods to the masses. Hence, the question arises, “Why task the local government with this massive responsibility, rather than the provincial and national government?” The answer might be because of the inability of the central government to render these vital public services and goods (Van der Waldt, 2018: 69). Geographical location and the distance from the masses on the ground influence this state of affairs.

The concept of local government generally refers to a decentralised representative institution, with general and specific powers devolved from it and delegated to it by other spheres of government, including national and provincial, in respect of a restricted geographical area, within a particular nation or state. Local government is an institution that is authorised by the national government to address the diverse needs of residents in a specific area (Van der Waldt, 2018: 24-25). The national government has given the local government the power to exercise legislative and executive authority in an area demarcated to a particular municipality. The core duty of local government is to provide services and amenities to residents in a municipal area, and promote and maintain the well-being of these people (Khoza & Adam, 2007: 14).

Constitutionally speaking, local government consists of municipalities, which must be established for the whole of the territory of South Africa. A municipal council has executive and legislative powers to implement the programmes of the municipality. Municipalities are the organs of local government, which have duties and are required to govern a territory (RSA, 1996: 83). Co-operative governance and IGR require local government affairs to be subject to the national and provincial government, according to Chapter 3 of the Constitution (RSA, 1996: 25). Hart (2013: 96) argues that what is effective about the South African cooperative governance system is that the Constitution makes it compulsory that the national and provincial government participate in the affairs of local government, which might compromise or impede a municipality’s ability or right to exercise its powers or perform its functions (RSA, 1996: 83). A benefit of cooperative governance is that each sphere of government may exercise its functions without compromising other spheres, but only in a horizontal

system of IGR. Kahn et al. (2016: 96), among other scholars, have changed this narrative by providing different perspectives on each sphere operating independently; for example, local government operating in a vertical relationship with other spheres. Hence, local government cannot exercise its duties without reporting to the national or provincial government.

Local government is tasked with providing a democratic and accountable government for the people at grassroots level. Chapter 7 of the Constitution tasks local government with providing services to communities, effectively and sustainably. The promotion of social and economic development is the core objective of local government. Local government must also promote a safe and healthy environment, as well as encourage the involvement of communities and community organisations in its matters (RSA, 1996: 83). This section of the study contains information that will be useful when assessing whether the Mohokare Local Municipality is fulfilling its constitutional objectives.

Any research that has failed to define and explain its objectives or concepts is subject to misinterpretation, which might create misleading information. This section of the research defined four concepts: IGR, cooperative governance, governance and local government. These four concepts are important to link the topic to the content of this research. From the preceding discussion, two important issues can be deduced. Firstly, although both IGR and cooperative governance are explained in Chapter 3 of the Constitution, it does not mean that they mean the same thing. The objectives and operations of IGR and cooperative governance differ. Secondly, Fukuyama (2015: 198-199) states that governance cannot be viewed from a holistic point of view. One must differentiate between good and bad governance.

### **2.3 Theoretical approach to the study of IGR**

The study of IGR does not differ from other studies that consist of different approaches. Kahn et al. (2016: 6) have put forward four distinct approaches to the discipline of IGR, namely, the legal/constitutional approach, the democratic approach, the financial approach, and the operational/normative approach.

### **2.3.1 Legal/constitutional approach**

The legal/constitutional approach utilises the Constitution and other legislation as a departure point for the study and understanding of IGR. This approach outlines structures and provides a hierarchical analysis of the legislation concerning the national, provincial and local government, as well as the relations among the state organs. The results of this scrutiny would be a long list of state organs and structures, with a rigorous description of the duties and powers of every political office-bearer within each of the government institutions (Kahn et al., 2016: 6). The importance of this approach is that it stresses the formal organisation of offices, official duties, and limitations of powers. The sources for the constitutional approach include the Constitution, codes of law, regulations and judicial decisions.

Haurovi (2012: 66) points out that the problem with this approach is the fact that it is based on the dogma that all the information contained in legislative documents is correct and unchangeable, until it is amended by new legislation. It also functions on the assumption that co-operation between governmental organs only exists within the parameters of legislation. The constitutional and legal approach is fruitful if the aim is to obtain a comprehensive list of government bodies, as well as the functions and powers of the political office-bearers in the government institutions. Kahn et al. (2016: 6) do not have confidence in this approach because for them it fails to explain the complexity of relations among the different government organs and the people working in the institutions. The advocates of this approach tend to ignore the constant interaction between government bodies, which might lack the basis of some clauses in legislation.

Haurovi (2012: 66) emphasises that the constitutional and legal approach is selective because it neglects sociological and psychological variables or the informal factors that operate in government bodies. Based on this, the constitutional and statutory approach remains a largely incomplete approach in the quest to have a full understanding of IGR. According to Hart (2013: 130), this approach also accepts the hierarchy of the government.

### **2.3.2 Democratic approach**

The key emphasis of this approach is on the rights of local and provincial governments to be self-governing or autonomous. Advocates of the democratic approach view provincial and local government as autonomous institutions and support a move away from centralised government through the process of the transfer of authority to regional and local institutions. The logic behind this proposal is that provincial and local authorities must be independent of any higher authority. The Constitution provides these spheres with duties and powers, so if the objective of devolution were taken to its logical conclusion, the relations between each sphere would take place within the constitutional obligations. However, scholars like Kahn et al. (2016: 7) are sceptical that this proposal of devolution would lead to harmony. They (2016: 7) argue that such a situation in a democratic country would cause chaos.

Haurovi (2012: 64) is of the opinion that there is merit to the perspectives of those opposing centralisation, and this is backed by the continuing struggle between the local government and the national government over the power vested in the provincial government. It will be wrong to view this approach as one that merely focuses on autonomy. This would be too restrictive to create an adequately holistic view of IGR.

### **2.3.3 Financial approach**

The relationship between the financial approach and IGR in South Africa can be traced back to 1910 and the appointment of many commissions to investigate the financial issues between the three spheres of government (Pholo, 2012: 20). Financial relations can only exist between two or more spheres of government when the money is transferred from one sphere to the other. In most cases, this happens through the process of payments, donations, subsidies and grants. This approach is vital to this research as one of the problems the Mohokare Local Municipality has been struggling with is financial approval from the provincial government. The financial approach can be used to map out how the process of financial relations can be productive for Mohokare (Mohokare, 2019: 9).

The productivity of any government institution depends on its finances (Gordhan, 2012: 30). This is linked to the services that must be delivered and service delivery requires money. For example, the Mohokare Local Municipality required money from the provincial government to build a soccer stadium in 2016. It was because of the positive financial relations between the Free State provincial government and the Mohokare Local Municipality that the Zastron Soccer Stadium was built. Finances are indeed a vital part of the government and the different spheres of government. These spheres of government are responsible for the control of different sums of money, they have different skills with regards to managing their finances, and they have various objectives to be met with the available funds (Mohokare, 2019: 9).

What is helpful regarding this approach is that it is aware of the different government spheres that may be problematic concerning IGR; particularly where the national government has channelled funds for specific objectives that the provincial and the local governments try to avoid, adapt or redefine to achieve their own goals. This type of action might force normal financial relations among higher and lower authorities being replaced by coercive measures (Gordhan, 2012: 31).

## **2.4 Models linked to intergovernmental relations**

IGR does not operate in isolation or without being influenced by governance models. The federal system and the unitary system are two models that have shaped the structuring and operations of IGR. Most significantly, these two systems divide the government between the national and various forms of provincial and local government. In most cases, the constitution of a country will work as a legislative document that outlines the structure of government; that is, whether it has a unitary or federal system of government (Hart, 2013: 189). Heywood (2013: 163) points out that each government system establishes a particular territorial distribution of government power and provides a framework within which centre-periphery relations can be managed. The focus of this section will be on decentralism, federalism and unitarism in the context of South African IGR.

### 2.4.1 Decentralism

Decentralism in the discipline of public administration and governance studies is understood as the establishment and expansion of local autonomy through the process of transferring responsibilities and powers away from the national government (Heywood, 2013: 95). In the context of South Africa, decentralisation has provided local government with legal powers and administrative institutions that are helpful in their constitutional objectives being met. Hart (2013: 190) defines decentralisation as a procedure of devolving political, administrative and fiscal powers to sub-national organs of the state.

Decentralisation finds expression within the principles of IGR and cooperative governance. This expression is based on the fact that IGR is grounded in the mission to secure the well-being of the people of South Africa and to provide an effective, accountable, transparent and coherent government (RSA, 1996: 24). The argument put forward by decentralisation is that separating government spheres and tasking them with different duties can enhance and speed up service delivery to the people (Mnisi, 2012: 4). For example, in the South African governance system, the objective of decentralising the government was to speed up service delivery. This was done through granting local autonomy, powers and responsibilities. Chapter 7, Section 156 (1) of the Constitution, which states that municipalities have executive authority and the right to administer the local government issues listed in Part B of Schedule 4 and Part B of Schedule 5, supports this statement. Equally, through the principles of decentralisation, a municipality may pass and control by-laws (RSA, 1996: 86).

Mhone and Edigheji (2004: 144) outline decentralisation as a mechanism of sharing governmental power. This, according to them, is done in such a way as to relocate some power from the national government to other spheres, such as the provincial and local government. Raja (2018: 323) views decentralisation as delegating or transferring political and legal responsibilities for managing, planning and allocating resources from the national government. Moreover, Raja (2018: 320) states that decentralisation can therefore be viewed as the transfer of power or authority from the higher to the lower sphere of government. Decentralisation and IGR are linked in that IGR's operational technique originates from decentralisation (Pholo, 2012: 56).

## 2.4.2 Federalism

Federalism can be described as the legal and political structures that allocate power territorially within a state (Heywood, 2013: 167). In the context of political form, federalism needs the existence of two distinct spheres of government. Hence, federalism is the principles according to which spheres of government, general and regional, operate side-by-side in the government. However, certain powers and responsibilities are vested in each sphere.

The federal system of governance is becoming more and more common in the world of politics. Over a third of the world's population is governed by states that have some elements of a federal system (Mase, 2010: 13). South Africa is no exception. Here it is based on the sharing of powers between the central and peripheral institutions. This statement is emphasised by Chapter 3, Section 40 (1) of the Constitution, which states that in South Africa, the government is constituted as national, provincial and local spheres that are distinctive, interdependent and interrelated (RSA, 1996: 25). The federal system is used to ensure that neither sphere of government can infringe on the powers of the other. Heywood (2013: 167) states that the federal system is grounded on the practicality of a compromise between unity and regional diversity; between the need for an effective central power and the need for checks on that power.

In most cases in a federal system, there are usually three spheres of government (Heywood, 2013: 283). Two levels of government (national and provincial) are above the local level. However, each sphere enjoys relative powers and, respectively, responsibilities. For example, the national or central government may have sole power to appoint commissions of inquiry, raise an army, declare war, and deal with foreign affairs issues. Equally, the provincial and local government will enjoy their authority and duties. Federalism can be said to be an IGR system based on the allocation of powers to the sub-national institutions. The need for government structures and institutions to unite under a common purpose and yet remain separate to protect their respective responsibilities is often viewed as federalism (Grimsley, 2018: 34).

### 2.4.3 Unitarism

Unitarism is a unitary system of governance in which the sovereignty is channelled into a single national institution, providing the centre with control over the peripheral institutions (Heywood, 2013: 380). Onyishi (2018: 72) provides a definition that complements Heywood. He (*ibid.*) states that the unitary system of government is a mechanism of political organisation that makes the central government the supreme government sphere, which is vested with authority over and tasked with making decisions for the subordinate local government (Onyishi, 2018: 72-73).

Scholars like Schwella (2015: 29) have argued that the South African governance system is more of a unitary system. Kekana (2014: 13) asserts that, in this country, governmental power is concentrated at the national level. Chapter 5, Section 100 of the Constitution supports this statement in that it provides the national government with powers to intervene in the provincial administration (RSA, 1996: 57). In a unitary government, the role of the local government is usually restricted to implementing and enforcing the policies and laws passed by the national government. A unitary system does not make laws or policies to any significant degree.

The unitary system might be seen as peculiar, if one is sceptical about power allocation to peripheral institutions. However, ironically, the majority of contemporary states use the unitary system of government. Examples include France, the United Kingdom, China, Japan, Nigeria, Norway, South Africa, Finland and Denmark (Grimsley, 2018). The common factor among governments under the unitary system is that sovereign power is vested in a single national institution (Heywood, 2013: 385). The South African government system is no exception. The South African Parliament makes or unmakes any laws and policies it wishes. Its powers are checked only by the Constitution, but the other spheres of government, like the provincial and local, have no power to challenge the national government (Pholo, 2012: 99). Heywood (2013: 385-386) points out that as the constitutional supremacy is vested in the national government in a unitary government system, like South Africa's, any structure of local government exists for the pleasure of the national government.

## **2.5 Federal system versus unitary system in the context of IGR**

IGR, in the context of South Africa, can be defined as how the different spheres and all the institutions of the government interact with each other (Kahn et al., 2016: 28). Whereas federal and unitary governments are the systems of government that influence IGR, these systems can enhance or diminish IGR. For one to comprehend the effectiveness of IGR, the federal and unitary systems must be scrutinised through the lens of IGR.

A country whose government uses the federal system can be recognised by the decentralisation of authority to the subnational units. This element is vital for the existence of IGR. For IGR to exist, subnational units must be present and the authority must be vested in them. Nkwezane (2012: 67) emphasises that relations amongst subnational units are characterised by cooperation and independence. Chapter 3 supports this statement, Section 40 (1) of the Constitution, which outlines that in the Republic of South Africa, the government is established as national, provincial and local spheres of government, which are distinctive, interdependent and interrelated (RSA, 1996: 25).

Furthermore, the federal system advocates that each sphere of government must be sovereign in its own right and not be subordinate to any of the other governments. This may only be applicable in horizontal relations between all the spheres of government. In the hierarchy system, this principle is problematic. South African IGR is a clear case of the problematic operation of the spheres of government – subnational spheres are allowed to only implement the laws and policies drafted by the national government (Pholo, 2012: 48).

A unitary system of government can be viewed as a government in which a sovereign state is governed by a single sphere. It is thus fair to say that the unitary system provides the central government with supreme authority, and the subnational institutions and administrative divisions only enjoy the powers and responsibilities that the central government has delegated to them (Amtaika, 2013: 94). The contradiction between the unitary system and IGR is that the unitary system advocates that the interaction between the different spheres of government be on a hierarchal level. This

is because the unitary system provides that the central government is supreme and the provincial and local governments should take instructions from the central government. On the other hand, IGR and cooperative governance look at it from a horizontal point of view, and argue that all spheres of government should be equal and operate interdependently and in an interrelated manner (Kahn et al., 2016: 28).

Kahn et al. (2016: 30) further assert that, in a modern state, the unitary system can be viewed as a government in which the authority is centralised with the national government and the lower spheres have little or no autonomy. In this sense, one can argue that the relationship will be a command relationship, in the sense that the national government will command the lower spheres. Considering the principles of the unitary system of government, it thus can be concluded that the guidelines that form IGR in a unitary state are as follows: the national government is vested with supreme powers, and such powers are indivisible and boundless (Tansey, 2008: 35).

## **2.6 International perspective of IGR**

The exercise of IGR is an international phenomenon. This can be ascribed to the fact that both developing and developed countries embrace the benefits that come with different government spheres working together to meet the citizenry's needs. As in South Africa, America and Canada have IGR systems, which confirms that IGR is embraced globally.

### **2.6.1 American federal system**

The American federal system or federalism is a pivotal and innovative concept in its Constitution. It is a governance mechanism, which is grounded in the values of sharing power between the governments of the states and the national government (Sedler, 2010: 61). The phenomenon of federalism in the United States can be traced back to 1776, with the newly independent states acting like 13 disagreeing sisters. Sedler (2010: 61) argues that the American federal system was not planned, as it was not established after the adoption of independence. For Sedler (2010: 61), the structure of the American federal system evolved as an outcome of the Supreme Court's interpretation of the old Constitution, dealing with federal and state power. Hence, the

Court developed the constitutional policy concerning the nature and operations of the American federal system.

The nature of the American federal system evolved after it was found that the American Constitution left the spheres of government unaddressed. Therefore, the American government had to recognise the need for the creation of government spheres that would be closer to the masses. Through the American federal system, the federal government is tasked with limited functions, such as the control of the army, the management of currency, diplomatic relations with other countries, foreign policy, and the approval of war (Ewing, 2016: 693). The American federal system equally allocates some powers and duties to the states, which in the context of South African IGR can be viewed as equal to the local government units. The states are legally obligated to govern their communities as they see fit. Based on the American federal system, states have the authority to rule over local government territories. Therefore, public policy governs their respective territories, public workers, and civil and criminal laws within their territory (Woodward, 2010: 4).

Rose and Goelzhauser (2018: 321) maintain that US local government is not preserved in the Federal Constitution. This is because the expectation is that local government is established and controlled by the state or national government responsibilities. Woodward (2010, 6) supports this statement by arguing from a legal perspective that local government organs are viewed as agencies or arms of the national government and, therefore, local governments are subject to equivalent constitutional prohibitions and prerogatives. Haurovi (2012: 49) agrees that the relationship between these two spheres (national and local) of government is prescribed by a constitution and the laws of the states, in which the local authority is located. Rose and Goelzhauser (2018: 321-322) add that the Federal Constitution lacks open details regarding the issues and processes of local government. Based on their legal perspective, Rose and Goelzhauser (2018: 321-322) point out that the provision of the US Constitution and its related customs add up to a governance system that has three distinctive features: federalism; a system of separation of powers; and the separation of government duties and powers among the executive, legislative and judicial branches.

In the context of IGR, Sedler (2010: 64) suggests that the limits on local government came from the states, not from the US federal government. Rose and Goelzhauser (2018: 321) provide that, from a legal perspective, local governments are created through the constitution of a state and state legislation. This perspective is supported by home rule charters, which provide the larger municipalities or cities with powers and autonomy over their conduct, and are more limiting for smaller communities (Rose & Goelzhauser, 2018: 322). States have proven their importance by being able to generate a source of local funding. This has led them to be large collectors of categorical grants, which in turn erodes the capability of local authorities to generate their own funds.

### **2.6.2 Canadian IGR system**

The evolution of the system of IGR in Canada can be traced to after World War II. This was based on the co-determination of the two spheres of the Canadian government to work together as equals (Cameron & Simeon, 2002: 49). The Canadian IGR system entails provincial and territorial governments taking the initiative, individually, but acting together in the vacuum of the federal government to come up with national policy. Based on collective federalism, Haurovi (2012: 44) is of the view that the provincial governments view the governance system of this country as a partnership between two equal, autonomous and interdependent orders of government, which collectively decide on the national policy.

Haurovi (2012: 44-45) takes the discussion further by stating that the character of IGR in Canada can be categorised as a decentralised federal parliamentary democracy. For Haurovi (2012: 44-45), the Constitution of Canada appears to be quasi-federal in its nature. The Canadian government comprises of the central government, ten provinces and two northern territories, with most of the population located in Quebec and Ontario. In terms of its legislation, the Canadian Legislature has two houses: the Senate, which assists as the highest chamber, and the House of Commons, which is the lower legislative chamber (Cameron & Simon, 2002: 50). The executive arm of the government consists of the Prime Minister, as the leader of the country, and various ministers.

