
**The Impact of Structures and Processes on
Intergovernmental Processes in the Sol Plaatje
Municipality**

by

Buhle Ntsenge

Student Number: 2004142705

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Political Transformation in the Department of
Governance and Political Studies in the Faculty of the
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Supervisor: Dr T. Coetzee

DECLARATION

I, **Buhle Ntsenge**, declare that the Master's Degree research extensive mini-dissertation that I herewith submit for the Master's Degree qualification in Governance and Political Transformation at the University of the Free State is my independent work, and that I have not previously submitted it for a qualification at another institution of higher education.

Name & Surname: Buhle Ntsenge

Student Number: 2004142704

Date:

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ACRONYMS

ANC	African National Congress
AUA	Africa Union Agenda
CFO	Chief Financial Officer
CODESA	Convention for a Democratic South Africa
CoGHSTA	Cooperative Governance, Human Settlement and Traditional Affairs
CoGTA	Cooperative Governance and Traditional Affairs
DFA	Diamond Fields Advertiser
DG	Director General
DPLG	Department of Provincial and Local Government
EM	Executive Mayor
FFC	Financial and Fiscal Commission
FFCA	Financial and Fiscal Commission Act
FOSAD	Forum of South African Director General
GDS	Growth Development Strategy
IDP	Integrated Development Plan
IFR	Intergovernmental Fiscal Relations
IGR	Intergovernmental Relations
ISRDP	Sustainable Rural Development
IUDF	Integrated Urban Development Framework
KPA	Key Priority Area
LED	Local Economic Development
LGBER	Local Government Budget and Expenditure Review
LGBF	Local Government Budget Forum
M&E	Monitoring and Evaluation
MAYCO	Executive Mayoral Committee
MEC	Member of the Executive Council
MFMA	Municipal Financial Management Act
MinMEC	Ministers and Provincial Members of the Executive Council
MM	Municipal Manager

MMC	Member of the Mayoral Committee
MPRA	Municipal Property Rates Act
MPRA	Municipal Property Rates Act
MTSF	Medium-Term Strategic Framework
NCOP	National Council of Provinces
NCPGDS	Provincial Growth and Development Strategy
NDP	National Development Plan
NERSA	National Energy Regulator of South Africa
NPM	New Public Management
OLG	Organised Local Government
PALG	Provincial Association of Local Government
PCC	President's Coordinating Council
PFMA	Public Financial Management Act
PoA	Programme of Action
RSA	Republic of South Africa
SALGA	South African Local Government Association
SOEs	State Owned Enterprises
SPAB	Sol Plaatje Municipality Annual Budget
SPLM	Sol Plaatje Local Municipality
URP	Urban Renewal Programme
WPLG	White Paper on Local Government

CHAPTER 1

AN INTRODUCTION TO THE STUDY

1.1.Purpose of the Study

When the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) came into operation on 4 of February 1997, it represented the historical culmination of a focused process of constitution-writing which commenced in December 1991. This process came as a result of the initiation of the Convention for a Democratic South Africa (CODESA), a national multi-party constellation established to negotiate a transition to inclusive democracy (Venter, 2014: 2).

Groups or individuals cannot exist without regulations or laws. Even when these laws are put in place, there is a need to implement and govern them, hence the need for a body or structure that will oversee the adherence to these rules and regulations: a constitution. This constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled (Ngcukaitobi, Brickhill, & Stein, 2012: 319). Chapter 3 of the Constitution of South Africa sets out the principles of Cooperative Governance; all spheres must observe and adhere to the principles in this chapter and must conduct their activities within the parameters that the chapter provides (Mhone & Edigheji, 2003: 156).