The inclusion of Canadian IGR in this research is vital to consider the maturity of South African IGR. Grimsley (2018: 29) supports this statement when he argues that Canada is perhaps the most innovative country when it comes to the effectiveness of IGR. This is because, as he (2018: 29-30) states, through the process of collective federalism, Canada managed to achieve its national goals. The problem with Grimsley's observation is that he failed to link the achievement of the national goals with IGR. The federal government did not act alone or shape the provincial conduct through the exercise of its spending; thus, it is wrong not to link the national goals' achievement with the process of IGR. The collective work of all 11 governments and their territories and the other spheres of government is the mechanism for the accomplishment of the national goals (Onyishi, 2018: 84).

IGR in Canada can be understood based on its two forms (Cameron & Simon, 2002: 55). The first form is the collaboration between the federal, provincial and territorial governments (FPT). The FPT is the current Canadian IGR jargon, in their quest to find a suitable balance between the federal, provincial and territorial duties and responsibilities. The FPT is grounded on the premise that all these spheres of government hold strong fiscal and jurisdiction aspects and, because of this interdependence, effective policy rests on coordination between all spheres of government (Ewing, 2016: 12). The second form is the collaboration between the provincial and territorial governments. This can be understood as IGR that is primarily between two spheres of the government (provincial and territorial governments). This is grounded in the perspective that, under the Constitution, welfare, health and education are provincial jurisdictions. The "national" standards and policies in these areas, therefore, are issues for provinces to decide on together and, consequently, the central government does not have to do so.

The Canadian governance system has witnessed some element of confederalism. This is based on the development of some aspects of national policy through agreements reached between autonomous but associated actors (provinces and territories). Just like in the USA, the Canadian Constitution promotes a cooperative system of governance and an effective IGR mechanism, which enables all spheres of government to work collectively (Fukuyama, 2015: 75).

## **2.7 Concluding remarks**

This chapter aimed to provide the theoretical framework and outline the concepts that are linked to the study topic. Key concepts that were identified and defined were IGR, cooperative governance, good governance and local government. The study of IGR, just like other studies in the field of governance and political studies, depends on the theoretical approach to comprehend the understanding of the phenomenon. The legal/constitutional, democratic and financial approaches are covered in this chapter. In addition, the models associated with IGR formed part of the chapter. In the context of IGR in South Africa, three models were unpacked: decentralism, federalism, and unitarism. The utilisation of models provided helpful information in terms of determining the model that South Africa uses. However, this could not be done as the data, thus far, points to the fact that the country, unlike other countries, does not use one specific model. It has elements of federalism and unitarism.

Another achievement of this chapter was to go beyond the boundaries of South Africa and to provide information on how other international countries utilise IGR to provide the necessary services to their citizens. The American federal system and the Canadian IGR system are outlined in this chapter. These two countries have lessons that South Africa can learn from to strengthen its IGR system. Collectively, this chapter contributes to the research on the manifestation and practice of IGR in the Mohokare Local Municipality, as it provided a description and a deeper understanding of IGR from a theoretical viewpoint and an international perspective. The next chapter will look at legislation in reference to cooperative government and IGR.

## **CHAPTER 3: LEGISLATION WITH REFERENCE TO COOPERATIVE GOVERNMENT AND INTERGOVERNMENTAL RELATIONS**

### **3.1 Introduction**

South African IGR and cooperative governance exist and operate within the parameters of various pieces of legislation and acts. This is influenced by the fact that South Africa is a constitutional, democratic country. Burns (2000: 14) points out that Section 2 of the Constitution provides that it is the supreme law of the country (RSA, 1996: 5). This argument by Burns suggests that working relations between all three spheres, which are inconsistent with the Constitution and IGR legislation, will be regarded as invalid. The Constitution and all legislation that exists within it can be viewed as the rule of law that should be respected by everyone, including government officials.

Section 2 of the Constitution further emphasises that all government legislation is bound by the rule of law (RSA, 1996: 5). The legal perspective of this submits that IGR in South Africa derives its capacity and powers from the Constitution. This obligates the practice of IGR to be guided by the Constitution. The Constitution, besides its status as the supreme law of the country, is also the first step in understanding South African IGR – one of the reasons being that the Constitution provides IGR with legal existence. Furthermore, the responsibilities and objectives of IGR are prescribed in Section 40 and Section 41 of Chapter 3 of the Constitution (RSA, 1996: 25-26).

In the context of South Africa, the Constitution guarantees the legal reality of cooperative governance and IGR legislation. Chapter 3 of the Constitution introduces cooperative governance and IGR. It further delivers the duties and operations of IGR. The essence of IGR and its link with the importance of the Constitution is clearly

outlined in Section 40 (2) of Chapter 3. It emphasises that all spheres of government must observe and adhere to the principles in Chapter 3 of the Constitution and must conduct their activities under the parameters that Chapter 3 sets out. Section 41, Subsection 1 (d) states that the principles of IGR and cooperative government are obligated to be loyal to the Constitution (RSA, 1996: 25).

Through document analysis, this study has established that there are numerous pieces of legislation, which deal with IGR and cooperative government. The legislation is aimed at informing and guiding IGR and cooperative governance in South Africa. Some of the pieces of legislation are the Constitution, the Intergovernmental Relations Framework Act 13 of 2005, the Intergovernmental Fiscal Relations Act 97 of 1997, the Municipal Structure Act 177 of 1998, the Municipal System Act 32 of 2000, and the Municipal Finance Management Act 56 of 2003 (Kahn et al., 2016: 138). Most of the legislation that is tasked with dealing with IGR and cooperative government is scrutinised in detail in this section of the study.

### **3.2 The Constitution of the Republic of South Africa**

The South African Constitution is the supreme law of the country. It operates as the custodian of IGR legislation, which guides how the national, provincial and local government should operate based on mutual trust and good faith (RSA, 1996: 25). The practices of IGR and cooperative government will be interpreted as invalid if the practices are not in line with the Constitution (Burns, 2000: 11). It is essential for this study to explain the manifestation and practice of IGR and cooperative governance within the four concerns of the Constitution.

The Constitution is elevated above all state legislation. Hence, all the legislation dealing with IGR and cooperative governance must subscribe to the principles of the Constitution. This also means that IGR and cooperative government derive their capacity and legal powers from the Constitution, and they are bound by it (Burns, 2000: 14). The Constitution deals with the obligations and responsibilities of any state administration. This includes the administration of the cooperation between all spheres of government, as laid down in the Constitution. The parliamentary, provincial and local government legislation, including subordinate legislation, subscribes to the

Constitution. Section 33 of the Constitution, under “Just administrative action”, supports this argument. Section 33 is crucial as it lays the foundation for the practice of any public administrative powers by defining the parameters within which the public administration must function. IGR and cooperative government administrative actions must also conform to Section 33 of the Constitution (RSA, 1996: 17).

Given South Africa’s history, it is not surprising to find that the Constitution recognises the importance of cooperative government and IGR (Khoza & Adam, 2007: 74). Chapter 3 of the Constitution compels all spheres of government to adhere to the principles of cooperative government and IGR (RSA, 1996: 25). The Constitution makes provision for a three-sphere system of government. This system of government is comprised of the national, provincial and local spheres (Kahn et al., 2016: 90). It not only points out that South Africa is divided into three spheres, but emphasises that these three spheres must work together.

Coetzee (2010: 86) modelises the three-sphere system as a democratic model of cooperative governance – the decentralised governance model. Just like many governance models, which are grounded on different objectives, Coetzee (2010: 86) states that the decentralised governance model is based on the objective of meeting the basic needs of local communities. However, one may view Coetzee’s analysis of the decentralised governance model objective as limited as she points to a limited objective of this model. Chapter 3 of the Constitution provides general and numerous objectives of cooperative governance and IGR. It clearly states that the government is established as the national, provincial and local spheres of government (RSA, 1996: 25). The driving principles that underlie the relationship between these spheres of government are cooperative government and IGR (Haurovi, 2013: 66).

Chapter 3, Section 40 (1) emphasises that the government should constitute of three spheres of government. The national, provincial and local spheres of government are “distinctive, interdependent and interrelated” (RSA, 1996: 25). These three concepts are emphasised by the Constitution; thus, they warrant further discussion.

### **3.2.1 Distinctive**

The distinctiveness, according to Coetzee (2010: 87), means that the Constitution assigns certain powers and functions to each sphere of government. Mdliva (2012: 27) further supports this definition by Coetzee by stating that the Constitution lists some matters that provincial governments can legislate. Equally, there are certain matters, which only the national government can regulate. Local government is no exception to distinctiveness, as it is allocated certain matters to focus on. In the context of distinctiveness, each government sphere enjoys some level or degree of autonomy over certain matters assigned to it by the Constitution. In addition, the Constitution has the authority to make the final decision in those matters (RSA, 1996: 25). For Haurovi (2012: 84), distinctiveness is all about each sphere having distinctive executive and legislative competencies. Haurovi (2012: 84-85) further points out that this allocation of competencies is based on the assumption that there are certain public interests that are sufficiently served by the respective spheres of government.

### **3.2.2 Interdependent**

Interdependent, in the context of IGR, may be understood as the degree to which one sphere depends upon another to fulfill its constitutional mandate (Haurovi, 2012: 67). Based on the definition from *The Practitioner's Guide to IGR in South Africa* (2009: 6), interdependent can be described as each sphere exercising its autonomy, for the common good of the country, through co-operating with other government spheres. Interdependence can also be viewed as the duty of all three spheres to empower one another (Coetzee, 2010: 87). Interdependence, through the framework of IGR, not only emphasises empowerment, but also stresses that all the spheres must assist each other (Haurovi, 2012: 67). This observation is evident in the constitutional obligation that the local and provincial spheres have the prerogative to ask for assistance from the national government. This assistance is based on those government spheres fulfilling their constitutional mandate. The national sphere is entitled to supervise the provincial and local government, to ensure that they achieve their constitutional mandates. In this context, the national and provincial spheres of government have a duty to monitor, and intervene in, the affairs of local government if it appears as if they are failing to meet their constitutional objectives (RSA, 1996: 25).

### **3.2.3 Interrelated**

Interrelatedness is based on the national, provincial and local governments co-operating with one another. The interrelatedness of all three spheres guides them to co-operate, in mutual trust and good faith, through fostering friendly relations (RSA, 1996: 25). The duties of each sphere are such that they are interlinked to the next sphere. All spheres of government are intertwined through a collaborative governance network, with the aim of meeting their constitutional objectives (Hurovi, 2012: 68). Section 49(a) of the Constitution advocates that the spheres of government preserve the peace, national unity and indivisibility of the country through the values of good governance, such as the provision of an accountable and transparent government for the country as a whole. It can thus be argued that this means that spheres are important parts that together form the government of the Republic of South Africa and, if they work collectively, then for the whole to operate effectively as required, all spheres must interact harmoniously (Nzimakwe & Ntshakala, 2015: 823). The concept of interrelated means that all three spheres of government are part of a holistic system of government and, through the interrelated spheres, are solid and unified.

### **3.3 Intergovernmental Relations Framework Act 13 of 2005**

In 2005, the Intergovernmental Relations Framework Act 13 of 2005 was passed. This Act legitimised the establishment of the intergovernmental structures of the three spheres of the South African government, in terms of Chapter 3, Section 41 (2) of the Constitution, to facilitate and advance IGR. The theory and practice of IGR is entrenched in the Constitution and has the duty to underlie the strength of a decentralised fiscal policy and a policy of cooperation (Intergovernmental Relations Framework Act, 2005).

The Intergovernmental Relations Framework Act 13 of 2005, Section 16 makes provision for the creation of a Premier's Intergovernmental Forum in each of the nine provinces. This forum is structured as a consultative forum. Its duties are to discuss and consult on issues of common interest amongst the provinces and local government. Section 24 of this Act prioritises the establishment of district

intergovernmental forums with the aim to facilitate IGR between districts and municipalities at local government level. Section 25 outlines the structures of the District Intergovernmental Forum. In this context, the forum should include the mayors of the district municipalities and the mayors of the local municipalities (Coetzee, 2010: 89). In the absence of a mayor, the Section recommends that the municipality designates a councillor. Section 25 of the Act provides the mayor of the district municipality with the authority to be the chairperson of the forum. Furthermore, the chairperson of the forum has the power to invite any person to a gathering of the forum (Intergovernmental Relations Framework Act, 2005).

In terms of the duties of the District Intergovernmental Forum, Section 25 states that, as a consultative forum, it has to provide a structure within which the district and municipalities can consult each other. This consultation, according to Section 25, must be guided by the principle of mutual interest. Regarding Section 26 of the Act, the responsibility of the forum is to operate as a consultative forum for the local and district municipalities with the objective of discussing matters and consulting each other. These consultations can include taking about matters affecting the interests of the local municipalities within the district. This forum is further tasked with drafting national and provincial legislation and policies concerning affairs affecting the aspirations of the local government municipalities within the district (Van Niekerk, 2015: 843).

The Act further states that the District Intergovernmental Forum has to deliberate and consult on issues affecting the implementation of national and provincial legislation and policies concerning the district, as well as issues that have come up in the Premier's Intergovernmental Forum involving the district. The local and district municipalities, through Section 26 of the Act, are required to discuss and advise each other on issues concerning the delivery of service, development in the district, and coherent planning. The alignment and coordination of the strategy and performance plans and priorities, strategies and objectives of the municipalities in the district form part of the work of the district forum (Mathebula, 2011: 837). According to Section 26, Subsection 2, the district forum may send a matter arising in the forum to the Premier's Intergovernmental Forum or any other provincial intergovernmental forum. Section 27 explains the procedures affecting the meeting of the district forum (Intergovernmental Relations Framework Act, 2005).

Section 28 and Section 29 make provision for the inter-municipality forum to enhance IGR amongst municipalities. According to Section 30 of the Act, municipalities have to create technical support IGR forums, which include officials representing bodies in the forums to offer technical advice and support to the district municipal forums. Section 35 provides details on the implementation of protocols, as well as the aims, and when protocols should be considered (Mase, 2010: 86). Section 37 of the Act provides the premier with the responsibility to coordinate IGR in the province. According to Section 38, the mayor of a district municipality is responsible for IGR and for coordinating it within the district. Chapter 4 of the Act deals with a settlement amongst various forums or amongst a district municipality and a local municipality (Intergovernmental Relations Framework Act, 2005).

### **3.4 Intergovernmental Fiscal Relations Act 97 of 1997**

The Intergovernmental Fiscal Relations Act 97 of 1997 was enacted on 1 January 1998, which created the Local Government Budget Forum to consult on any fiscal, budgetary or financial issues that have an impact on the local sphere of government. The Act deals with any proposed policy or legislation that has a financial implication for local government. This Act also addresses any matters affecting financial management or the monitoring of the finances of local government (Van der Walddt, 2018: 227).

According to Pholo's (2012: 44) interpretation, the Act can be viewed as the pillar of the IGR system. He (2012: 44) argues that the Act has formalised the three spheres of government through its management of the IGR instruments. For Pholo (2012: 44), the objectives of the Act are to first establish the code of conduct and rollout the programmes for its implementation, to conclude the code of good conduct for IGR, to intervene in intergovernmental disputes, and to implement the protocols. Pholo (2012: 45) asserts that the Budget Council, an intergovernmental instrument, was created with the backing of the Intergovernmental Fiscal Relations Act 97 of 1997.

For Van Niekerk (2015: 842), the Intergovernmental Fiscal Relations Act 97 of 1997 provides guidelines for the division of nationally raised revenues between all three

spheres of government. The Act also gives the authority for the establishment of the Budget Council and the Budget Forum. One of the objectives of the Budget Forum is to provide a forum for outlining matters linked to local government's financial and fiscal framework. The forum consists of members of the Budget Council and members of the South African Local Government Association (SALGA). The Act expects that a Division of Revenue Bill be outlined on an annual basis. The Act further states that the Division of Revenue Bill sets out, among other things, the funds to be transferred to each municipality (Intergovernmental Fiscal Relations Act, 1997).

### **3.5 Municipal Structure Act 177 of 1998**

Based on the assessment by Van der Waldt (2018: 47), the Municipal Structure Act was created to regulate the internal system, structures and office-bearers of local municipalities. He (2018: 47) adds that the Act also provides for appropriate electoral systems. In terms of the functions and powers of ward committees, Chapter 4, Part 4 of the Act deals with such matters, while Chapter 1, Part 1 and 2 focus on the issues concerning the electoral system for metropolitan and local councils, as well as ward elections. The participatory ward system of municipal government authorises the creation of ward committees to regulate community participation in the matters of local government.

According to Nzimakwe and Ntshakala (2015: 827), the Act categorises municipalities, for example, local, district and metropolitan. In addition, it offers details concerning the powers and responsibilities of the different categories of municipalities. For Pholo (2012: 46), the Act is the safeguard of democracy at local government level because it advocates for the establishment of democratic structures, which have the objective of developing, shaping and reviewing the mission and vision of municipalities. Van Niekerk (2015: 844) states that, in the context of IGR, the vital objectives of the Act are the provision of different categories of municipalities and the separation of powers and duties between district and local municipalities.

Pholo (2012: 46) adds that not only the ward committee members need development but society overall – in relation to Section 73 of the Municipal Structure Act. The Constitution supports this statement in Section 152 (1). Pholo (*ibid.*) further states that

the development of municipalities is explained in Chapter 4 of the Municipal Systems Act 177 of 1998.

### **3.6 Municipal Systems Act 32 of 2000**

The Municipal Systems Act 32 of 2000 established the framework for planning, the effective use of resources, organisational change, and performance management systems. The Act also provides for vital principles, mechanisms and processes, which are needed to work in partnership with the community. In terms of community participation, Chapter 4, Section 16 (1) of the Act deals with this matter and articulates the need for the development of a culture of community participation. The Act further highlights the mechanisms, processes, and procedures for community participation. The Act further deals with the communication of information regarding community participation. Concerning the processes and procedures for community participation, Section 17 (1) (2) provides such mechanisms (Van der Waldt, 2018: 48).

The Municipal Systems Act 32 of 2000, Section 105 and 106 obligates the Member of the Executive Council (MEC) for local government to create mechanisms to facilitate municipalities and their capacity development and monitor their support needs. The Act empowers MECs to request information from municipalities, and where they see non-performance or maladministration, to create a structure of inquiry. In addition, this Act gives the MEC the authority to issue bylaws, standing orders, model delegations, guidelines and policy directives, which a municipality may opt to adopt (Kahn et al., 2016: 50).

The Act, in Section 108, empowers the Minister of Cooperative Governance and Traditional Affairs to create vital and minimum standards for any matter linked to local municipalities. One of the crucial aspects of the Municipal Systems Act is that it requires local municipalities to establish a performance management system. The Department of Cooperative Governance and Traditional Affairs is guided by this Act through Section 43 to produce annual performance reports. Furthermore, Section 45 states that the Auditor General must audit Cooperative Governance and Traditional Affairs' annual report. The MEC for Local Government must write and submit a report on the performance of municipalities in his/her province to the minister and the

provincial legislatures annually. The Act further suggests that remedial action should be taken with municipalities that are identified as underperforming (Municipal Systems Act, 2000).

### **3.7 Municipal Finance Management Act 56 of 2003**

Nzimakwe and Ntshakala (2015: 826) are of the opinion that the Municipal Finance Management Act lays the foundation for local government. The Act plays a part in the categorisation of municipalities and the establishment of governance structures, and the powers and responsibilities of local government. Kahn et al. (2016: 52) propose that the Act promotes a culture of accountability in the utilisation of publically allocated finances. These authors (2016: 52) are also of the view that accountability is the backbone of a productive democracy.

Moreover, the Act outlines the rules and regulations of the Treasury, which affect the sphere of local government. However, the Act does not merely focus on local government but is accommodative to all three spheres of government (Pholo, 2012: 47).

In terms of the vision of the Act, it aims to modernise budget and financial management practices in municipalities for the sake of strengthening the capacity of municipalities in order to deliver public services to all their residents, users and customers. According to Van der Waldt (2018: 70), the Municipal Finance Management Act enhances the principle of transparency in local municipalities. In terms of participation, accountability and transparency, the Act aims to transform municipalities to protect those values. One of the objectives of the Act is to secure sound and effective fiscal management and financial affairs of municipalities and municipal organs. The Municipal Finance Management Act creates norms and standards to safeguard the values of good governance – in particular, transparency, accountability, and an appropriate line of responsibilities.

The Municipal Finance Management Act describes the roles and responsibilities of executive councillors and officials. Through the description of the Act, the executive committee or executive mayor is tasked with being responsible for policy and

outcomes, while the municipal manager and senior managers are tasked with the implementation and outputs. Furthermore, the Act provides that the executive mayor or executive committee oversee the performance of officials regarding the budget and service delivery implementation plan, as well as facility performance, through monthly progress reports. The Municipal Finance Management Act helps municipalities to maximise their capacity to provide public services. In addition, the Act shapes or at least influences municipalities to strive to improve the content and quality of their financial management every year and measure their progress after the end of each financial year. The Act has five underlying principles that encourage a strong, accountable local government sphere and effective management by promoting sound financial governance, a more strategic approach to budgeting and financial management, the modernisation of financial management, cooperative government, and sustainability (Municipal Finance Management Act, 2003).

### **3.8 Concluding remarks**

This chapter aimed to identify legislation and regulatory frameworks that deal with cooperative governance and IGR. The Constitution, in particular Chapter 3, describes the structure, objectives and principles of cooperative government and IGR. Besides Chapter 3, Section 2 of Chapter 1 states that the Constitution is the supreme law of the Republic. This declaration is important in understanding the authority the Constitution has over the activities of cooperative governance and IGR. The inclusion of the Intergovernmental Relations Framework Act 13 of 2005 was vital because the analysis of the Act proved that it legitimised the establishment of IGR structures. This chapter included the Intergovernmental Fiscal Relations Act 97 of 1997, which was helpful in the quest to understand proposed policy or legislation, which had financial implications for local government.

The Municipal System Act 32 of 2000 is one of the most important legislation in the context of IGR and cooperative governance, because the Act provides the necessary information regarding the framework for planning, the effective use of resources, organisational change and performance. On the other hand, the Municipal Structure Act 177 of 1998 was created to monitor the internal systems, structures and office-bearers of local municipalities. The Municipal Finance Management Act 56 of 2003

has proven to be significant because it provides information on the categorisation of municipalities. The critical aspect of legislation in the process of IGR and cooperative governance is that it provides legal guidance on how these processes should be conducted. The legislation also plays a vital role in ensuring the work and practice of IGR and cooperative governance is based on transparency and accountability.

# CHAPTER 4: THE MANIFESTATION OF INTERGOVERNMENTAL RELATIONS IN SOUTH AFRICA AND THE MOHOKARE LOCAL MUNICIPALITY

## 4.1 Introduction

The manifestation of IGR in South Africa can be traced back to the apartheid era. Nkwezane (2012: 1) supports this statement by arguing that during the apartheid rule, IGR and cooperative government elements were present. His argument is backed by historical evidence that proves there were spheres of government, as in the democratic South Africa. However, during the apartheid regime, although there were central, regional and local spheres, the distinguishing factor in comparison with the current IGR system was that the central government had absolute power.

Base on the argument of Nkwezane (2012: 1-2), it can be said that the manifestation of the IGR system after the first democratic elections was influenced or at least shaped by the system that was used during the apartheid government. For De Vries, Reddy and Haque (2008: 88), the manifestation of IGR in South Africa was based on the reformism process. They (*ibid.*) further emphasise that this reformism process improved local government. In this context, De Vries et al. share the same views as Nkwezane, one of the reasons being that, like De Vries et al., Nkwezane (2012: 1) is of the opinion that the manifestation of IGR focuses on the improvement of local government. This is because, for him, the local sphere of government only had limited powers in the past and did not enjoy the same status as other spheres of government. In this way, local government was undermined by the central government, which created operational problems for IGR and cooperative government.

According to De Visser (2005: 60), the manifestation of IGR and cooperative government in South Africa was kick-started when the country moved towards democracy, which brought with it a restructuring of IGR. Craythorne (2014: 93) adds that the government of national unity contributed to the manifestation of IGR in South Africa through recognising the need to establish a government system that would

enhance IGR and co-operation between all spheres of government, as emphasised in Chapter 3 of the Constitution (RSA, 1996: 25).

## **4.2 Contextualisation of South African IGR**

It is the objective of this chapter to analyse IGR in relation to the concepts and events surrounding it. For example, when contextualising South African IGR and cooperative government, one should keep the constitutional objectives of IGR and cooperative government, as outlined in Chapter 3 of the Constitution, in mind while investigating the relationship between the national, provincial and local government (Thornhill & Cloete, 2014: 84).

From the contextualisation perspective, the concept *IGR* denotes how the national, provincial and local governments should work and relate to each other (Matovu, Kundishora & Chatiza, 2018: 6). The authors (2018: 6) further mention that IGR and cooperative governance operate through the division of power at both legal and administrative levels between the national, provincial and local governments. According to Senoamadi (2014: 26), the operational objective of IGR and cooperative government is to promote effective and efficient service delivery to the masses on the ground. To some extent, Chapter 3, Section 41 (1) (b) of the Constitution, supports this argument by Senoamadi (2014: 26). Section 41 (1) (b) calls for co-operation between the national, provincial and local governments to secure the well-being of the people of South Africa (RSA, 1996: 25).

## **4.3 Working relations**

The Constitution calls for all spheres of the government to work together. In this sense, the working relations between the national, provincial and local governments are constitutionally obligated. Chapter 3 of the Constitution is explicit in what is expected of the relationships between the three spheres of government. Section 40 (2) of the Constitution states that all spheres of the government are obligated to observe and adhere to the principles of Chapter 3. The Section further mentions that all spheres of government must conduct their activities within the four corners that Chapter 3 outlines. However, despite the emphasis that Chapter 3 places on working together, it

still accommodates the distinctiveness and interdependence of each sphere. Chapter 3, Section 40, Subsection (1), which states that the government is constituted as the national, provincial and local spheres of government, which are distinctive, interdependent and interrelated (RSA, 1996: 25), reinforces this statement.

Even though the Constitution encourages all spheres of government to work together, it is important to mention that this encouragement does not take into consideration some of the powers and duties that each sphere enjoys. For example, through the element of distinctiveness, the Constitution assigns some functions and powers to the provincial and local spheres of government. In addition, in some cases, the provincial governments can make laws, and, regardless of IGR advocating for the togetherness of all spheres of government, there are certain matters that the national government can or cannot regulate (Van der Waldt, 2018: 57). Just like other spheres that enjoy the benefits of distinctiveness, local government is not isolated in this context. As Senoamadi (2014: 113) points out, local government enjoys some degree of autonomy from the national and provincial spheres of government.

Regardless of the self-autonomy each sphere has, this does not negate the importance of cooperation between all spheres of government. As Kahn et al. (2016: 49) emphasise, the national, provincial and local spheres of government are related and linked, which encourages them to work together so that they can achieve their constitutional responsibilities. Chapter 3, Section 41 (1) (h) advocates for co-operation between the three spheres of government, in mutual trust and good faith, to assist and support one another (RSA, 1996: 25). For Lie (2010: 73), the interrelatedness aspect of South African IGR and cooperative government encourages a spirit of working together amongst all spheres of government. This is because the other spheres of government supervise the aspect of interrelatedness. For example, the local sphere of government has been tasked with certain matters, which means that municipalities are supervised by national and provincial government. It can thus be argued that IGR and cooperative government influence or at least shape the motives of the spheres to empower one another to achieve their respective constitutional mandates (Hofmeyr, 2012: 16).

Chapter 3, Section 41 (h) of the Constitution encourages all spheres of government to establish friendly working relations (RSA, 1996: 25). For Kahn et al. (2016: 110-111), the creation of the National Council of Provinces (NCOP) should be viewed as a mechanism for the government to enhance the practice of working together, amongst all spheres of government. Based on the Constitution, the NCOP works as the second house of Parliament. Concerning the IGR principles and cooperative government values, one of the primary duties of the NCOP is to ensure that all nine South African provinces and local government have a direct voice in Parliament concerning the process of formulating laws.

As one of the principles of the IGR system and cooperative government is to ensure that all spheres of government coordinate their actions and legislation with one another (RSA, 1996: 25), this principle is the custodian of the NCOP. The NCOP represents the provinces to ensure that their interests are taken into consideration by the national sphere of government. As the mechanism to promote and enhance friendly working relations between the government spheres, the NCOP provides a platform for provincial government to participate in the national legislative process. The NCOP also offers a national forum for public consideration of issues affecting the provinces. Another critical responsibility of the NCOP is to contribute in the quest to promote national unity, as stipulated by Section 41 (1) (b) of the Constitution (RSA, 1996: 25). Regarding IGR and cooperative government principles, the NCOP has a vital role to play, which is to promote good working relations between all spheres of government (Nkwezane, 2012: 98).

#### **4.3.1 Working relationship between the national and provincial sphere of government**

Chapter 6, Section 125, Subsection (3) of the Constitution tasks the national government with providing the necessary support to provincial governments (RSA, 1996: 70). This support is further aimed at building provincial government's capacity to utilise its powers and perform its responsibilities effectively. South Africa has nine provinces (the Eastern Cape, the Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, the Northern Cape, the North West, and the Western Cape), which all have constitutional mandates to create a working relationship with the national

government. Importantly, this relationship is guided by the principles of IGR and cooperative government, as prescribed in Chapter 3 of the Constitution. Just like any relations amongst any spheres of government, the co-operation between the national and provincial governments must be based on mutual trust and good faith (RSA, 1996: 25).

In terms of monitoring, the provinces are under the observation of the national government. The national government's powers to monitor the provincial governments are concerning sectoral legislation, such as education, roads and health (Craythome, 2014: 106). Equally, the Public Financial Management Act 29 of 1996 explains the national government's monitoring of the provincial governments (Public Finance Management Act 29, 1999: 35). The provincial government is constitutionally tasked to execute its executive responsibilities, and, in the case that it fails to do so, the national government will be obligated to intervene, as stated in Section 100 of the Constitution. Chapter 3, Section 41 (1) (h) (vi) of the Constitution encourages the national and provincial spheres of government to try, by all means, to avoid legal proceedings against one another (RSA, 1996: 26).

The working relations between the national and provincial spheres of government are clearly demonstrated in the instance of the financial capacity of provinces. For example, the national government raises revenue, and then, in the spirit of cooperative government, the provinces receive an equitable share of this revenue. The working relationship between these two spheres of government, as guided by the principles of IGR, goes as far as the national sphere of government supporting the development of provinces. Kahn et al. (2016: 98-99) use the case of the 2003/2004 financial year to emphasise the importance of cooperative government between the national and provincial spheres of government. According to them, during the 2003/2004 financial year, the provinces' slice of all taxes generated by all spheres of government was R3 531-million, which was 1.1% of the total taxes collected for the period. Therefore, the provincial sphere of government depends heavily on a portion of nationally generated revenue. Amtaika (2013: 77) states that cooperation amongst these two spheres of government is essential because the provincial sphere of government has not yet created its own major sources of income. For all these reasons, the provincial

sphere of government has to cooperate with the national government so that provinces can meet their constitutional responsibilities.

#### **4.3.2 Working relationship between the provincial and local spheres of government**

Despite the Constitution defining local government as an independent, distinctive sphere of government, it remains the custodian of IGR and cooperative government (RSA, 1996: 25). If one looks at the South African IGR system from a vertical perspective, one might conclude that the local sphere of government is at the bottom, compared to the national and provincial spheres of government. However, this does not reduce the importance of co-operation between the national, provincial and local spheres of government. Scholars such as Kahn et al. (2016: 120) argue that those who are sceptical about IGR ignore the fact that IGR is a governance system that is meant to empower the local sphere of government.

For De Vries et al. (2008: 89), the local government sphere requires IGR and cooperative government. For the local government sphere to be able to achieve its constitutional mandate, it has to co-operate with the other spheres, but mostly with the provincial sphere of government. Van der Walt (2018: 55) states that a productive IGR system is needed for local government to be effective, efficient and sustainable.

As Kahn et al. (2016: 252) argue, the IGR system is a quest to enhance effective and efficient service delivery to the masses on the ground. Their argument serves as an indication of the importance of local government in this system. Considering the fact that local government is the sphere that interacts the most with the people on the ground, and is tasked with providing service delivery that is vital to the survival of the people, this makes co-operation with other spheres of government essential.

In the context of the national and provincial government, the local government is constitutionally obligated through Chapter 3 to co-operate with other spheres of government. The Constitution, in addition, guides local government to enhance and promote the principles of cooperative government and IGR. The local sphere of government is then expected to co-operate with the national and provincial

governments, in mutual trust and good faith, to establish friendly working relations (RSA, 1996: 25). The working values between the provincial and local government are grounded in the values of assisting and supporting one another. In order for the provincial and local spheres of government to achieve their respective objectives, communication and consulting one another on issues of common interest is essential. Productivity between these two spheres of government depends on co-ordinating their conduct and legislation with one another. It is also best for the provincial and local spheres of government to adhere to agreed-upon procedures and to attempt to avoid legal proceedings against one another (Van Niekerk, 2015: 850).

The provincial and local spheres of government have to work together for the common good of the country. The provincial government must also empower the local government by providing it with the necessary resources. The local government also needs to co-operate with the provincial government to be able to meet its constitutional mandate. Constitutionally speaking, local government, through Chapter 7, Section 152 (1) of the Constitution, has the objective of providing a democratic and accountable government for local communities (RSA, 1996: 83). Provincial government, as the monitory structure of local government, has to ensure that local communities have a democratic and accountable government. If this does not happen, then the provincial government, according to Section 139 of the Constitution, can intervene in the local government's affairs.

Another constitutional mandate of the local government sphere is to promote social and economic development. In most cases, local government, through municipalities, co-operate with the provincial government to ensure that it fulfils its mandate (De Vries et al., 2008: 28). Joint economic programmes are established between the provincial and local government to ensure economic developments at local level. The Macufe Festival in the Free State is an example of the provincial government forming a partnership with local municipalities to develop the economy of those municipalities (Zola, 2018). The local and provincial spheres of government are part of a holistic government system that continues to encourage these two spheres of government to work together. This can be through sharing intelligence, communications, resources or developmental programmes.

Van der Waldt (2018: 19) reminds us that the local government does not exist in isolation. Therefore, it cannot operate without other spheres of government, such as the national and provincial. The local government sphere is part of different intergovernmental relationships – with a provincial sphere of government in most cases. The pieces of legislation mentioned in Chapter 3 of this study are the ones that promote the working relationship between the three spheres of government, for example, the Intergovernmental Relations Framework Act 13 of 2005. The Act established an institutional framework that promotes and monitors a system of cooperative governance between the national, provincial and local government. The establishment of the President's Co-ordinating Committee and national, provincial and municipal intergovernmental forums are due to this framework (Intergovernmental Relations Framework, Act 13 of 2005). From this discussion, one thing can be deduced – that the achievement of government objectives, whether social, political or economic, depends in no small part on cooperation between all spheres of government.

The Free State Provincial Intergovernmental Forum was created under the guidance of Section 16 of the Intergovernmental Relations Framework Act 13 of 2005. This forum serves as a platform to promote relations between the two spheres of government, namely the Free State provincial government and Free State local governments. The core responsibility of this forum is to promote and facilitate IGR between these two spheres of government. The forum includes the premier of the Free State, who is the chairperson of the forum, but also includes the members of the executive council of the province, who are tasked with local government responsibility in the province. This forum also comprises of members of the executive council, designated by the premier and mayors of municipalities in the Free State (Van Niekerk, 2015: 853).

The Free State Premier's Intergovernmental Forum promotes the principles of IGR and cooperative government by providing a consultative forum for the premier and local governments in the Free State. The Intergovernmental Relations Framework Act 13 of 2005, Sections 18 and 20 (2005: 87) guide these two spheres of government to discuss and consult on issues of common interest. For example, in the spirit of IGR and cooperative government, this forum consults on matters such as the

implementation of national policy in the province and legislation affecting local government interests; it also coordinates provincial and municipal development planning. Such forums are vital in strengthening the productive cooperation between the provincial and local spheres of government (Nkwezane, 2012: 103).

#### **4.4 Conflicts**

Despite legislation being in place to promote co-operation between all spheres of government, and constitutional encouragement for the IGR system and cooperative government, conflict cannot always be kept at bay. Chapter 6, Section 146 of the Constitution explains the measures to deal with conflict – in particular conflict between national and provincial legislation (RSA, 1996: 80). Some scholars presume that when there is conflict between these two spheres, the national legislation will always prevail. This assumption is unconstitutional and, therefore, invalid (De Visser, 2005: 124). The objective of the section is to put aside such assumptions and provide the facts regarding what has to be taken into consideration concerning conflicts between national and provincial legislation.

Sections 146 to 150 explain the legal procedures when it comes to conflicts between national and provincial legislation. This is a constitutional section that aims to provide legal mechanisms that can smoothly address conflicts that might occur between two spheres of government that form part of the IGR system. Section 146 states that this section is applicable to conflict between national legislation and provincial legislation falling within an operational area, as prescribed in Schedule 4. In the case of conflict between the national and provincial legislation, the national legislation that applies to the country as a whole prevails over the provincial legislation. However, this is not always the case, as some conditions should first be met. Section 146 (2) outlines the conditions (RSA, 1996: 80). For example, the national legislation has the constitutional power, as listed in Section 146 (2) (a), to deal with a matter that could not be regulated effectively by legislation enacted by the respective provinces. To keep conflict at bay, the national legislation, as guided by the Constitution in Section 146 (b), has established norms and standards, frameworks and national policies. As Thornhill and Cloete (2014: 211) argue, this mechanism is beneficial for the productivity of the IGR system and cooperative government. Senoamadi (2014: 91) maintains that national

legislation is essential in the maintenance of national security, which is useful for the other two spheres of government. National legislation is essential in the context of IGR because it promotes economic activities across provincial boundaries. Furthermore, Section 146 (v) guides the national legislation to promote equal opportunities and equal government services across the provincial and local spheres of government (RSA, 1996: 80).