Intergovernmental Relations begin to have importance where there is a separation of powers amongst different spheres of government (Ismail, Bayat & Meyer, 1997: 138). South Africa has three spheres of government, namely national, provincial, and local (municipal). National government is then divided into three branches: law-making (legislative authority), the actual operations of governing (executive authority), and the courts (judicial authority). All these structures of government are interdependent and need each other to function and to operate effectively. This practice is known as Intergovernmental Relations. Intergovernmental Relations (IGR) is defined as the processes and institutions through which governments within a political system interact (Phillimore, 2013: 229). These institutions function as interacting networks of institutions at all levels; they are created to enable the various parts of government to

form a unified whole, with cooperative governance playing a larger role as it derives mandate from the constituency at regional levels (Phillimore, 2013: 229).

Ismail et al (1997: 139) asserts that cooperative governance is a new idea to resolve issues associated with Intergovernmental Relations seeking to address the difficulties pertaining to the coordination of government functions and streamlining of government's administrative responsibilities (Ismail et al., 1997: 139). The value of Intergovernmental Relations in South Africa is evident with the integration of local government and traditional affairs as the defining element of cooperative governance. cooperative governance alludes to all types of government that adopt political flexibility, negotiation, compromise, and less reliance on the rigid distribution of powers between the three spheres of government (Tau, 2015: 801). The powers and authority of local government with its mandate to regulate its own laws and matters pertaining to its jurisdiction is recognised by the Constitution in South Africa. Section 151 (4) of the South African Constitution states that national and / or provincial government spheres may not compromise or prevent the functions of local government (Ismail et al., 1997: 139).

The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) established a government which brought about the emergence of influence and cooperation between the three spheres of government and provided rules on how these spheres would operate for effective governance, thus making them interdependent. In the Constitution, the three different spheres - national, provincial, and local - are distinctive, interdependent, and interrelated. Section 7(2) of the Constitution, when read alongside Sections 24 and 153, bestows the duty on local government - comprising local-, district-, and metropolitan municipalities – the responsibility to “...promote sustainable development” and attain the correct constitutional environment (Du Plessis, 2008: 11). Section 41 of the Constitution promotes the principle of cooperation and intergovernmental relations between the three spheres of government (Constitution of the Republic of South Africa, Act 108 of 1996). Each government department and institution has the responsibility to contribute to the function and operations of government in the country. The legislation promulgated the Intergovernmental Fiscal Relations (IFR) Act No. 97 of 1997 with the sole purpose of financial cooperation between the three spheres of government. The IFR Act then

goes on to make provision for the establishment of the Local Government Budget Forum (LGBF) for these spheres to consult on fiscal matters (Tau, 2015: 805).

The Sol Plaatje Local Municipality (SPLM) also adheres to the constitutional frameworks set up by government to regulate and guide the operations of governmental institutions' interrelatedness. The Member of the Executive Council for Cooperative Governance and Traditional Affairs is the accounting officer and custodian of local government in the province. The municipality receives a share of the budget from the National Treasury and is dependent on the Department of Cooperative Governance and Human Settlement for the delivering of other functions, such as the provision and building of low-cost government housing structures for shared financial responsibility. In the SPLM, property rates are levied in accordance with council policies, the Local Government Municipal Property Rates Act 2004 (MPRA), the MPRA Amendment Act 2014 (MPRAA), the MPRA Regulations, and the Local Government Municipal Finance Management Act 2003. The SPLM property rates policy is put together taking into consideration feedback received from the Finance Portfolio Committee, councillors, ratepayers, and clients since the adoption of the 2016/17 Property Rates Policy in May 2016 (SPLM, 2018: 30). This is a clear indication of municipal adherence to constitutional frameworks set up to govern its operations.

It is crucial to remember that, for intergovernmental relations to be successful in any governing structure, it is dependent on the three spheres of government to be fully involved in the operating channels of service delivery. The level to which each role player contributes and commits themselves to the value chain will determine relations between the actual work of government, both in service delivery and in the relations between government institutions. The Constitution caters for development in the local sphere of government within a system of IGR; a system of cooperative governance that stipulates that each sphere will be distinctive, interdependent, and interrelated and should function in a mutually supportive manner (Muthien, Khosa, & Magubane, 2000: 119). Cooperative governance thus proves that all stakeholders in the value chain are intertwined and need each other to operate. The way government departments and municipalities consult one another is of high importance and leads to improved coordination and cooperation (Malan, 2005: 229).