In a situation of conflict between the national and provincial legislation, the national legislation prevails over the provincial legislation, if the national legislation is aimed at halting unreasonable conduct by the provincial legislation. The national legislation can also prevail over the provincial legislation if the latter impedes the implementation of the national economic policy. The IGR system advocates for any sphere of government involved in an IGR conflict to utilise other mechanisms before approaching the court to solve the conflict (RSA, 1996: 26). However, Section 146 (4), unlike Section 41 (3), promotes the courts rather than other mechanisms to solve conflict between the different spheres of government.

According to Section 146 (4), if there is a conflict between two or more spheres of government, it is necessary, for the purpose outlined in Subsection (2) (c), that the conflict or dispute be presented before a court of law so as to be resolved. It is important to state that not only the national legislation has absolute rights to prevail. For example, in a situation where Subsection (2) or (3) does not apply, provincial legislation will prevail over the national legislation, as emphasised by Section 146, Subsection (5). In the case that the NCOP does not approve a law, as guided by Subsection (6), within 30 days of its judgment, it is obligated to forward reasons as to why it has not. In cases where conflicts cannot be resolved by a court, the national legislation will then prevail over the provincial legislation. The interpretation of conflicts, as stated in Section 150, forms a critical part of resolving conflicts amongst the spheres of government. This is because Section 150 guides every court to prefer any reasonable interpretation of the legislation that seeks to avoid a conflict or dispute (RSA, 1996: 80).

The measures provided by the Constitution, in Section 146 in particular, do not always keep conflict amongst different spheres of government at bay. An example is the case

of the Uthukela District Municipality, the Zululand District Municipality and the Amajuba District Municipality in conflict with the President of South Africa, the Minister of Finance, and the Minister of COGTA in 2002, which exposed the faults of both conflict measures and the IGR system. In this case, the municipalities ended up opting for a court case in the Constitutional Court against the entities of the national government (Du Plessis, 2003: 2). The case was about concerns of the entitlement of category C municipalities to an equitable share of revenue raised nationally. Besides the legality of this case, what is essential in the context of the IGR system and the cooperative government mode (which has measures to deal with the conflict between different spheres of government) is that it exposed the shortfalls of IGR. Section 41 (1) (h) (i) of the Constitution emphasises that spheres of government must foster friendly relations. In support of this statement, Section 41 (h) (vi) of the Constitution advises spheres of government to avoid legal proceedings against one another (RSA, 1996: 26). In the context of the district municipalities in conflict with the national government, the opposite of what Section 41 advocates for happened – the Constitutional Court had to intervene and make a ruling (Du Plessis, 2003: 4).

#### **4.5 Interventions**

Senoamadi (2014: 81) views the IGR system as a governance system that advocates for a relationship amongst all spheres of government. This relationship comes in different forms. Besides co-operating with one another in mutual trust and good faith, the provincial sphere of government may intervene in the working affairs of the local sphere of government. Importantly, no sphere of government may decide to intervene in the governance affairs of another sphere. The intervention must be approved and guided by the rule of law, mainly the Constitution. For example, for the national sphere of government to intervene in the governance affairs of the provincial government, Section 100 must be applicable (RSA, 1996: 57). The same argument can be put forward in the context of the provincial government intervening in the governance affairs of the local government. This intervention will have to be approved and guided by Section 139 of the Constitution.

#### **4.5.1 National interventions in the provincial sphere of government**

The IGR system and cooperative government, including Section 125, Subsection (3), task the national government with assisting both the provincial and local governments in building their respective capacities to be in good position to fulfil their constitutional mandate (RSA, 1996: 70). However, if the provincial government cannot meet its constitutional and executive mandate, then the national government has the constitutional duty to intervene. In this situation, the national government will provide support, but only as a last resort. Section 100 provides the national government with legal justification to intervene. It is important to mention that the IGR system and the Constitution do not only suggest that the national government intervene after the provincial government fails to execute its constitutional mandate, but tasks the national government with monitoring the developments of the provincial government. The national government monitors the provinces according to sectoral legislation, such as education, roads and health (Hofmeyr, 2012: 17). The Public Finance Management Act 29 of 1996 is a monitoring mechanism that the national government uses to monitor the developments of provinces (Public Finance Management Act 29, 1999: 35).

Section 100 of the Constitution is explicit on what should happen if the province cannot or does not execute an executive mandate, as prescribed by legislation or the Constitution. This section advocates for the national government to intervene in the administrative affairs of the province, if it fails to fulfil its constitutional mandate, by issuing a directive to the provincial executive. The national government can outline the extent of the failure to fulfil obligations and describe any steps required to achieve the legislative obligations. Section 100 also provides the national government with the authority to take over the province's responsibility to the extent necessary and in so doing, maintain the national standards. In this context, the national government has the legal right to intervene (RSA, 1996: 57).

Importantly, Section 100, Subsection (2) outlines measures that the national executive must consider when intervening in the administrative affairs of the provinces. For example, the national executive has to submit a written notice of the intervention to the NCOP within 14 days of the process of intervention beginning. In addition, the intervention will have to stop if the Council disapproves of the intervention within 180

days of it beginning. During the process of the intervention, the Council must review the intervention regularly (RSA, 1996: 57).

In 2012, the National Treasury invoked Section 100 of the Constitution to intervene in several provinces. The provinces included Gauteng, the Free State and Limpopo. Section 100 provides the national sphere to intervene in provincial administration if a province cannot or does not fulfill its constitutional mandate (RSA, 1996: 57). According to Kambala (2012: 1), what was similar about these provinces, and which led to the National Treasury intervening, was that they were unable to fulfill their obligations concerning the prescribed constitutional responsibilities. Kambala (2012: 1) further points out that, in the context of Limpopo, the National Treasury had the constitutional right to intervene because of issues such as incompetent leadership, capacity deficits, financial system issues, maladministration, and concerns regarding procurement.

#### **4.5.2 Provincial intervention in the local sphere of government**

In terms of the relationship between the provincial and local spheres of government, IGR and cooperative government guides the relationship (Van Niekerk, 2015: 849). Considering its constitutional powers, the provincial government may intervene in the administrative affairs of local government. Section 139 explains the steps that can be taken. If a local municipality cannot meet its constitutional and executive obligations, as guided by the Constitution or legislation, Section 139 gives the provincial executive the authority to intervene (RSA, 1996: 75).

Furthermore, Section 139 does not only advocate for provincial intervention in local government, but it provides the necessary steps to be followed to ensure the fulfilment of the intervention obligation. For example, before the intervention, the provincial executive must issue a directive to the Municipal Council in which it outlines the extent of the failures to meet the constitutional mandate and describes the necessary steps required to fulfil its obligations. Moving forward, the provincial executive may accept responsibility for the relevant commitments in that local municipality to maintain the critical national standards (Nkwezane, 2012: 34). In terms of the intervention, the provincial executive stops the Municipal Council from unreasonable conduct, which is

prejudicial to the interests of the whole country or another municipality. According to Section 139, Subsection 1 (iii), the provincial executive may intervene to maintain the economic unity of the local government (RSA, 1996: 75).

Section 139 (1) (c) grants the provincial executive power to dissolve the Municipal Council and appoint an administrator until a new Municipal Council is elected. For the provincial executive to intervene in the municipality, in reference to Subsection (1) (b), it has to write a notice and submit it to the Cabinet member responsible for local government affairs. For the intervention to end, the Cabinet member tasked with local government affairs must disapprove the intervention within a period of 28 days after the intervention began (RSA, 1996: 75). The Council must regulate this process and may pass on any appropriate recommendations to the provincial executive. In the case that the municipality cannot approve a budget or any revenue-raising mechanisms needed to give effect to the budget, it is the responsibility of the provincial executive to intervene by taking the necessary steps to make sure that the budget or revenue raising measures are approved. These measures could include dissolving the Municipal Council. In such a case, an administrator must be appointed to approve a temporary budget. All these measures are taken to ensure the continued functioning of the municipality (Van der Waldt, 2018: 58).

## **4.6 INTERGOVERNMENTAL RELATIONS IN THE CONTEXT OF THE MOHOKARE LOCAL MUNICIPALITY**

### **4.6.1 An overview of IGR in the context of Mohokare Local Municipality**

Amtaika (2013: 3) states that modern local governments are created to provide public services to the people at local level. This is applicable in the context of the Mohokare Local Municipality. Mohokare, just like other municipalities around the country, has a constitutional mandate, as stipulated in Chapter 7, Section 152, to ensure the provision of public services to communities in a sustainable manner (RSA, 1996: 83). In the framework of this research, it is important to go beyond the mandate of the Mohokare Local Municipality and examine the operational governance system in which a local municipality has to operate to meet its constitutional objectives (Mohokare, 2019: 11).

This research focuses on the IGR system and the cooperative government model in which the Mohokare Local Municipality has to operate, as guided by Chapter 3 of the Constitution. The example of Mohokare is used to relate theory to practice. The manifestation and practice of IGR came into being after the adoption of the Constitution in 1996 (Final Integrated Development Plan, 2019: 24). Just like all other municipalities in the country, the Mohokare Local Municipality is constitutionally obligated to embrace the principles of cooperative government and IGR, as described in Chapter 3 of the Constitution (Mohokare, 2019: 9).

The Mohokare Local Municipality exists in the cooperative government promoted system. Section 154 of the Constitution advocates for municipalities to welcome cooperative government and IGR. In addition, Section 154 calls for the national and provincial spheres of government to support and strengthen the capacity of municipalities, such as the Mohokare Local Municipality. Section 154 (1) prescribes that the co-operation between the Mohokare Local Municipality and the spheres of government must be through legislative and other constitutional measures (RSA, 1996: 84). In the case of the Mohokare Local Municipality, which is struggling to meet its constitutional responsibilities, such as ensuring sustainable public services and promoting social and economic developments, the Free State provincial government has had to help so that the municipality can perform its functions productively (Mohokare, 2019: 9).

Irrespective of the fact that the Constitution calls for local municipalities to co-operate with other spheres of government, in particular, the provincial government, this process has proven to be complex. However, it is important to mention that Mohokare, regardless of the complex IGR processes that it has had to follow, has enjoyed positive consequences due to its co-operation with the Free State provincial government – in particular, the fiscal and service delivery programmes implemented by these two spheres of government (Final Integrated Development Plan, 2019: 75).

#### **4.6.2 An overview of the Mohokare Local Municipality**

The Mohokare Local Municipality is a Category B municipality. The name of this municipality originates from the Caledon River, but was coined in Sesotho. The Caledon River runs through Mohokare. It is located in the Xhariep District in the south-eastern part of the Free State. The District is made up of three local municipalities, the Kopanong Local Municipality, the Mohokare Local Municipality and the Letsemeng Local Municipality. Mohokare comprises of three towns: Zastron (Matlakeng), Rouxville (Roleleathunya) and Smithfield (Mofulatsepe) (Final Integrated Development Plan, 2019: 75).

Zastron is the main administrative town, with the highest population of the three towns; thus, it attracts economic growth. Therefore, higher order services and facilities are located in Zastron, rather than Rouxville or Smithfield. The Mohokare Local Municipality has five directorates, namely Technical Services, Community Services, Corporate Services, Financial Services, and the Office of the Municipal Management (Mohokare, 2019: 6).

In terms of population, according to Statistics South Africa's report (2016: 37), the Municipality had a total population of 35 840 people in 2016. If one looks at the population groups, Black Africans totalled 32 595; Coloureds made up 297, Indians/Asians totalled 96, and Whites amounted to 2 853. According to Statistics South Africa (2016: 41), Mohokare's population increases by 4.96% annually. It is the researcher's opinion that this serves as an indication that the Municipality is not a desirable place to relocate to. Other impacting factors include a lack of employment opportunities and a lack of social facilities, such as education and health. The majority of the population, who are between 15 and 65 years, can be turned into a productive labour force (Spatial Development Report, 2017: 107).

The Mohokare Local Municipality's population battles with poverty. The majority of households are female-headed. Only 39.81% of the population have managed to complete an education level higher than primary school. In addition, only 3.77% of the population has a tertiary education (Statistics SA, 2016: 42). In 2016, through a

partnership of the national and provincial government and the Mohokare Local Municipality, a Motheo FET satellite campus was established in Zastron.

In the Mohokare Local Municipality, 73% of its population earn below R3 200 per month. Out of the three towns that make up the Municipality, Zastron has the highest income levels. In the period 2001 to 2011, the total economic activities in the area declined by 8%. The electricity, gas and water, manufacturing, finance, insurance, business, and real estate sectors are the fast-growing sectors regarding the average annual percentage growth in the Municipality (Mohokare, 2019: 15).

Regarding the institutional analysis, the Mohokare Local Municipality is a local authority that represents a sub-division of the district municipality. It thus forms part of the third layer of the government (Scott, 2008: 169). The ineffective co-operation between the Free State provincial government and Mohokare has led to limited funding being made available for the Municipality. Considering this issue, the local municipality has witnessed growing demands from its communities. The Mohokare Local Municipality's 2019-2020 Final IDP Report (2019: 137) acknowledges that there is a need for strong, productive cooperation between the Municipality and the provincial government. The Report concludes that Mohokare and the Free State provincial government need to work together for the sustainability of the Municipality (Mohokare, 2019: 125).

Currently, the Mohokare Local Municipality is struggling with issues that are inherent to the local government sector. The level of municipal-generated revenue is inadequate for what the Municipality requires. Despite the fact that the Mohokare Local Municipality has established a conscious revenue enhancement strategy, this mechanism has not proven to be effective (Mohokare, 2019: 121). One of the reasons for this is that it requires an annual adjustment, based on the changing political socio-economic environment. Such modification may be minimal, unless the national funding formula changes – indicating the importance of the IGR system and cooperative government in this situation (Revenue Enhancement Strategy, 2017: 16). The Mohokare Local Municipality relies almost entirely on grants. The Municipal Infrastructure Grant has been helpful in the survival of the Municipality, demonstrating

the importance of cooperative government, as this is one of the supporting mechanisms from the national government to the local government.

**FIGURE 1: MAP OF THE XHARIEP DISTRICT MUNICIPALITY**



#### **4.6.3 The three towns that make up the Mohokare Local Municipality**

As already mentioned, the Mohokare Local Municipality is in the Xhariep District in the south-eastern part of the Free State. The three towns that make up Mohokare are Zastron (Matlakeng), Rouxville (Roleleathunya) and Smithfield (Mofulatsepe). It is the objective of this section to provide specific details of each town.

#### **4.6.3.1 Zastron (Matlakeng)**

Zastron is located in the southernmost part of the Free State, bordering Lesotho. This town also separates the Free State from the Eastern Cape. A famous landmark in the area is the Eye of Zastron, an almost 10-meter wide hole through sandstone rock. As it is close to Lesotho, it manages to attract tourists (Mohokare, 2019: 17).

Zastron serves as the main administrative town in Mohokare. It has the largest population, and experiences the highest economic growth of the three towns. Most of the municipal facilities are found in Zastron. For example, the health and education facilities, which are shared by the three towns, are located in Zastron. The Motheo FET satellite campus is also situated in Zastron. This town manages to provide higher-order services. According to the Statistics South Africa: Community Survey (2016: 18), there are 4 649 households in Zastron, of which 4 184 receive water. The reason for not all the households receiving water is that the daily demand exceeds the plant's operating capacity. Zastron's population is increasing at a faster rate than Rouxville and Smithfield's population. The majority of the population in the town are young people between the ages of 19 to 36. Just like Rouxville and Smithfield, Zastron is struggling to eradicate poverty (Final Integrated Development Plan, 2019: 13).

#### **4.6.3.2 Rouxville (Roleleathunya)**

Rouxville is surrounded by several other towns, including Aliwal North, Zastron and Smithfield. The Maluti Mountains in the distance serve as a tourist attraction. This town is located on the N6, which connects the Free State with the Eastern Cape. Unlike Zastron, Rouxville does not have government facilities. It only has one public high school (Thabo Vuyo High School). Unlike Zastron and Smithfield, it does not have a health facility (Draft Annual Report, 2016: 27).

Rouxville has 2 088 households. The majority of its population are between 16 and 40 years old (Statistics SA, 2016: 38). With ever-increasing unemployment, Rouxville struggles with stability. Of the three towns, Rouxville has experienced the most unrest and protest marches related to poor service delivery. On a positive note, the town has experienced structural changes in its socio-economic environment, including

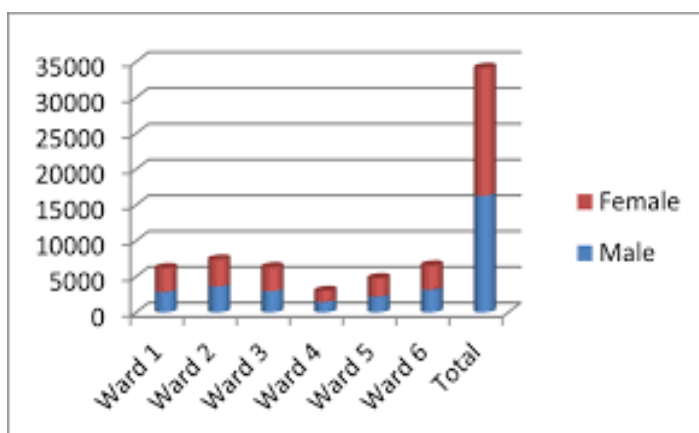
agricultural outputs. The area surrounding Rouxville has rich soil, which is perfect for intensive grazing and arable agriculture.

#### 4.6.3.3 Smithfield (Mofulatsepe)

This town is the smallest in the Free State in terms of size and population. It is also the third oldest town. It was established in 1848 by Sir Harry Smith from the Cape Colony, who wanted to establish a town north of the Orange River. With its historical buildings, Smithfield attracts tourists. Of the three towns that form the Mohokare Local Municipality, Smithfield has the lowest number of residents (Final Integrated Development Plan, 2019: 15). The level of crime is low in the town, with visible policing and police stations close to the residential areas. However, an issue of concern is that more than 80% of the population earn less than the minimum wage (Statistics SA, 2016: 40).

Because of the agricultural activities in the area and the real estate sector in the town, Smithfield has the potential for economic growth. It also has government facilities, which Rouxville does not have, including a public hospital and two clinics. However, Smithfield has lower levels of education. In terms of households, Smithfield has 1 635 households, which all receive water (Spatial Development Report, 2017: 116).

**FIGURE 2: Number of people (according to gender) in the Mohokare Local Municipality**



#### **4.7 Constitutional responsibilities of the Mohokare Local Municipality**

The Constitution is the creator of all local municipalities, including the Mohokare Local Municipality. Mohokare is in the lower tier of government. The Constitution serves as the document that stipulates the Municipality's responsibilities (RSA, 1996: 83). Understanding the Mohokare Local Municipality in the framework of the Constitution is crucial – not only concerning the responsibilities of this local government, but also how post-apartheid municipalities were created and operate, with the intention of embracing the values of IGR and cooperative government (Lie, 2010: 63).

In addition, this section is important because it seeks to understand whether the Mohokare Local Municipality is capable of achieving its constitutional mandate, as prescribed in Chapter 7, Section 152 – with or without the support of either the national or the provincial spheres of government. In addition, this section is driven by the objective to understand what happens if this local municipality fails to execute its constitutional directives and other spheres of government need to intervene. Are these interventions productive, or do they create further tensions between the two spheres of government (RSA, 1996: 75). Based on the rights it is given by the Constitution, the Mohokare Local Municipality, according to Section 151 (3), has the right to govern its territory and the right to regulate the local government affairs of its community (RSA, 1996: 83). However, the Municipality is also subject to national and provincial legislation, as prescribed by the Constitution. Importantly, Section 151 (4) cautions that the national and provincial spheres of government should not compromise or obstruct a municipality's ability to fulfill its constitutional duties or responsibilities (RSA, 1996: 83).

The Mohokare Local Municipality is an organ of state identified by national legislation to serve many functions. It has to provide public services to the people of Zastron, Rouxville and Smithfield, which amounts to 35 840 people. According to the Mohokare Local Municipality 2019-2020 Final Report (2018: 11), its objective is to ensure the sustainable provision of services, provide a democratic and accountable government for the communities of Zastron, Rouxville and Smithfield, promote social and economic development, promote a safe and healthy environment, give priority to the basic needs of the people of Mohokare, and encourage the involvement of communities and

community organisations in matters of local government. The objectives are justified by Chapter 7, Section 152 (1) of the Constitution, which outlines that any local government has the constitutional goal to strive to achieve the objectives set out in Section 151, Subsection (1) (RSA, 1996: 83).

#### **4.7.1 Ensure the sustainable provision of service**

The Mohokare Local Municipality is constitutionally tasked to create measures and initiate programmes that will ensure the sustainable provision of public services. The Municipality must not only come up with plans, programmes or measures to uplift its community, but also establish mechanisms that are effective and sustainable. The sustainability of municipal programmes is a core aspect when it comes to the productivity of any municipality. In the past, the Mohokare Local Municipality used to create programmes that were not sustainable. For example, the 2016 Refuse Removal and Solid Waste Disposal Programme, which was heavily dependent on volunteer workers, failed. One of the causes of its failure, as outlined in the Mohokare Local Municipality 2019-2020 Final IDP Report (2018: 15), was that it was unsustainable. The researcher is of the opinion, after examining the Programme, that it was clear that it was not viable to have a project, as important as this one, run for three years, while being largely dependent on volunteers. It is near impossible to run a project for that long when the workers are unpaid (Mohokare, 2019: 93).

Most of the Mohokare Local Municipality service delivery projects depend on both approval and sustainable help from the Free State provincial government, as part of cooperative government. In some instances, the provincial government approved the local government service delivery programmes, but did not help with the sustainability of the programmes (Annual Draft Report: 2016: 107). It is important to mention that the Constitution states that both the national and provincial government have a duty to support local government. In addition, in terms of Section 139 of the Constitution, the Free State provincial government may intervene in the administrative affairs of the Mohokare Local Municipality if it fails to fulfill its constitutional obligations (RSA, 1996: 75). Ensuring the sustainable provision of service delivery is one of its constitutional obligations. However, the cooperative government model is problematic in this situation as it only gives the provincial government power to intervene when the

municipality, for example, fails to provide sustainable service delivery. Still, no IGR or cooperative government act or legislation obligates the provincial government to be there on a daily bases to ensure the execution of services (Hofmeyr, 2012: 19). The aspect of ensuring the sustainable provision of services is complex because it is an everyday process.

Irrespective of the complexity that comes with the implementation of the IGR system and cooperative government model, the Mohokare Local Municipality is obligated to provide its community with sustainable services (Mohokare, 2019: 16).

#### **4.7.2 Provide a democratic and accountable government for all communities**

Chapter 1 of the Constitution states that South Africa is a democratic state (RSA, 1996: 5). Local government, as an entity of the country, is constitutionally obligated to enhance democratic values and conduct its affairs democratically. The argument for the creation of local government was to advance the quality of democracy (Amtaika, 2013: 48). The establishment of local municipalities and locally controlled communities (Amtaika, 2013: 48) more persuasively reveals the development and enhancement of democracy.

The IGR system and the cooperative government model are crucial in municipalities to provide a democratic and accountable government for their communities. This is because local entities not only enhance local democracy in their respective communities but devolve power from the national to the lower spheres of government. For Thornhill and Cloete (2014: 22), local government entities such as municipalities are essential for creating barricades against destructive tendencies and authoritarianism.

In the case of Mohokare, the Mohokare Local Municipality 2019-2020 Final IDP Report (2018: 97) states that the Municipality is responsible for two important democratic duties. According to the Report (2018: 97), the first duty is that it must provide its communities with a platform for participation in decision-making processes. The second duty is that Mohokare must serve as a vehicle that its communities can use in regulating issues they face – within the parameters of the law. Importantly, Mohokare

community members have enjoyed their democratic right by participating in local government elections. As a mechanism to enhance democratic principles, Mohokare communities have elected local representative bodies. Participation in local elections goes beyond enhancing democracy; it is also a mechanism to hold local government officials accountable if they fail to fulfil their respective mandates. Public participation is promoted in the Municipality through its various programmes, such as public Imbizo and public consultation sessions, where the public can hold municipal officials accountable in the spirit of democracy (Draft Annual Report: 2016: 72).

#### **4.7.3 Promote social and economic developments**

Social and economic developments are an important indicator of the sustainability of service delivery. The Mohokare Local Municipality is constitutionally obligated to promote the socio-economic development of its communities. The development of socio-economic conditions in the Municipality entails the effective and efficient rendering of a public service to the citizens. If the Municipality has productive programmes that stimulate socio-economic development, the people on the ground become the recipients of that (Gregory, 2014: 27).

In practical terms, the promotion of socio-economic development requires both residents and the Municipality to work together. This is because the service rendering duty mostly depends on the capacity of Mohokare's local residents to pay for the services they receive from the Municipality. According to Matebesi (2017: 63), the ability to promote social and economic development in a municipality is the cornerstone of stability. This assessment is applicable in the situation of Mohokare, which has experienced instability in its territory, which in turn has led to protest marches. It is safe to say that in a municipality that has been successful in advancing its social and economic development, stability is more or less assured. Good socio-economic development can also lead to better service delivery (Nealer, 2018: 204).

Mhone and Edigheji (2012: 17) state that the demand for material needs has replaced the traditional approach in local government, which was primarily focused on democracy. For Mhone and Edigheji (2012: 18), the demand for material needs by the

masses, as well as good and healthy standards of living is a critical one that must be met by local government. Thus, the Mohokare Local Municipality has placed the promotion of social and economic development at the top of its list of priorities (Draft Annual Report: 2016: 72).

#### **4.7.4 Promote a safe and healthy environment**

According to the Mohokare Local Municipality 2019-2020 Final Report (2018: 73), it has established an office with the purpose to provide crime prevention services, the protection of all council property, disaster management, firefighting, and security services. This office is tasked with ensuring the safety of all the people of Zastron, Rouxville and Smithfield. The disaster management office also has the duty to promote a safe environment. In addition, the office must do risk and vulnerability analyses, prevention of mitigation, response, preparedness, relief, recovery and reconstruction, and rehabilitation of the private sector and government infrastructure in Mohokare's jurisdiction (Spatial Development Report, 2017: 107).

In terms of promoting a safe municipal environment, Mohokare, in some cases, has had to utilise the benefits that come with the IGR system and cooperative government. This meant working with the national and provincial spheres of government. For example, in a bid to stop livestock theft, Mohokare had to co-operate with the provincial government to get extra police officials from other Free State towns to patrol the border (Draft Annual Report: 2016: 42). The Municipality's quest to have a healthy environment is a top priority. However, it can be argued that in this aspect, Mohokare has failed, as it has not come up with programmes to ensure it. The Office of Environment Health no longer exists, which contributes to the failure to provide a healthy environment to the community. The Municipality came up with cleaning and solid waste programme as a way to protect the environment, but because of a lack of workers and tools, it was not productive. In addition, Mohokare has laws regarding the role of community members and businesspeople in promoting a healthy environment, but the Municipality does not have the power to enforce the laws (Mohokare, 2019: 86).

#### **4.7.5 Give priority to the basic needs of communities**

The Mohokare Local Municipality has to prioritise the basic needs of its communities, such as health facilities, education facilities, housing and job creation, particularly for the youth. The danger of the Municipality not prioritising these needs is that its community members might revolt and create instability (Annual Draft Report: 2016: 32).

The Municipality has a population of 35 840, with a 4.96% population increase annually. Those aged between 16 and 38 – people who have the potential to be turned into a labour force (Statistic South Africa, 2016: 73) – dominate the population. Therefore, it is justifiable for the Municipality to prioritise programmes that will create jobs. It is safe to say that no municipality can operate effectively if it has an ever-growing unemployment problem amongst its youth. For the sake of economic development and stability in the Municipality, job creation projects must be prioritised (De Vries et al., 2008: 128).

Currently, the three towns that make up the Municipality have only two hospitals. It has to be a priority of the Municipality to mobilise funds and grants to build hospitals and 24-hour public clinics to meet the population's needs. Other priorities of the Municipality should be a housing delivery programme and the establishment of sustainable human settlements (Draft Annual Report: 2016: 32). Providing potable water and suitable sanitation services should also be an essential mandate for the Mohokare Local Municipality. It should also come up with measures that will be effective in crime prevention. It is essential to mention that through co-operation with other spheres of government and, in particular, the Free State provincial government, the Mohokare Local Municipality could meet those basic needs (Mohlomi, 2013: 103).

#### **4.7.6 Encourage the involvement of communities and community organisations in matters of local government**

Public participation is the cornerstone of any democracy, including local government democracy, according to Matebesi (2017: 64). Matebesi (2017: 64) adds that it is

necessary for the Mohokare Local Municipality to advocate for the inclusion of its communities and community organisations in local government matters.

Currently, the Municipality depends on two public participation encouragement programmes, namely the Mayoral Imbizo and Public Consultation sessions. The Mayoral Imbizo is a public participation programme that the Mohokare Local Municipality utilises to mobilise the community to discuss matters facing the Municipality. The Mayoral Imbizo sessions usually happen spontaneously, as urgent matters affecting the Municipality guide them. For example, spontaneous revolt by community members usually forces the Mohokare Local Municipality to call the protesters and the rest of the community to a Mayoral Imbizo session (Draft Annual Report: 2016: 32). On the other hand, the Public Consultation sessions are formal and planned well in advance by the Municipality. Typically, in these sessions, communities and community organisations are given a chance to listen to the issues and developments concerning the Municipality. Communities and community organisations are also given an opportunity to contribute or comment on the issues presented by the Municipality (Final Integrated Development Plan, 2019: 75).

Those are not only means used by the Mohokare Local Municipality to encourage communities and community organisations to participate in matters affecting the Municipality. Another common method is through the attendance of ward meetings with councillors. In these meetings, the needs of the communities and community organisations are articulated and passed on to the councillors (Final Integrated Development Plan, 2019: 78). The councillors, in turn, encourage the participation of communities and community organisations, and formulate the needs of the communities into policies. Public officials and managers then implement the policies in the communities. With regards to Mohokare, organisations such as community-based organisations, business organisations, civic organisations and labour organisations should be more given more freedom to be directly involved in addressing matters facing the Municipality (Draft Annual Report: 2016: 32).

For Mohokare to encourage the involvement of its communities in matters relating to the Municipality, the council adopted the Public Participation Policy. Guided by the Municipal System Act, Mohokare ward councillors are expected to have at least one

public meeting per ward per quarter. The councillors, through the Public Participation Policy, are encouraged to conduct public meetings monthly to ensure that matters affecting the Municipality are discussed. With regards to matters affecting the Municipality, such as the Integrated Development Plan's (IDP) budget, by-laws, and programmes and projects to ensure better service delivery, the Mohokare Local Municipality engages with its community throughout the year (Draft Annual Report: 2016: 32). Mohokare has six wards and six ward committees who are productive and functional in enhancing public participation. Equally, the Municipality utilises various mechanisms to ensure it fulfils its constitutional responsibility. Examples of this include publishing the outcomes of its public meetings in the local newspapers and using the Municipality's website, loud hailing and handing out notices to share information with the community and community organisations (Mohokare, 2019: 16).

#### **4.8 Description of intergovernmental relations in Mohokare Local Municipality**

It should be stated that just like any other municipality in the country, the Mohokare Local Municipality's IGR operation is guided by the Constitution (Mohokare, 2019: 13). Chapter 3 of the Constitution offers details on how local municipalities should cooperate with the other spheres of government (RSA, 1996: 25). Besides Chapter 3, other legislation contributes to how local municipalities are supposed to cooperate with either the national or provincial spheres of government. Legislation, which Mohokare depends on to guide it in its quest to foster friendly relations with other spheres of government, includes the Intergovernmental Relations Framework Act 13 of 2005, the Intergovernmental Fiscal Relations Act 177 of 1998, the Municipal System Act 32 of 2000, and the Municipal Finance Management Act 56 of 2003 (Hofmeyr, 2012: 83).

Section 154 (1) stipulates that both the national government and the provincial governments have constitutional responsibilities, through legislative and other measures, to support municipalities, such as the Mohokare Local Municipality (RSA, 1996: 83). This section of the Constitution further outlines that the national and provincial government have to strengthen the capacity of local municipalities so that they can exercise their constitutional powers and execute their responsibilities (Mohlomi, 2013: 87). While Section 154, Subsection (1) places the responsibility of offering support on both the national and provincial government, in the case of

Mohokare, the Free State provincial government has provided support (RSA, 1996: 84). This does not mean that the national government has neglected the Mohokare Local Municipality. However, most of the support that the Municipality has required has been of the type that only the provincial government could offer, as guided by the Constitution and the Intergovernmental Relations Framework Act 13 of 2005 (2005: 37).

In this context, it is important to mention that the IGR system and cooperative government model is designed in such a way that the national government helps the provincial governments, and the provincial governments support the local governments. This is one of the reasons why the Mohokare Local Municipality has received support from the Free State provincial government, rather than from the national government (Mohlomi, 2013: 49). Section 100 of the Constitution instructs the national government to intervene in the affairs of the provinces if it sees that the provincial government cannot fulfil its executive mandate, as prescribed by the Constitution. Moreover, Section 139 of the Constitution gives the provincial government direct responsibilities to support the local government. Section 139 (1) prescribes that in an instance where a municipality cannot execute its constitutional mandate, the provincial government must intervene or provide the necessary support (RSA, 1996: 75). Thus, it can be argued that this is one of the reasons why the Mohokare Local Municipality has received support from the Free State provincial government (Draft Annual Report: 2016: 32).

Despite the power the national and provincial government has over municipalities, which is granted by the Constitution, the lower sphere still enjoys the status of being distinctive. Chapter 3 (1) of the Constitution clearly states that the national, provincial and local spheres of government are distinctive, interdependent and interrelated (RSA, 1996: 25). In the context of Mohokare, this means that there are certain matters (relating to the Municipality), which the other spheres cannot have direct control over (Mohokare, 2019: 34). This distinctiveness has offered the Mohokare Local Municipality some level of autonomy regarding matters assigned to it by the Constitution. Section 151 (4) can be interpreted as complementing the distinctiveness that Chapter 3 (1) offers to each sphere of government. What is important about Section 151 (4) is that it protects the autonomy that municipalities must enjoy. The

Section cautions the national or provincial government against compromising or impeding a municipality's right to practice its responsibilities or execute its constitutional mandate (RSA, 1996: 83).

Whether it likes it or not, the Mohokare Local Municipality is constitutionally obligated to embrace the principles of the IGR system and cooperative government. Section 41 (h) states that co-operation with one another, in mutual trust and good faith, must take place between all spheres of government (RSA, 1996: 25). The Municipality is struggling to fulfil its constitutional duties, such as promoting social and economic developments, providing a democratic and accountable government for its communities, and ensuring the provision of services to communities in a sustainable manner (Final Integrated Development Plan, 2019: 78). The problems faced by the Municipality have led it to being open to any mechanism that will assist it to meet its constitutional mandate, as prescribed in Section 152 of the Constitution (RSA, 1996: 83). As the IGR system and cooperative government model aim to ensure that each sphere provides the necessary support to the other spheres, to help them meet their constitutional mandate, the Mohokare Local Municipality has embraced this governance system.

The Mohokare Local Municipality has demonstrated its support and need of IGR and cooperative government through the creation of programmes that need both the Municipality and the Free State provincial government's cooperative participation. Mohokare, through the Community Service Department, has established programmes that needed provincial government project sponsor approval, as well as responsibility taken by the provincial directorate (Final Integrated Development Plan, 2019: 78). For example, in the spirit of cooperative governance, the Municipality established a programme to demolish old two-roomed houses and dispose of asbestos roof sheets. This programme was sponsored by the Free State provincial COGTA, and the Free State Provincial Directorates took responsibility for it under the province's Department of Human Settlements. These working relationships, as advocated by the IGR system, were productive and helpful for the local municipality as new four-roomed government houses were given to the people of Mohokare (Mohokare, 2019: 26). The cooperative programmes between the Mohokare Local Municipality and the Free State provincial government are important, so they will be discussed in more detail later in the study.

Currently, the Municipality is doing well concerning fostering friendly cooperative relations with the provincial government, as expected by Section 41 (h) (i) (RSA, 1996: 25). A contributing factor to the friendly relations might be party politics. The Free State provincial government is under the leadership of the ANC. Councillors from the ANC dominate the Mohokare Local Municipality – and one cannot forget the party’s policy of cadre deployment. Having two spheres of government dominated by officials from the same political party reduces conflict and tension. Twala (2014: 23) states that cadre deployment is the culture and policy that was implemented by the ANC and its alliance partners in pursuit of its avowed intention to have loyal party members in government institutions and administration offices. However, it is important to note that this culture is not constitutionally approved, and it goes against both the values of this country's democracy and good governance. Government officials must occupy government offices because of their capabilities and have the necessary qualifications (Joannou, 2008: 8).

Importantly, the Mohokare Local Municipality has avoided legal proceedings against the provincial government. This is essential as it guarantees a productive working relationship between these two spheres of government. Proper communication channels have been created to ensure that if these spheres encounter conflict and differences, they can be used to solve those differences before they reach the stage that it needs court intervention (Draft Annual Report: 2016: 32). Section 41 (1) (iii) encourages all spheres of government to inform one another of, and consult one another on, matters of common interest. The communication channels established by the Municipality and the provincial government have contributed to the adherence to Section 41 (1) (iii) (RSA, 1996: 25).

#### **4.8.1 Challenges**

The first challenge that the Mohokare Local Municipality faces is the nature of the IGR system under which the Municipality must operate. As many scholars, such as Craythome (2014: 19), have argued, the South African IGR system is constructed in a vertical nature. This is to say that the local government sphere, such as the Mohokare Local Municipality, operates at the bottom and does not enjoy the same

powers as other spheres of government. It is clear that the vertical nature of South African IGR disempowers municipalities (Van der Waldt, 2018: 119). This situation gives the national and provincial spheres more authority, which leads to local government being neglected.