Consultation is one of the most critical principles of intergovernmental relations. In the Sol Plaatje Municipality Annual Budget (2018), the municipality indicates that most of the decisions taken by council are informed by constitutional frameworks and public participation processes conducted (SPLM, 2018: 30). With the recent community protests, it is, however, alleged that the municipality has not been practicing the principles and values of intergovernmental relations. One of the major outcries by the community members was the unregulated fixed amount the municipality wanted to institute to its tariffs as well as high electricity tariffs that were not approved by the National Energy Regulator of South Africa (NERSA). Due to these allegations, the Department of Cooperative Governance, Human Settlement and Traditional Affairs (CoGHSTA) has set up a task team to investigate the municipality's doomed electricity levy of R260 and to determine whether the electricity tariffs that are approved by the municipality are in accordance with the approved tariff structure of NERSA (Hoo, 2018). It is then evident that, when the principles of intergovernmental relations are not adhered to, cooperative governance is bound to fail. The object of intergovernmental relations is to establish a system in which all spheres of government plan together to provide a coherent approach to service delivery and development (Layman, 2003: 15).

The Constitution of the Republic of South Africa clearly sets apart the functions of each sphere of government from the other in order to avoid the duplication of functions and the overlapping of responsibilities. If this separation is not implemented, the three spheres of government do not necessitate the functioning and operation of the others, thus destabilising intergovernmental relations. The national sphere of government's function is the protection of civilians and drafting or making amendment recommendations to government policy, amongst other functions. The primary responsibility of the local authority of government is to determine tariffs on a realistic and affordable level. This poses challenges associated with local government finances, such as a limited tax base with only a relatively small portion of the local community paying for services (Van der Waldt, 2002: 2-3).

In its entirety, cooperative governance should be regarded as a standing partnership agreement between all spheres of government, with each partner being recognisably different so as to respond to the fulfilment of their roles and responsibilities. Mdliva (2012: 44) emphasises that intergovernmental relations need the alignment of policies

and priorities within all spheres of government, as strategic planning and budgeting are the most important features of their cooperation. For government to effectively implement its responsibilities and address community challenges, all spheres of government should work as partners (Mdliva, 2012: 44).

Tau (2015: 809) highlights that the intergovernmental relations system unfolded rapidly with only minimal regulation so as to give operational substance to the concept of cooperative governance, which saw the emergence of many non-statutory national and provincial intergovernmental forums (Tau, 2015: 809). The Sol Plaatje municipality also forms part of such forums. Section 53(1) (a) of the MFMA states that, in a municipal structure, the mayor of a municipality must provide political guidance over the budget process and the priorities that the municipality has set out to guide the preparation of the budget. It further goes on to say that the executive management team and the mayoral committee should advise council accordingly. In a municipal fiscal or financial process, the key to strengthening the link between priorities and spending plans lies in enhancing political oversight of the budget process. The executive management team has a significant role to play in the financial planning process (SPLM, 2018: 73-74). Sol Plaatje Local Municipality has an executive mayor, a municipal speaker, a mayoral committee, and councillors with ward committees that run the political mandate. The executive authority is made up of the municipal manager (MM), the chief financial officer (CFO), senior managers, and general staff who run the day to day operations of the municipality (SPLM, 2018: 73-74).