According to Kahn et al. (2016: 11), the vertical nature of the South African IGR system is counterproductive for the local government sphere. The Mohokare Local Municipality also battles when it comes to the general operation of the IGR system. The IGR system in South Africa provides the national sphere with more power than the lower authorities, which has forced the local authorities to depend on the higher authorities for approval (Lie, 2010: 15). This dependence is causing challenges for Mohokare as it forces the Municipality to depend on both the national and provincial governments for approval of the resources that are needed. Hence, for the Mohokare Local Municipality to achieve its constitutional goals, it has to depend on the higher authority's approval and support (Final Integrated Development Plan, 2019: 78).

The IGR system, as a policy, needs to be implemented correctly to work effectively. In general, the South African government has struggled with the implementation part of public policies (Butler, 2012: 99). In the context of the Mohokare Local Municipality, this implementation problem is not exceptional, as the Municipality has found it challenging to implement the principles of the IGR system, as prescribed in the Constitution. It is also worth noting that Chapter 3 of the Constitution outlines the principles of IGR and cooperative government, but fails to provide measures that guide the implementation of it. For example, to demonstrate this point, Section 41 (1) (b) talks about all spheres of government cooperating to secure the well-being of the people of South Africa (RSA, 1996: 25). However, this section of the Constitution does not provide the policies and mechanisms needed to implement this.

Coetzee (2010: 90), who argues that Chapter 3 of the Constitution does not offer enough detail in terms of the IGR system and cooperative government, supports the above argument. Concerning the Municipality and the problem mentioned by Coetzee, Mohokare finds it challenging to implement something that lacks guiding details. This means the IGR system is in danger of being misinterpreted. The IGR Framework Act 13 of 2005 Report (2005: 44) cautions that it is important that the responsibilities and

powers of the provincial and local spheres of government be interpreted correctly. However, Chapter 3 of the Constitution does not offer enough details (RSA, 1996: 25). The danger is that this system is open to misinterpretation, which may lead to failure to co-operate between the Mohokare Local Municipality and other spheres of government, in particular the Free State provincial government, in the future.

The Mohokare Local Municipality's co-operation with other spheres of government needs capable officials who propel it forward in an effective and productive manner. In 2016, the Municipality experienced challenges regarding effective cooperation with the provincial government. One of the reasons for this, according to Evans (2018: 1), is a dysfunctional council. McKaiser (2016: 4) adds that taking the IGR system forward requires knowledgeable officials. Based on the arguments of Evans and McKaiser, it is safe to say that, as long as the Municipality puts its faith in dysfunctional councils and municipal workers, it will continue to experience challenges. In terms of the IGR system itself, it needs to recognise the importance of having a skilled workforce, which will be able to meet the challenge of fostering productive cooperation with other spheres of government.

The Mohokare Local Municipality also exists in the IGR system that has created unintentional rivalry between the three government spheres. Regardless of what is stated in Section 41, Subsection 1 (h) (i), about how all spheres of government must foster friendly relations, the opposite is happening in the case of Mohokare (RSA, 1996: 25). A competitive culture is visibly manifesting between the Municipality and the provincial government. This is leading to the collapse of the IGR system. According to Mkhize (2018), the unhealthy competition between spheres of government goes against the principles of the IGR system and causes unnecessary administration tension. If this culture of competition, rather than a culture of assistance and co-operation, continues, it will have a negative impact on the service delivery process.

This problem can also be linked to the IGR system failing to provide enough detail on how this system should be implemented. For example, the Mohokare Local Municipality has continuously argued that Chapter 3, Section 40 (1) of the Constitution offers it independent status through its distinctive right (RSA, 1996: 25). In some cases, this attitude has led the Municipality to undermine the powers and duties of the

provincial government. Equally, the same challenge has been witnessed on the side of the provincial government. This is because the Free State provincial government has misinterpreted its independence and wants to dominate the Mohokare Local Municipality. In concluding this argument, it is safe to say that the constitutional framework regarding the IGR system fails to contribute effectively and productively to cooperative governance and the IGR system. The constitutional framework pertaining to the challenges the Mohokare Local Municipality are facing is its main obstacle (Mohokare, 2019: 37).

For the IGR system to be effective, it needs to operate in a stable environment. Currently, the Municipality struggles with instability, dysfunctional municipal officials, maladministration, and a lack of service delivery. These factors create an unhealthy environment in which the IGR system cannot be effective, let alone productive. With these challenges, the Mohokare Local Municipality has not been able to implement cooperative programmes (Mohokare, 2019: 31). Also, one could argue that the system of cooperative government is the genesis of the service delivery problems the Mohokare Local Municipality are struggling with at present (Final Integrated Development Plan, 2019: 75).

#### **4.8.2 Opportunities**

The Mohokare Local Municipality face numerous challenges, most of which are service delivery related. Local municipalities are the sphere that is closest to the masses. This means they have significant responsibilities, such as providing socio-economic development, creating a safe and healthy environment, and ensuring the provision of services to communities in a sustainable way (Matovu, Kundishora & Chatiza, 2018: 73). As a benefit of the IGR system, the Mohokare Local Municipality has a support structure in the form of the provincial government.

Section 41 (1) (ii) of the Constitution calls for the different spheres of government to assist and support one another (RSA, 1996: 25). Therefore, the Mohokare Local Municipality can call on the national and provincial spheres of government, which are constitutionally encouraged to support local municipalities, when they face problems. Specifically, Section 154 of the Constitution obligates the national and provincial

governments, through legislative and other measures, to assist and strengthen the capacity of municipalities, such as the Mohokare Local Municipality, to be able to manage their administrative affairs (RSA, 1996: 84). This constitutional mandate further encourages the national government and the Free State provincial government to help the Mohokare Local Municipality to exercise its constitutional powers and execute its responsibilities in a productive manner.

The Mohokare Local Municipality, through Section 152 of the Constitution, has prescribed objectives. It is constitutionally obligated to make sure that its community members receive public services (RSA, 1996: 83). The opportunity that comes with the IGR system and the cooperative government model is that, in the event the Municipality fails to provide services to its citizens, the national and provincial governments may step in and assist. The Municipal System Act 32 of 2000 (2000: 27) encourages the MEC for Local Government to create mechanisms to monitor municipalities' capacity development, and assist where and when necessary.

One of the principles of the IGR system, as stipulated in Section 41 (iii), is the opportunity for the Free State provincial government to communicate and share information with local municipalities, and for these two spheres of government to have consulting channels to discuss common interests (RSA, 1996: 25). The Mohokare Local Municipality has benefited a great deal from sharing intelligence with the provincial government. The Disaster Management Office of the Municipality, thanks to the cooperation channels with the provincial government, has been helpful in providing information about disasters that the Municipality has dealt with and, most importantly, knows how to deal with them. Sharing information, as promoted by the IGR system, is something the Municipality focuses on. In some cases, Mohokare, before adopting local development stimulation programmes, asked for assistance from the provincial government (Draft Annual Report, 2016: 32).

Section 139 of the Constitution states that in an instance where the local government sphere is struggling to execute its responsibilities, the provincial government can intervene (RSA, 1996: 75). Some scholars, such as Mogale (2014: 221), are not in favour of the intervention aspect of cooperative government. This study does acknowledge that, in some situations, the provincial government intervening in the

affairs of local government can cause tension amongst the two spheres. Kahn et al. (2016: 50) argue that intervention undermines other spheres of government. However, sceptics of intervention should remember that the objectives of interventions are not a contest between the provincial government and the local government. We should not lose sight of the primary objectives of the intervention process.

This study argues that the primary objective of the mechanism of intervention is to prioritise the interests of the people on the ground. Therefore, the aim of the provincial government in intervening in the affairs of local government is to ensure that citizens do not suffer because they do not receive basic services. In other words, in this context, it is safe to say that the intervention process is an opportunity to ensure that the masses on the ground are not deprived of service delivery. Section 139 (1) of the Constitution states that an intervention can only take place if a municipality cannot or does not fulfil an executive obligation, as prescribed in the Constitution or legislation (RSA, 1996: 75). In addition, this section emphasises that the provincial government cannot abuse its power and intervene in the administrative affairs of the municipality. There are certain appropriate steps that need to be taken before intervening. For example, Section 139 (1) (a) outlines that, before the provincial government intervenes in a municipality, it must issue a directive to the Municipal Council describing the extent to which the local municipality has failed to fulfil its obligations, and state the actions required to meet its commitments (RSA, 1996: 75).

In terms of promoting and facilitating co-operation between Mohokare and the Free State provincial government, the Municipality has depended mainly on the IGR Framework Act 13 of 2005 (2005: 49). One of the reasons for this is that the Act seeks to establish a framework for the national, provincial and local spheres of government. But in the context of the Municipality, the Act has been used more to facilitate the working relationship between the provincial government and the Mohokare Local Municipality. Further, the Intergovernmental Relations Framework Act 13 of 2005 (2005: 49) has offered the opportunity for the Municipality to have effective cooperation with the provincial government. The Act has also been helpful in providing mechanisms and procedures to monitor the working relations between the Municipality and the provincial government.

The Mohokare Local Municipality, as a way of embracing the IGR system and cooperative government, established the Municipal Managers Forum. This provides a platform for municipal managers to share knowledge and experience. The Forum sits regularly to offer an opportunity for municipal managers to contribute to the strengthening of the sector by informing one another of improvements in local government performance, by working together in dealing with common issues, and by providing technical input on policy and legislative processes. The Municipal Managers Forum, as the custodian of the IGR system and cooperative government model, offers opportunities to talk collectively with key stakeholders about identifying main issues affecting the local government sphere and coming up with solutions (Final Integrated Development Plan, 2019: 75).

#### **4.8.3 Cooperative programmes**

Section 41, Subsection 1 (h) (iv) of the Constitution encourages all spheres of government to coordinate their actions and legislation with one another (RSA, 1996: 25). This is evident when one considers the coordination programmes of the Mohokare Local Municipality and the Free State provincial government. In some cases, the IGR system, through the power it gives to the provincial sphere of government, has forced the Mohokare Local Municipality to obtain approval from the provincial government to implement its programmes. Most of the Municipality's documents, which deal with the IGR system, have expressed dissatisfaction about the fact that it needs approval from the provincial government before executing programmes. This has created tension between the Municipality and community members because, in some cases, the Municipality has prematurely informed community members that it would implement five programmes, for example, but then the provincial government only approved three programmes (Mohokare, 2019: 27).

The Mohokare Local Municipality has embraced IGR through collaboration with the different provincial departments. The participation of the Municipality in forums, such as the SALGA IGR Forum, the Integrated Development Plan Forum, the Municipal Management Forum, the Job Evaluation Forum, the Performance Management Forum, and meetings called by the provincial COGTA and the office of the Free State Premier should be viewed as evidence that the Municipality is in favour of cooperative

government. The participation of the Mohokare Local Municipality in these provincial government forums has been to come up with programmes to enhance service delivery. Furthermore, these forums have benefited Mohokare in its quest to meet its constitutional and legislative objectives (Final Integrated Development Plan, 2019: 75).

Through a partnership with the Free State provincial government, the Mohokare Local Municipality has eradicated 200 two-roomed housing units and disposed of asbestos roof sheets. This programme was sponsored by the provincial COGTA, and the Department of Human Settlements in the province was helpful in monitoring the execution of this programme. Mohokare created the Massification Housing Project in 2016. Thanks to the guidance of the IGR system, the provincial COGTA sponsored this project, whereas the Department of Human Settlements in the province was responsible for executing the project (Mohokare, 2019: 34). The cooperation between the Municipality and the Free State provincial government assisted more than 100 households, which benefited from the reconnection of substandard electricity. This project was successful because the provincial government fulfilled its constitutional duty by extending its support to the Mohokare Local Municipality, as prescribed by Section 154 of the Constitution (RSA, 1996: 83). The role of the Free State provincial government in this project was through the provincial COGTA sponsoring the project and the Free State Department of Human Settlements providing the necessary extended support (Mohokare, 2019: 95).

As Section 152 (1) (d) of the Constitution stipulates that the Mohokare Local Municipality has a duty to promote a safe and healthy environment (RSA, 1996: 83), the provincial government has contributed to ensuring the Municipality meets its constitutional mandate. It supported the Development of Environmental Management Project, established in 2017, by Mohokare. The provincial COGTA was the sponsor of the environment project, while the Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs was responsible for the execution of the project, with the cooperation of an official from the Municipality. This serves as an example that, through the IGR system and embracing the values of cooperative government, municipalities can accomplish their constitutional responsibilities (Draft Annual Report: 2016: 32).

In addition, the district intergovernmental structures have been used as a platform to mobilise different municipalities and engage on matters affecting the local government sphere. Another important aspect relates to the Xhariep District Municipality creating a platform for the Municipality to share information and coordinate its programmes. The Xhariep District Intergovernmental Structure is the custodian of the IGR system and is guided by IGR and cooperative legislation and policies. The Mohokare Local Municipality has taken this opportunity, presented by the IGR system, by being a member of the forum. What is important about the forum is that it holds meetings quarterly to discuss matters that prevent the municipalities from fulfilling their constitutional mandates and to foster strategic co-operation with government departments. There are two structures of cooperative government and IGR, namely the Technical IGR and the Political IGR. The Technical IGR structure is for municipal managers, key managers and officials, and the Political IGR structure is for mayors and councillors (Final Integrated Development Plan, 2019: 72).

Hence, it is safe to conclude that cooperative projects and programmes are instruments to enhance the importance of the South African IGR system and cooperative government. The Mohokare Local Municipality has achieved a great deal because of the cooperative programme between the Municipality and the provincial government. It is also worth mentioning that the Municipality, through cooperating with the provincial government, has managed to fulfil its constitutional mandate. An example of this is promoting a safe and healthy environment through its Development of Environmental Management Project, supported by the provincial government (Mohokare, 2019: 37). Criticism from sceptics of the IGR system and, more specifically, of cooperation between municipalities and provincial governments in developing cooperative programmes, appears to be in regards to the strategy and tactics employed. However, what those sceptics have neglected to do is focus on the objectives and goals of cooperative programmes between municipalities and provincial governments (Mkhize, 2018).

#### **4.9 The role of Mohokare Local Municipality in enhancing intergovernmental relations and cooperative government**

According to Ehlers, Glaser, and Prokati (2014: 129), as an establishment of the Constitution, local government is constitutionally and morally obligated to embrace the IGR system and the cooperative government model. The Mohokare Local Municipality is an entity of the local government sphere, meaning that it has to subscribe to the rules imposed on all entities of local government. The Municipality does not exist outside the scope of the Constitution. This obligates the Mohokare Local Municipality to promote the principles of the Constitution and, in particular, Chapter 3 of the Constitution (Mohokare, 2019: 37).

In relation to the Constitution and the Municipality, Chapter 3 of the Constitution stipulates that a municipality is expected to conduct its affairs in a way that demonstrates that it embraces the principles of the IGR system and cooperative government. Section 40 (2) states that all spheres of government, including the local government in which a municipality exists, must observe and adhere to the principles in Chapter 3 of the Constitution. In addition, the Section points out that all spheres of government must execute their activities within the parameters that Chapter 3 provides (RSA, 1996: 25).

Section 41, Subsection (1) (h) of the Constitution states that all spheres of government must co-operate in mutual trust and good faith. This constitutional statement legally binds the Mohokare Local Municipality to enhance the principles of the IGR system and cooperative government. Section 41 of the Constitution is not only limited to binding Mohokare to promoting the values of the IGR system, but also prescribes how the Municipality should co-operate with other spheres of government. For example, Subsection 1 (h) (ii) to (vi) outlines in detail what the Mohokare Local Municipality, or any sphere of government, is supposed to do to promote the principles of the IGR system. It outlines the role of the Mohokare Local Municipality in the context of IGR; hence, to assist and support the provincial government where and when it can (RSA, 1996: 25). This assistance can be through sharing information with the Free State local government on issues of common interest. For example, the Mohokare Local Municipality's participation in SALGA's IGR Forum is utilised by the Municipality to

share information with the provincial government on matters of common interest. In this way, the Municipality is executing its constitutional objective, as set out in Section 41 (1) (h) (ii), which is to support other spheres of government (Final Integrated Development Plan, 2019: 75).

Although the Municipal Manager's Forum was created as a platform for municipal managers, the Forum has been used by the Mohokare Local Municipality to execute the mandate of Section 41, Subsection (1) (iv). Subsection (1) (iv) calls for all spheres of government and its entities to coordinate their actions and legislation with one another (RSA, 1996: 25). The Municipal Manager's Forum is a platform for Free State municipal managers to coordinate their actions. The Forum also serves as an opportunity for Free State municipal managers to join forces in addressing common issues and offer technical input regarding policy and legislative processes. The inclusion and role of Mohokare's municipal manager is primarily to promote the principles of the IGR system and cooperative government. The Municipality is doing this through adhering to agreed-upon procedures so as to avoid legal proceedings against other spheres of government it is cooperating with (Draft Annual Report: 2016: 38).

The Mohokare Local Municipality has come up with strategies for strengthening the practice of IGR and cooperative government. Most of the strategies are influenced or shaped by the White Paper on Local Government. The rationale behind Mohokare Local Municipality's strategies is promoting and facilitating cooperative decisions between the Municipality and the provincial government, and coordinating and aligning its priorities with those of other spheres of government. In addition, this Municipality's strategies are grounded in ensuring a smooth flow of information amongst all spheres of government. For the Mohokare Local Municipality to channel its time into establishing mechanisms and strategies to enhance the effectiveness of the IGR system is for it to safeguard the future of the IGR system and cooperative government (Mohokare, 2019: 76). These strategies are future-orientated and practical. As Lie (2010: 68) points out, what is needed to safeguard the relevance of the IGR system is for each sphere to come up with mechanisms to ensure that the system remains applicable in the future as the solution to governance issues facing the country. Based on Lie's (2010: 68-69) analysis, it is safe to say that the Mohokare Local Municipality's

quest to come up with strategies to strengthen the IGR system is a decision to safeguard the future relevance of this system.

The Mohokare Local Municipality's programmes and advocacy for citizens' engagement should be viewed as other practices that enhance the IGR system and cooperative government. As Gregory (2014: 33) argues, public participation is the cornerstone of democracy. This study argues that, in South Africa, public participation is the cornerstone of the IGR system. This is because one of the core responsibilities of IGR is to ensure effective and efficient service delivery to the people (Kahn et al., 2016: 306). One can thus conclude that if this is the system established to serve the people, then the people must be provided with both the voice and platform to contribute to the development of this system. In the context of the Mohokare Local Municipality, community members are involved in the planning, designing and implementation of most of the IGR projects. For example, the Mayoral Imbizo programme has been utilised by the Mohokare Local Municipality to engage with the people on ways to develop and solve problems confronting IGR and cooperative government (Final Integrated Development Plan, 2019: 73).

#### **4.10 Concluding remarks**

This chapter utilised the deductive approach (Du Plooy-Cilliers, Davis & Bezuidenhout, 2017: 186) – thus, from a general to a specific argument. Therefore, to provide rational and comprehensive information concerning the manifestation and practice of IGR in the Mohokare Local Municipality, the deductive approach guided this chapter. The chapter was divided into two sections. The first section outlined the manifestation of IGR in South Africa from a general perspective. The second section was a specific investigation into the manifestation and practice of IGR in the Mohokare Local Municipality.

The first section of the chapter explored the manifestation of the IGR system and cooperative government in South Africa. The findings of this chapter supplement Nkwezane's (2012: 1) argument that the current South African IGR system can be traced back to the apartheid era. One of the differences, however, is that the current IGR system provides more powers and responsibilities to the local sphere of

government. In addition, a contextualisation of the South African IGR system and cooperative government was presented in this chapter. It was found that it is important to consider the working situation between all spheres of government, significant events that have both enhanced and threatened the objectives of the IGR system, and the concepts surrounding this governance system.

The working relations formed a critical part of this research. The study further found that all spheres are constitutionally obligated to work together. It was also established in this chapter that the essence of the IGR system and cooperative government is to promote the national, provincial and local spheres of government to work together to enhance effective and efficient service delivery to the masses. Chapter 3 of the Constitution was used as the guideline for how these three spheres of government should co-operate with each other. In the context of the local sphere of government, it was revealed that this sphere is needed for a strong and effective IGR system to fulfil its constitutional mandate. The local government sphere has to provide service delivery to the people on the ground, which is complex and dynamic.

This study approached interventions from a positive perspective, considering their constitutional mandate, which is to intervene to provide the necessary support if one sphere is failing to meet its constitutional duty. Section 100 of the Constitution, which deals with the intervention of the national sphere in the administrative affairs of the provincial government sphere, formed an essential part of this chapter (RSA, 1996: 57).

In addition, this chapter analysed the manifestation and practice of the IGR system and the cooperative government model in the Mohokare Local Municipality. As the narrative of Mohokare has not been examined in relation to the IGR system, an overview of the Municipality was presented. It was mentioned that the Municipality consists of three towns, namely Zastron, Rouxville and Smithfield. Important information about the three towns was provided. In the process, it was established that Zastron has many more government facilities than the other two towns. The reasons for this situation were provided.

Furthermore, this study examined the constitutional responsibilities of the Municipality. As guided by Chapter 7, Section 152 of the Constitution and the Mohokare Local Municipality's documents, it was found that the Municipality has responsibilities that, in most cases, can only be achieved if the Municipality co-operates with the Free State provincial government. The interpretative paradigm guided the examination of the description of the IGR system in the Mohokare Local Municipality. In the quest to provide an in-depth description of the IGR system in the Municipality, it was established that, in the context of the Mohokare Local Municipality, the IGR system presents both opportunities and challenges. In addition, it was found that the main challenge was the nature of the system, which is vertical in its operation. In terms of opportunities, the main one related to the fact that the IGR system had assisted the Municipality to be in a better position to execute its constitutional mandate. The Mohokare Local Municipality, in co-operation with the provincial government, has created programmes that have helped it provide public services to its communities. Furthermore, it was established that the Municipality is constitutionally and morally obligated to promote the principles of the IGR system and cooperative government, as stipulated by Chapter 3 of the Constitution (RSA, 1996: 25).

## **CHAPTER 5: EVALUATION, FINDINGS AND RECOMMENDATIONS**

### **5.1 INTRODUCTION**

The topic of this study was the manifestation and practice of the intergovernmental relations in the Mohokare Local Municipality. As stated clearly in Chapter 1, this study aimed to provide practical information regarding the manifestation and practice of the IGR in the Mohokare Local Municipality. It is then safe to say that Chapter 4 provided the necessary information in the quest to meet the aim of this study, as it was prescribed in Chapter 1. In addition, Chapter 4, Section 4.8 of this study, which focused on the description of the IGR in the Mohokare Local Municipality, managed to fulfil this aim through a rigorous investigation of the case study, which provided a hands-on approach to relating theory to practice.

As mentioned in Chapter 1, the problem statement of this research questioned the process of IGR and cooperative government in the Mohokare Local Municipality. This problem statement was crucial because it touched directly on the topic of this study. One of the main objectives of this study was to explore the relationship, in the context of the IGR system, the Municipality has with other spheres of government, in particular the Free State provincial government (see Chapter 1). Chapter 4, Section 4.3 and Section 5.5, Subsection 5.5.5 addressed the objective of this research as it was mentioned in Chapter 1 (Mohokare, 2019: 7).

Focusing specifically on this chapter, Chapter 5 outlines the research in its totality, including the evaluation, findings and recommendations. This study evaluated the manifestation and practice of the IGR in the Mohokare Local Municipality. From the preceding chapters, valuable information is deduced in the form of findings. Afterwards, this chapter recommends what is needed to ensure the IGR system and cooperative government model become productive for the Mohokare Local Municipality.

## 5.2 OVERVIEW OF THE STUDY

**Chapter 1** introduced the manifestation and practice of IGR in the Mohokare Local Municipality. In addition, it presented the background of the research, the problem statement and research questions, the aims of the study, the objectives, the research methodology, and how the research would be structured. The chapter established the procedures and the rationale for the research.

The key aspect of Chapter 1 was to introduce the topic, to make it easily understandable. In addition, the outline of the background of the study, the problem statement, the research problems, aims, objectives, and the research methodology undoubtedly formed the key aspects of the study. Hence, Chapter 1 kick-started the research and, most importantly, contributed to providing guidelines on ways to conduct the research.

**Chapter 2** outlined the theoretical framework and concepts relating to the topic of the study. Concepts such as intergovernmental relations, cooperative government, good governance and local government were identified as key for this study. In addition, all of the critical concepts were defined. In terms of a theoretical approach, the researcher selected the legal/constitutional approach, the democratic approach and the financial approach to give this study a theoretical perspective. This chapter further indicated that the IGR system depends on governance models to operate. In the context of this research, three models were presented, namely decentralism, federalism and unitarism, to investigate which model out of the three could be linked to the South African IGR system (Kahn et al., 2016: 78). South Africa is not the only country globally that uses the IGR system. That is why this chapter deemed it necessary to present an international perspective regarding the cooperative government system by outlining the American federal system and the Canadian IGR system.

Throughout Chapter 2, defining the key concepts regarding the topic formed a key aspect. Equally, the presentation of different approaches to the study of IGR and cooperative government played a crucial part. Mentioning different governance models was as important as the presentation of various approaches to the study of IGR and cooperative government. One of the crucial contributions of Chapter 2 was

to provide this study with an international perspective when it comes to the understanding of IGR and cooperative government. This chapter provided a theoretical guide to the rest of the study.

**Chapter 3** produced a critical evaluation of the legislation regarding cooperative government and IGR. This chapter further indicated that the cooperation between all spheres of government is both approved and guided by legislation. The Constitution was outlined in Chapter 3, and the researcher focused on unpacking the meaning behind the words *distinctive*, *interdependent* and *interrelated* (RSA, 1996: 25). The chapter, through its in-depth outlining of these three vital concepts, examined the purpose of any sphere of government as being distinctive, interdependent and interrelated. In addition, Chapter 3 evaluated several pieces of legislation linked to the operation of IGR, including the Intergovernmental Relations Framework Act 13 of 2005, the Intergovernmental Fiscal Relations Act 97 of 1997, the Municipal Structure Act 177 of 1998, the Municipal System Act 32 of 2000, and the Municipal Finance Management Act 56 of 2003.

**Chapter 3** discussed key aspects, including the evaluation of legislation, acts, and statutes, which both approve and guide the cooperation amongst the spheres of government. The crucial contribution of this chapter was to highlight various pieces of legislation linked to the IGR system. The legislation was included to understand the legal and constitutional basis of the IGR system and cooperative government in the country. Hence, the chapter provided an understanding of the constitutional establishment and legislative guides of IGR in South Africa (Burns, 2000: 14).

**Chapter 4** touched directly on the topic of this research. This chapter focused on the manifestation of IGR in the country and, specifically, in the Mohokare Local Municipality. Moreover, the contextualisation of the South African IGR system was provided. Most importantly, the working relationship between all spheres of government was unpacked – in particular, the working relations between the provincial government and the local sphere of government. In a work environment that includes people from different spheres of government, there might be conflict. Hence, Section 146 of the Constitution addresses conflict that might occur in the process of cooperation between the spheres of government (RSA, 1996: 80). The chapter

presented an analysis of the mechanism approved by the Constitution to utilise if one sphere fails to execute its constitutional mandate. Concerning interventions, this chapter was led by the Constitution. In the context of national intervention in the provincial administration, Section 100 was utilised as it provides the national sphere with the legal authority to intervene in provincial affairs. Furthermore, in the context of provincial intervention in local government, Chapter 4 examined Section 139 of the Constitution (RSA, 1996: 75).

The example of the Mohokare Local Municipality was consequently outlined in Chapter 4. The crucial contribution of Chapter 4 was to relate the theory to the practice. An overview of the IGR system in the context of the Mohokare Local Municipality was presented. The local municipality was outlined in detail, including the three towns making up the Municipality, and the political, historical, geographical and economic background was provided. Mohokare, just like all municipalities around the country, exists because of constitutional approval (Mohokare, 2019: 39). This prompted the researcher to examine the constitutional responsibilities binding the Mohokare Local Municipality.

Further descriptions of IGR in the Mohokare Local Municipality were presented. Information regarding the challenges and opportunities confronting the Municipality were also discussed. The Mohokare Local Municipality, in most cases, works with the Free State provincial government to create cooperative programmes that assist the Municipality in fulfilling its constitutional responsibilities (Mohokare, 2019: 7). A detailed description of the programmes was provided in Chapter 5. In addition, the role of the Municipality in enhancing the principles of IGR and cooperative government was explained in Chapter 5.

### **5.3 FINDINGS OF THE STUDY**

The research investigated the manifestation and practice of IGR and cooperative government in the Mohokare Local Municipality. This section of the study provides the findings of the research with explicit emphasis on the capability of the findings to address the research questions or execute the aims of the research, as outlined in Chapter 1 of this study.

### **5.3.1 The link between the apartheid IGR system and the post-1994 IGR system**

In a quest to understand the manifestation of the IGR system in South Africa, this research revealed that there is a link between the apartheid IGR system and the current IGR system. During apartheid rule, IGR and cooperative government elements were present. The study found that the apartheid IGR system was not completely eradicated post-1994. The findings were that the apartheid government's IGR system did shape or at least influence the current IGR system and cooperative government model. However, during the apartheid era, the local sphere of government was disempowered. In contrast, the post-1996 IGR system allocates powers, authorities and key responsibilities to the local sphere of government. The study revealed that even though the apartheid IGR system shaped the post-1994 IGR system, the essential differences are that the decentralisation process moved the post-1994 IGR system away from the apartheid IGR system (see Chapter 1 and 4). In this context, the post-1994 IGR system expanded local government's autonomy through the transfer of responsibilities and powers, away from the national sphere of government (Amtaika, 2013: 94). This finding originates from Chapter 1.

### **5.3.2 Impact of the geographical position of the Mohokare Local Municipality on the effectiveness of the IGR system**

The research found that many kinds of research have been conducted on the practice of IGR, but most scholars researched the practice of IGR in urban areas, neglecting rural areas. In the context of the Mohokare Local Municipality, it was found that the aspirations of the IGR system cater mostly for urban areas, developed towns and towns with good infrastructure, neglecting rural towns like Zastron, Rouxville and Smithfield. Furthermore, this research found that the Mohokare Local Municipality is unique because of its geographical location. The Municipality separates countries and provinces. The location of the Municipality is on the border between South Africa and Lesotho, and separates the Free State from the Eastern Cape (Spatial Development Report, 2017: 17). In the context of the IGR system, it was found that, because of the Mohokare Local Municipality's geographic position, it depends on cooperation with the other spheres of government to address the problems created by its location. This

finding is deduced from Chapter 4, which discussed the IGR system and cooperative government in the context of the Mohokare Local Municipality (see Section 4.6.1).

### **5.3.3 Lack of enforcement mechanisms**

The study further revealed that what is mentioned on paper is not always practical and implementable. This research used what Chapter 3 of the Constitution states to demonstrate that the spheres of government usually do not do what this chapter of the Constitution tells them to do (RSA, 1996: 25). One of the reasons is because, in the context of local government, those tasked to implement what Chapter 3 of the Constitution requires them to do lack the necessary knowledge on how to implement it. In addition, those tasked with the process of IGR and cooperative government sometimes choose to ignore the principles, as prescribed by Chapter 3 of the Constitution. It was also revealed that this problem is caused by a lack of enforcement mechanisms for all spheres of government to adhere to the principles of the Constitution and other legislative documents. In addition, this study found that co-operation between the different spheres of government is based on encouragement, not force, which in some ways is counterproductive. This particular finding derives from Chapter 4, Section 4.8.1, which examined the challenges facing the IGR system.

### **5.3.4 Productive relationship between the Municipality and the provincial government**

In addition, the research indicated that the Mohokare Local Municipality has a productive relationship with the Free State provincial government. Moreover, it was established that Section 154 of the Constitution and the IGR Framework Act 13 of 2005 guide the Municipality's co-operation with the provincial government (2005: 63). The research also revealed that, in practice, the nature of the South Africa IGR system emphasises the co-operation between the provincial government and the local sphere of government, rather than national support directly to the local sphere of government. This is problematic in some instances, as the provincial government lacks the resources that the national government has to provide to the local sphere of government when it needs immediate assistance (see Chapter 4). In addition, the study revealed that the Mohokare Local Municipality faces problems such as poor

service delivery, maladministration, unskilled workers and unrest. Some of these problems can be linked to IGR itself (Final Integrated Development Plan, 2019: 75). It was further found that the IGR system and the cooperative government model have unintended consequences. In the case of the Mohokare Local Municipality, the manifestation and practice of the IGR system produced outcomes that were not anticipated. While the IGR system was meant to speed up service delivery, evidence suggests that it might have exacerbated poor service delivery. This finding arises from the discussion in Chapter 4, Section 4.8.2, which investigated the opportunities of the IGR system and cooperative government.

### **5.3.5 Lack of mechanisms to improve the IGR system**

The research further indicated that the IGR system is subject to a lack of mechanisms for improvement. Just like any governance system, IGR needs to be revisited regularly to identify the problems confronting the system and to suggest mechanisms to improve what needs to be improved. In addition, it was revealed that government departments that are tasked with handling the system are not doing enough to come up with a new, rational mechanism to solve the problems facing the system. Furthermore, the study found that legislation might be present, but other mechanisms are needed to both monitor the implementation of the legislation and serve as a supporting system to the legislation (see Chapter 3, Section 3.8). Moreover, the study revealed that the local government sphere lacks key decision-making powers, which are enjoyed by the national and provincial spheres of government. This finding comes from the discussion in Chapter 4, which looked at the manifestation and practice of IGR in South Africa (see Chapter 4, Section 4.8.1).

### **5.3.6 IGR is vulnerable to being misinterpreted by those in politics and law**

Another finding of the study related to the fact that, besides having legislation, acts and statutes, the IGR system is open to be misinterpreted, which is problematic for its productivity. In addition, the research found that the system lacks adequate details. It was revealed that, while Section 41 (1) (h) (vi) calls for the spheres of government to avoid legal proceedings against one another, this might not be helpful (RSA, 1996: 25). This is ascribed to the fact that giving power to one sphere of government to

adjudicate on the conflicts or disputes of other spheres might be not be rational and fair. Unlike the legal system, which the courts are the custodian of, the political system could at times be corrupt. It might be better if the courts are the ones intervening, rather than how it is advocated by the Constitution. This finding is deduced from Chapter 3.

### **5.3.7 Lack of monitoring of the IGR system in rural areas**

The Mohokare Local Municipality is located in a rural area, and has to co-operate with other spheres of government, as advocated in Chapter 3 of the Constitution (Final Integrated Development Plan, 2019: 24). The study indicated that what is needed is for the South African IGR system to pay more attention to municipalities in rural areas. The study further found that the IGR monitoring structures do not focus enough on municipalities in rural areas. In addition, the study revealed that co-operation between the spheres of government is lacking as municipalities in rural areas struggle with a lack of infrastructure, revenue collection and the migration of skilled workers. This finding is taken from Chapter 4, Section 4.6.1.

### **5.3.8 Lack of checks and balances in the IGR system**

The study further indicated that the IGR system lacks a mechanism for checks and balances. The IGR system requires structure, which regulates the influence of party politics regarding co-operation between the Mohokare Local Municipality and the Free State provincial government. The researcher found that, in the context of the Mohokare Local Municipality, a regulating policy or structure is not present to ensure that IGR is not a process of one political party abusing its power with regards to how the Municipality and the provincial government conduct their cooperative affairs. In addition, the research revealed that IGR and cooperative government lack proper structure to ensure that no particular sphere of government has excessive power and influence over the other spheres. This finding comes from Chapter 4, Sections 4.5.2 and 4.8.

### **5.3.9 There is no universal IGR system**

The study investigated the international perspective on IGR, and it found that there is no single universal IGR system. This is problematic in terms of the success of South African IGR as this leaves the country with no international rules or guidance on how to operate the system and on how all the government spheres should co-operate with one another. This finding originates from Chapter 2, Section 2.6.

### **5.3.10 Programmes and forums to enhance IGR within the Mohokare Local Municipality**

In addition, the research indicated that the Mohokare Local Municipality has to coordinate its actions and legislation with other spheres of government by means of coordinated programmes, as stated in Section 41, Subsection 1 (h) (iv) of the Constitution (RSA, 1996: 25). Most of the coordinated programmes involve the Free State provincial government. In addition, it was found that the Mohokare Local Municipality promoted IGR by working together with different provincial departments. The Municipality participates in the SALGA IGR Forum, the Integrated Development Plan Forum and the Municipal Management Forum, to name a few. This finding was outlined in Chapter 4, Section 4.8, Subsection 4.8.3.

## **5.6 Recommendations regarding the productive practice of IGR and cooperative government in the Mohokare Local Municipality**

Concerning the findings outlined in the previous section of this chapter, the following recommendations are suggested to improve the practice of IGR and cooperative government in the Mohokare Local Municipality:

- In general, the nature of IGR must be reconsidered to allocate more power and decision-making authority to the local sphere of government. The South Africa IGR system should move away from the vertical operation of this system and move closer to a horizontal operation. As the national sphere of government holds more power than the lower spheres, which forces the lower authorities to depend on the higher ones, the local authorities must be given more power to reduce the culture of dependency.