Intergovernmental relations in South Africa is also seen as playing a critical role with different government departments and institutions, integrating programmes and services to cohere for the smooth running and operations of government (National Treasury, 2017: 6). The value of intergovernmental relations in South Africa is evident with the integration of local government and traditional affairs. The process of IGR involves all stakeholders in government. Government departments and local government must draw up strategic plans where each stakeholder's role is defined and outlined. They must draw up an Integrated Development Plan (IDP) to which all stakeholders subscribe. Provincial government has the responsibility to help the constituency identify with and recognise the local authority. Although attempts have been made to explain the concept of public administration, for example by Sebola (2015), it is crucial that local government should also be clarified and considered in

perspective. In so doing, it will clarify the roles between local government, local authority, local council, the municipality, and the council (Sebola, 2015: 4).

1.2. Research Problem and Question

1.2.1. Research Problem

The Sol Plaatje Local Municipality is a Category B municipality located in the Frances Baard District in the Northern Cape Province. It is bordered by Dikgatlong in the north, the Pixley ka Seme District in the south and west, and the Free State Province in the east. It is one of four municipalities that comprise the district, accounting for a quarter of its geographical area. It includes the diamond mining city of Kimberley. The municipality covers a total area of 3 145 square kilometres. The main economic sectors of the local municipality include, but are not limited to, community services (33%), finance (24%), trade (14%), and mining at 8% (Municipalities of South Africa, 2020). The Sol Plaatje Local Municipality has an executive mayor and a municipal speaker elected by the council representing their political parties elected to the municipal council by the constituency through local government elections. The municipal council is made up of the mayoral committee members and elected ward councillors.

The Sol Plaatje Local Municipality came about as an assented Act of government by the President of the Republic of South Africa, Act No. 117 of 1998: Local Government: Municipal Structures Act. The Municipal Structures Act, 1998 (Act No 117 of 1998), as amended, assigns powers and functions relating to integrated development planning, sustainable and equitable social, as well as economic development to district municipalities. Where the allocated sphere of government does not have the resources or capability, the next sphere of government must execute the function (Oelofse, 2010: 2).

As most municipalities in South Africa, the Sol Plaatje Local Municipality (SPLM) is faced with issues that hinder service delivery and good cooperative governance, resulting in maladministration and community protests. Some significant issues, which influence both IGR and Cooperative Governance, range from the collection of revenue

with the introduction of an unfortunate basic electricity levy, the dismissal of nine councillors who voted against the governing party in a council sitting to oust the mayor, and issues pertaining the election of a new city mayor (Loria, 2018). The recent public protest calling for the removal of the municipal's Executive Mayor (EM), the Municipal Manager (MM), and the Chief Financial Officer (CFO) due to allegations of misconduct, maladministration, and corruption has deepened and worsened the issues faced by the local municipality. As a result of these protests, the Northern Cape Department of Co-operative Governance, Human Settlements and Traditional Affairs (CoGHSTA) was mandated to investigate a range of issues at the SPLM ranging from the mayoral residence, a luxury vehicle that was procured for R1 million, irregular appointment of a public relations company, and the alleged misuse of municipal funds (Hoo, 2018).

Several towns in the Northern Cape have seen service delivery protests in recent times, and communities are grappling with several issues including housing, corruption, maladministration, as well as a lack of sanitation and water (APDUSA, 2018). The failure of intergovernmental relations in the municipality became evident when the Department of CoGHSTA failed to intervene as a major intergovernmental partner to speedily resolve issues, resulting in the suspension of the MM and CFO (SolomonStar, 2018). The MM and CFO have been on voluntary leave after being advised by the African National Congress (ANC), which is the ruling party in the municipal council and the Northern Cape province. Although the governing party in the municipality and the department of CoGHSTA welcomed the suspension, much damage had already occurred because of the poor and slow response from the municipality's governing partners. The provincial secretary of the province's ruling party welcomed the Section 106 investigation instituted by the Member of the Executive Council for Cooperative Governance and Traditional Affairs, Mr. Bentley Vass. This investigation will include, amongst others, the allegations against the municipal manager and the chief financial officer mentioned earlier (Hoo, 2018).