- In the context of the Mohokare Local Municipality, the study suggests that the municipal officials tasked with handling the practice of IGR must have constitutional knowledge regarding practicing the principles of IGR. In addition, they must be capacitated with knowledge regarding legislation that was established to guide the practice of IGR and cooperative government.
- The research further recommends that IGR must be freed from being a political operation and move closer to becoming a legal operation, so that accountability can be practiced. Those tasked with implementing the principles of IGR must know that they have a legal obligation, and failure to execute their legal obligation should come with consequences in terms of accountability.
- IGR legislation, Chapter 3 of the Constitution and the statutes dealing with IGR and cooperative government need to have clear and sufficient detail to prevent it from being misinterpreted by those tasked with implementing the system, and the public in general. Furthermore, this research recommends that IGR be simplified for and familiarised to South Africans, so that they can hold those tasked with executing this system accountable.
- The researcher further recommends that the Mohokare Local Municipality create an evaluation and monitoring structure. Mohokare's co-operation with other spheres of government should be classified as more or less a public sector programme of action. Therefore, it must be subject to the evaluation and monitoring process. This mechanism will ensure that the Municipality's co-operation with the Free State provincial government is monitored, and that suggestions are put forth before conflict/disputes arise between these two spheres of government.
- The research also recommends the need for the creation of an IGR-friendly environment as a mechanism to support Section 41 (1) (h) (ii) of the Constitution, which speaks of fostering friendly relations. An IGR-friendly environment is based on the assessment that an unhealthy environment inhibits the productivity of IGR. In this context, the unhealthy environment is maladministration, unrest and violent protests in a local municipality. The study suggests that Mohokare's co-operation with other spheres of government cannot be productive as long as an IGR-friendly environment is absent.

## **5.7 Recommendations for future research**

Researchers can broaden the focus of their studies by venturing into one of the following areas of research:

- Examine how international IGR systems influence the manifestation and practice of the South African IGR system.
- Evaluate the role of IGR in the process of eradicating poor socio-economic conditions in Free State municipalities.
- Assess the role of IGR and cooperative government in addressing the problems facing rural municipalities.

## **5.8 Concluding remarks**

Referring back to Chapter 1 of this study, the first objective of the research was to provide a comprehensive understanding of the conceptualisation of intergovernmental relations and cooperative government. Chapter 2, section 2.2 managed to achieve this objective by presenting the definitions of the two concepts – intergovernmental relations and cooperative government. The second objective of the study was to produce critical information about the manifestation and practice of IGR in the Mohokare Local Municipality. This objective was achieved and the relevant information was provided in Chapter 4, sections 4.6 to 4.10. The third objective of the research was to explore the relationship between Mohokare and the Free State provincial government. The researcher did this in Section 4.8 in Chapter 4. The fourth objective was to explore the Mohokare Local Municipality's issues within the context of IGR. Bearing in mind the content of Chapter 4, Section 4.8, Subsection 4.8.1, which dealt with challenges the Municipality faces linked to IGR, it is safe to say that this objective was achieved. The fifth objective was to investigate ways in which IGR could enhance the values of good governance. Both Chapter 2, Subsection 2.2.3 and Chapter 4, Section 4.7 managed to provide the information that addressed this objective. The last objective was to provide mechanisms that IGR and cooperative government could introduce to solve the problems facing the Mohokare Local Municipality. This objective was achieved and discussed in Chapter 5, Section 3.6.

Overall, IGR is used to refer to how the national, provincial and local spheres of government relate to each other in terms of hierarchy. The Constitution, in particular Chapter 3, outlines what is needed from each sphere to embrace the principles of IGR and cooperative government. Other legislation, acts, and statutes, such as the Intergovernmental Relations Framework Act 13 of 2005, the Intergovernmental Fiscal Relations Act 97 of 1997, and the Municipal System Act 32 of 2000 complement Chapter 3 of the Constitution concerning creating and practicing co-operation between all spheres of government. After a rigorous process of investigating the manifestation and practice of IGR in the Mohokare Local Municipality, the researcher is convinced that what is defined and explained on paper does not always happen that way in the real world. Furthermore, this study concluded that IGR and cooperative government look good on paper, but are complicated in terms of application.

The research outlined the factors contributing to the complexity of the IGR system when it comes to implementation. Two of the factors are that there is not enough information on how IGR must be implemented, and that some government officials, who are tasked with implementing this system, lack IGR skills and knowledge. The case study of the Mohokare Local Municipality contributed to understanding the manifestation and practice of IGR and cooperative government. Significantly, what Mohokare's case has managed to accomplish, is to provide a hands-on approach to linking theory to practice.

There is no doubt that the IGR system and the cooperative government model are positive mechanisms in the quest to enhance effective service delivery for South African citizens. In particular, local government can benefit greatly from cooperating with other spheres of government. The Mohokare Local Municipality, with its service delivery problems, amongst others, should embrace the values of IGR and cooperative government so that it can be in a better position to solve them. Hence, it can be concluded that the Mohokare Local Municipality is indeed embracing and practicing its constitutional duty to co-operate with other spheres of government in mutual trust and good faith by fostering friendly relations.

The researcher learnt during the course of the study that IGR, as well as cooperative government, is needed to address the problems faced by the local sphere of

government. Problems such as poor service delivery, maladministration and unhealthy cooperative relationships with other spheres of government can be tackled when all spheres of government coordinate their affairs, as guided by Chapter 3 of the Constitution. However, the researcher is of the opinion that the IGR system and the cooperative government model in South Africa do not give the necessary attention to municipalities in rural areas – such as the Mohokare Local Municipality. The contribution of this study, in the researcher’s quest to enhance the South African IGR system and the cooperative government model, is to provide dynamic and unique solutions and lessons from this rural municipality situated in the Free State province, South Africa.

## REFERENCES

Amtaika, A. 2013. *Local government in South Africa since 1994*. United States of America: Carolina Academic Press.

Banerji, A. 2015. *Global and National Leadership in Good Governance*. Available at: <https://unchronicled.un.org>. Accessed on 6 November 2019.

Burns, Y. 2000. *Workbook for Administrative Law*. 2<sup>nd</sup> ed. Durban: Juta Publishers.

Butler, A. 2012. *The idea of the ANC*. Johannesburg: Jacana Pocket Books.

Cameron, D. and Simeon, R. 2002. "IGR in Canada: The Emergence of Collaborative Federalism" *The Journal of Federalism*, Vol 32(2) 49-72.

Coetzee, T. 2010. "Co-operative governance and good governance: Reality or myth?" *Contemporary History Journal*, Vol 35(2) 84-107.

Craythorne, D. L. 2014. *Municipal Administration: The Handbook*. 7<sup>th</sup> ed. Cape Town: Juta Publishers.

De Visser, J. 2005. *Developmental local government: A case study of South Africa*. Cape Town: Jonathan Ball Publishers.

De Vries, M., Reddy, P. and Haque, S. 2008. *Improving Local Government: Outcomes of Comparative Research*. London: London School of Economic and Political Science Press.

Draft Annual Report. 2016. "Mohokare Local Municipality FS 163". [https://Final%20Draft%20AR%202016\\_2017%20\(V9\).pdf](https://Final%20Draft%20AR%202016_2017%20(V9).pdf). Accessed on 12 October 2019.

Du Plessis, A. J. 2003. "Intergovernmental Dispute Resolutions in Focus". Available at: <https://dullahomarinate.org.za/multilevel-govt/publications/cape-storm-dispute-paper-igr-framework-act-january-16th.pdf>. Accessed on 6 November 2019.

Du Plooy-Cilliers, F., Davis, C, and Bezuidenhout, R. 2017. *Research Matters*. 5<sup>th</sup> ed. Cape Town: Juta Publishers.

Duvenhage, A. and Venter, J. 2011. "Regime transition in South Africa – Liberation oligarchical tendencies?" *Journal of Contemporary History*, Vol 34: 37-66.

Duvenhage, A. and Venter, J. 2014. "Local government instability in a post-2009 South African election environment: Analytical and strategic perspectives". *Strategic Review for Southern Africa* XXXI (2), November.

Ehlers, D., Glaser, H. and Prokati, K. 2014. *Constitutionalism and Good Governance*. Verlagsgesellschaft: Johanthan Ball Publishers.

Evans, S. 2018. "24 municipalities now under administration". Available at: <https://www.news24.com/SouthAfrica/News/24-municipalities-now-under-administration-20181118>. Accessed on 22 October 2019.

Ewing, C. M. 2016. "Structure and Relationship in American Federalism: Foundations, Consequences, and Basic Principles Revisited". Available at: <http://digitalcommons.law.utulsa.edu/tlr/vol51/iss3/3>. Accessed 29 July 2019.

Final Integrated Development Plan. 2019. "Mohokare Local Municipality: Integrated Development Plan 2019/2020". Available at: <https://20192020%20FINAL%20IDP.pdf>.

Fukuyama, F. 2015. *Political Order and Political Decay*. Washington DC. University of George Washington Press.

Gordhan, P. 2012. "Local government is at the coalface of the delivery of public services and the success or failure of municipalities in delivering service." *Official Journal of Institute of Municipal Finance Officers*, Vol 13(2) 30-31.

Gregory, R. 2014. "Assessing 'Good Governance': 'Scientific' Measurement and Political Discourse." *Policy Quarterly*, Vol 10(1) 15.

Grimsley, S. 2018. "Forms of Governance: Unitary & Federal states." Available at: <https://study.com>. Accessed on 1 April 2019.

Hart, G. 2013. *Rethinking the South African Crisis: Nationalism, Populism and Hegemony*. Durban: University of KwaZulu-Natal Press.

Haurovi, M. 2012. "The role of cooperative government and IGR in promoting effective service delivery. A case study of the Amatole District Municipality." Master's thesis. University of Fort Hare: South Africa.

Heywood, A. 2013. *Politics*. 4<sup>th</sup> ed. London: British Library.

Hofmeyr, W. 2012. *Intergovernmental Response Measures to Address Failing Municipal Water Supply Service: A Legal Response*. Potchefstroom: Government Press.

IGR Framework. Act 2005. *Government Gazette*, Republic of South Africa, Cape Town.

Joannou, N. A. 2008. "Dominant Party Tendencies in the Free State Legislature: A critical analysis". Master's thesis. University of the Free State.

Kahn, S., Madue, S. and Kalema, R. 2016. *IGR in South Africa*. 2<sup>nd</sup> ed. Braamfontein: Van Schaik.

Kambala, P. M. 2012. "Does Provincial Government Matter to Local Government and Participatory Local Democracy?" Available at: <http://www.ngopulse.org/article/does-provincial-government-matter-local-government-and-participatory-local-democracy>. Assessed on 5 November 2019.

Kekana, M. 2014. "The influence of IGR forums on Good Governance: A perspective on the greater Taung municipality - Manokoane village in the North West Province". Master's thesis. University of the Free State: South Africa.

Khoza, R. J. and Adam, M. 2007. *The Power of Governance: Enhancing the Performance of State-Owned Enterprises*. 2<sup>nd</sup> ed. Cape Town: Jonathan Ball Publishers.

Leedy, P. and Ormrod, E. 2013. *Practical research: Planning and design*. 10<sup>th</sup> ed. Boston: Pearson.

Lie, I. 2010. Strengthening IGR for improved service delivery in South Africa: Issues for consideration. *Journal of US-China Public Administration*, Vol 7(1): 57-71.

Mase, P. 2010. "The IGR system: A case study of O. R. Tambo District". Master's thesis. University of the Free State: South Africa.

Matebesi, S. 2017. *Civil strife against local governance*. Toronto: Barbara Budrich Publishers.

Mathebula, L. 2011. "South African IGR: a definitional perspective". *Journal of Public Administration*, Vol 46(3) 834-853.

Matovu, G., Kundishora, P. and Chatiza, K. 2018. *Local Governments in Southern Africa: An analytical study of Decentralisation, Financing, Service Delivery and Capacities*. New York: Cambridge University Press.

Mamphela, R. 2017. *Dreams, Betrayal and Hopes*. Cape Town: Penguin Books.

McKaiser, E. 2016. "Why are skill audits important for municipalities?" Available at: <http://www.702.co.za/articles/16247/why-are-skills-audits-important-for-municipalities>. Accessed on 22 October 2019.

Mdliva, M. E. 2012. "Co-operative Governance and IGR in South Africa: A case study of the Eastern Cape." Master's thesis. University of KwaZulu-Natal: South Africa.

Mhone, G. and Edigheji, O. 2012. *Governance in the New South Africa*. 3<sup>rd</sup> ed. Cape Town: University of Cape Town Press.

Mkhize, Z. 2018. "Four plans to fix municipalities". *Cape Town*. Available at: <http://www.info.gov.za/speeches/2018/1002111>. Accessed on 4 November 2019.

Mnisi, P. 2012. "Clean administration in government is an achievable goal". *Official Journal of Institute of Municipal Finance Officers*, Vol 13(2) 20-21.

Mogale, T. 2014. "Developmental Local Government and Decentralised Service Delivery in the Democratic South Africa". *Journal for Governance in the New South Africa*, Vol 32(3) 215-244.

Mohlomi, T. 2013. "Good Governance: A Review on Governance within the context of the South African Party System". Master's thesis. University of the Free State.

Mohokare. 2018. "Numbers of people per gender at the Mohokare Local Municipality". Available at: <https://www.google.com/search?q=Distribution+of+population+by+gender+and+population+group+per+ward+in+Mohokare+Local+Municipality>. Accessed on 8 November 2019.

Mohokare. 2019. "Map of the Xhariep District Municipality". Available at: [https://www.google.com/search?tbm=isch&sxsrf=ACYBGNScoO5yRGXvg\\_MXZHX3txYMU1Ukug:1573212979858&q=zastron,+smithfield+and+rouxville+map](https://www.google.com/search?tbm=isch&sxsrf=ACYBGNScoO5yRGXvg_MXZHX3txYMU1Ukug:1573212979858&q=zastron,+smithfield+and+rouxville+map). Accessed on 7 November 2019.

Mohokare. 2019. "Documents/Mohokare%20FINAL%20IDP%202018-2019.pdf". Available at: <https://municipalities.co.za/overview/1057/mohokare-local-municipality>. Accessed on 7 October 2019.

Mubangizi, B. C., Nhlabathi, Z. F. and Namara, R. 2013. "Network governance for service delivery: Lessons from South Africa and Uganda". *Journal for Public Administration*, Vol 33 (1) 777-795.

Nealer, E. 2018. "Local government and service delivery." *Municipal Management Journal*, Vol (3) 197-214.

Nkwezane, N. 2012. "Co-operative governance and IGR: an analysis of the Fezile Dabi District Municipality". Master's thesis. University of the Free State: South Africa.

Nzimakwe, T. I. and Ntshakala, T. 2015. "IGR and Cooperative Governance: Two sides of the same coin". *Journal of Public Administration*, Vol 50(4) 842-840.

Onyishi, A. E. 2018. "A unitary system of government in a federal structure in Nigeria (unifedism): Implication for national integration and sustainable development." *Journal for Studies in Management and Planning*, Vol (4) 72-91.

Pholo, G. M. 2012. "The impact of IGR on service delivery in South Africa." Master's thesis. University of the Free State: South Africa.

Raja, S. H. 2018. "Is Pakistan on the verge of collapse". Master's thesis. University of India: Department of Political Science. Available at: <https://www.quora.com>.

Republic of South Africa. 1997. *Intergovernmental Fiscal Relations Act (Act 97 of 1997)*. Pretoria: Government Printer.

Republic of South Africa. 2003. *Municipal Finance Management Act (Act 56 of 2003)*. Pretoria: Government Printer.

Republic of South Africa. 2000. *Municipal System Act 32 of 2000*. Pretoria: Government Printer.

Republic of South Africa. 2005. *IGR Framework Act 13*. Pretoria: Government Printer.

Revenue Enhancement Strategy. 2017. "Mohokare Local Municipality: Revenue Enhancement Strategy 2017-2018". Available at: <https://www.mohokare.gov.za/documents/policies/2017/Budget%20Policies/Revenue%20Enhancement%20Strategy%20-%20reviewed%202015-16%2001>. Accessed on 14 October 2019.

Rose, S. and Goelzhauser, G. 2018. "The State of American Federalism 2017-2018: Unilateral Executive Action, Regulatory Rollback, and State Resistance". *The Journal of Federalism*, Vol 48(3) 319-344.

Schwella, E. 2015. *South African Governance*. Pretoria: Van Schaik.

Scott, W. R. 2008. *Institutions and Organisations: Ideas and Interests*. 3<sup>rd</sup> ed. New Delhi: Delhi University Press.

Sedler, R. A. 2010. "The constitution and the American Federal System". *Journal of Law Review*. Wayne State University Law School Research Paper No. 10-61.

Senoamadi, J. M. 2014. "IGR: Sustainable human settlements in the City of Tshwane Metropolitan Municipality in Gauteng Province." Master's thesis. University of South Africa: Pretoria.

South Africa Department of Provincial and Local Government. 2009. "Practitioner's guide to IGR in South Africa." Available at: <https://www.worldcat.org › title › oclc>. Accessed on 17 September 2019.

Spatial Development Report. 2017. "Mohokare Local Municipality Spatial Development". Available at: [http://www.ruraldevelopment.gov.za/phocadownload/SPLUMB/Dev\\_Plans2017/Free\\_State/XHARIEP-DRDP-Part%201-21122015-signed.pdf](http://www.ruraldevelopment.gov.za/phocadownload/SPLUMB/Dev_Plans2017/Free_State/XHARIEP-DRDP-Part%201-21122015-signed.pdf). Accessed on 19 October 2019.

Statistics South Africa. 2016. "Community Survey 2016: Municipal Boundaries". Available at: <http://cs2016.statssa.gov.za/wp-content/uploads/2016/07/NT-30-06->

[2016-RELEASE-for-CS-2016- Statistical-releas 1-July-2016.pdf](#). Accessed on 20 October 2019.

Tansey, S. and Jackson, N. 2008 *Politics: The Basics*. 4<sup>th</sup> ed. New York: Oxford University Press.

Tau, C. P. 2015. *Leading the transformation of local government*. 3<sup>rd</sup> ed. South Africa. Pretoria: Government Press.

The Constitution of South Africa 1996. Act 108 of 1996. Wynberg: Constitutional Assembly.

Thornhill. C. and Cloete, J. 2014. *South African Municipal Government and Administration*. 2<sup>nd</sup> ed. Pretoria: Van Schaik Press.

Twala, C. 2014. "The African National Congress (ANC) and the Cadre Deployment Policy in the Post-apartheid South Africa: A Product of Democratic Centralisation or a Recipe for a Constitutional Crisis?" *Journal of Social Sciences*, Vol 41(2) 21-47.

Van der Waldt, G. 2018. *Municipal Management: Serving the people*. 3<sup>rd</sup> ed.

Van Niekerk, T. 2015. "Functionality of Local Government IGR Forums with Specific References to District IGR Forums", *Journal of Public Administration*, Vol 50(4) 841-853.

Venter, A. and Landsberg, C. 2014. *Government and politics in South Africa*. 4<sup>th</sup> ed. Pretoria: University of Pretoria Press.

Webster, E. 2017. *The Unresolved National Question*. South Africa, Johannesburg: Wits University Press.

Woodward, D. F. 2010. "Federal System". *Journal for Government and Politics*, Vol 1(5) 21-38.

Zola, T. 2018. "Free State Arts and Culture hosts 2018 Mangaung African Cultural Festival". Available at: [www.gov.za](http://www.gov.za). Accessed on 10 October 2019.