The SPLM was deemed likely to run out of funds by the end of September 2018, as the collections rate was down to 28%. Many constituents had stopped paying for municipal services, reducing the revenue of the municipality. With increasing financial pressures on household income, the non-payment of municipal debt is becoming a threat to the going concern's ability, as well as sustainability of service provision

(SPLM, 2018: 57). The municipality may be forced to go into an overdraft to meet overhead payments such as Eskom and salaries in 2019. This in itself is problematic - which financial institution would be willing to provide an overdraft to a municipality that cannot afford to repay the loans due to weak collections? The decline in revenue collections may also affect intergovernmental relations at the national government level with the National Treasury revoking its Municipal Infrastructure Grant. The municipality would then not qualify for loans at any private financial institution, resulting in an increase in tariffs of rates and services such as water and electricity, refuse collection, and city infrastructures and maintenance (Ailola, 1998: 201).

The municipality is currently faced with an under-staffing problem that amounts to 1 785 unfilled vacancies throughout the SPLM area. The municipality has a staff establishment of 2 701 positions, of which 1 785 were filled as at 28 February 2018. Thus, a vacancy rate of 40% exists, while employee costs remain 35% of the total operational budget (SPLM, 2018: 59). It is likely that these vacancies will not be filled, and employees will have to be retrenched; therefore, more households will lose their breadwinners and lose their ability to pay for municipal services. The community is asking for migration to direct Eskom electricity purchases. This will provide immediate but temporary relief regarding high electricity costs. However, Eskom is not without its problems, which include unplanned and increasing maintenance needs at its old power stations, resulting in Eskom experiencing maintenance difficulties. Eskom is also not capable of carrying out any maintenance of domestic power boxes and will not be as swift as the municipality with installations, repairs, and / or maintenance (Kemp, 2014). As the municipality depends on electricity sales for the bulk of its income (80%), with heavily reduced collections as it is, and the loss of income from electricity sales, the municipality will experience a negative impact on its efforts to address developmental challenges such as the high rate of unemployment and low economic growth, and limited access to basic household and community services for unplanned or illegal settlements, amongst others, as an attempt to sustain other operational costs and services (SPLM, 2018: 47 & 102).

As IGR in South Africa are regarded to be at a developmental stage, the partnership between and amongst the three spheres of government is still a key challenge, particularly regarding the relationship between provincial and the local government. Current mechanisms established to facilitate IGR include the "Inter-Governmental

Forum” (Van der Walddt, 2002: 3). The SPLM is starting to put action plans in place by launching an open IDP process inclusive of all stakeholders. By involving stakeholders in providing input, the municipality is opening room for government departments to align their implementation plans with that of the municipality. In their IDP, they state that the IDP is reviewed yearly to inculcate a democratic approach to local governance by ensuring all stakeholders have an opportunity to voice their opinions in influencing the shape, form, direction, and pace of development in their localities. The municipality is committed to addressing the needs of the people and values the inputs from communities and stakeholders (SPLM, 2018: 81).

The IDP process is guided by a variety of legislation, policies, and guidelines which require careful consideration when the document is compiled. These include, amongst others the South African Constitution, Act 108 of 1996 White Paper on Local Government, the Municipal Structures Act 117 of 1998, the Municipal Systems Act 32 of 2000, Municipal Planning and PMS Regulations (2001), the Municipal Finance Management Act 56 of 2003, and the Intergovernmental Relations Framework Act 13 of 2005 (SPLM, 2017b: 6). A critical issue to address is whether the municipality established a local forum that include government officials and civil society organisations to address IGR issues by integrating its IDP into the provincial government's planning.

In practice, municipalities do not align their municipal plans with that of the provincial government, thus resulting in both the provincial and local government having no idea of the needs analysis of the province and the municipality for an effective and better integrated service delivery approach. The establishment of partnership can also play an important role in improving the relationship between the municipality and other stakeholders, but these partnerships are non-existent. There are no bilateral and learning forums between the local and provincial government aimed at improving intergovernmental relations and cooperative governance. Through the Growth Development Strategy (GDS) process, SPLM can achieve proper alignment between the different spheres of government plans and policies, as well as sectoral and budget alignment (SPLM, 2017b: 96).

1.2.2. Research Question

Local government should ideally be the most important role-player in the provision of basic services in South Africa, but local government is faced with a variety of issues, including IRG (Zulu, 2014: 14). With that in mind, solutions to the challenges faced by local government in relation to cooperative governance and intergovernmental relations should be sought. With the case of the SPLM, the following questions are pertinent:

- a) Is the Northern Cape Province implementing IGR policies set in place to govern the relationship between the municipality and the provincial sphere of government?
- b) The SPLM seems to be faced with challenges that hinder the effective implementation of adequate service delivery programmes. What are these challenges and why do they exist in a governance structure that speaks of the interdependence of the spheres of government in the country?
- c) Are there IGR conflicts facing the SPLM and, if so, what are they? What legally instituted structures or legislation are available to address those IGR conflicts in cooperative governance?
- d) Which extant structures play a coordinating role when there is conflict between spheres of government and stakeholders in intergovernmental relations to restore the relationship?
- e) Could the conflict between the Sol Plaatje Local Municipality and the community have been resolved had all IGR partners played their respective roles?

The Constitution of 1996 (Act 108 of 1996) makes provision for and clearly highlights the role of conflict resolution in order to honour the conditions set out in the Constitution. Section 44(2), Section 100, and Section 139 are explicit in giving each sphere a responsibility in conflict resolution (Thornhill, 2009: 673-674). IGR should be in line with Constitutional prescriptions; Section 41(1) of the Constitution also emphasises the cooperation between all spheres of government in mutual trust and good faith (Zulu, 2014: 15). There is clear conflict between the Sol Plaatje Local Municipality and the community that needs the intervention of all IGR partners to

resolve them. Continued silence from the Office of the Premier and the received response from the Department of CoGHSTA might signal an emerging or already existing conflict between these spheres of government in this municipality.

1.3. Significance of the Study

Transformation of local government is an enormous medium- to long term undertaking; it is not instantaneous, and, therefore, improving municipal performance is a dynamic process. It is important for IGR stakeholders to know what they are doing and what is expected of them so they can arrive at key priority areas of their mandate. However, knowing how to arrive at constituted mandates does not necessarily yield the desired results. Implementers should also set timeframes for delivering their mandate and align their and their partners' work with those timeframes. The inability of implementers to combine efficacy and efficiency in order to meet outcomes will result in failures (Zulu, 2014: 11 - 12).

Municipal IDPs and strategic plans have a set timeframe in which highlighted key priority areas are to be met; these plans also outline the resources necessary to meet those set targets. In its IDP, the SPLM makes provision for delivering its mandated areas and sets both timeframe and accountability clauses. Accountability and transparency also play a crucial role in the success of IGR and for cooperative governance to meet goals and objectives. All municipalities should prescribe to the Municipal Financial Management Act 56 of 2003 (MFMA), which clarifies the roles and accountability of office bearers and officials. Due to previous financial misconducts, the SPLM set out restrictions for expenditure by taking note of cost containment draft regulations as well as the MFMA Circular 82. These documents pertain to cost containment as well as stipulations regarding travel and accommodation, attendance of conferences and seminars, and limiting approval delegation of such expenditures by the relevant executive director or municipal manager (SPLM, 2018: 55).

The SPLM states that, for the municipality to respond to efficacy and efficiency, the Gross Domestic Strategy process should commence in time to inform the next 5-year IDP, which is due for the 2017/18 -2021/22 cycle. It is significant to understand

whether, by implementing stringent measures for regulating fiscal spending, the SPLM can respond to the challenges of accountability (SPLM, 2017b: 49).

Not only is cooperative governance a relationship between all the spheres of government, it is also a partnership between government and the civilians or constituencies, the people. Governments are elected to lead and govern the constituency, implying that constituents are an important part of cooperative governance. Intergovernmental relations are not blind to different ways of doing things, and constant consultation is a critical aspect. Consultation encourages dialogues where communities speak to government, articulating their needs, and where a bottom-up approach system is followed where government listens to the people. In light of this, the SPLM states in its IDP that it encourages a system of developing affordable and efficient communication systems to communicate regularly with communities and disseminate urgent information. The basic measures to be monitored include the existence of the required number of functional ward committees, the number of effective public participation programmes conducted by councils, and the regularity of community satisfaction surveys carried out (SPLM, 2018: 29).

Local government policy and legislation place great emphasis on municipalities developing a culture of community participation and the creation of appropriate and relevant community participation mechanisms, processes, and procedures (SPLM, 2018: 96). Although this is the case, the Northern Cape government is faced with the issue of the residents of the greater Taung Municipality who want to be reintegrated into the Northern Cape province from their position in the North West province under the current demarcation structure. This would increase the size and scope of the Frances Baard District Municipality with possible effects on the Sol Plaatje Local Municipality (CoGHSTA, 2018). If governmental institutions involved from the Northern Cape and the North West were to ignore this community plea and not institute an urgent consultative forum, this might have a negative impact on the election results for the governing party in the province. This might affect the SPLM in the form of community protests, which tend to escalate easily, starting in one small area and intensifying to larger areas. Such an event would be contrary to the claims of IGR authorities regarding their reputation of actively engaging citizens in planning, budgeting, and implementation in order to strengthen public participation.

The Municipal Structures Act, Section 78, allows for two mechanisms in terms of service delivery purposes, namely internal- and external mechanisms. Where an external mechanism has been chosen for a specific function or responsibility, a section 80 service delivery agreement must be entered (SPLM, 2018: 120). Thornhill (2009: 672 - 673) states that the South African Constitution was only passed in 1996; the demarcation of municipalities was only undertaken in 1998. Thornhill reiterates that the new system of local government, as it is currently in operation, only became fully operational after the municipal elections of 2006 (Thornhill, 2009: 672-673). The executive authority of government has the responsibility to implement government policy and programmes. This implementation is thus brought down to the provincial and local authority for the efficient implementation of the law as well as government programmes.

Although some functions are mandated to the national or provincial spheres of government, there are Acts of government that legislate municipalities to provide such services. In their Municipality Integrated Development Plan, the SPLM gave an overview of functions mandated to the provincial government, but that are also performed by the municipality, indicating that there is an IGR between the municipality and other spheres of government. For example, in terms of the Constitution of the Republic of South Africa, primary healthcare is the function of the province. Again, the National Health Act and Health Professions Act also indicate that this function is vested to the province. However, by means of service delivery agreement, the provision of primary healthcare through local clinics is assigned to the municipality in terms of the Constitution of the Republic of South Africa, with primary healthcare being the function of the province. The distributor of electricity in Ritchie is done by Eskom, and, as such, all infrastructure belongs to Eskom. Although electricity supply to households in the SPLM is the responsibility of the municipality, as another form of IGR and Cooperation, the municipality entered into a service delivery agreement permitting Eskom to continue with service provision (SPLM, 2018: 121).

1.4.Aims and Objectives of the Study

The aim of the research is to understand cooperative governance, intergovernmental relations, and their complex challenges. The direction that local and cooperative governance is taking in South Africa should be a primary concern, with many municipalities in South Africa being unviable due to weak administrative practices. This research aims at understanding why the concept of IGR is still difficult to implement effectively and why it not receiving the envisaged political endorsement by highlighting the state of the Sol Plaatje Local Municipality and its challenges. Where local- and cooperative governance fails, political impasses, social chaos, and economic hardship becomes the order of the day, particularly with implementation in local governments (Chigudu, 2018: 1). This research will also advocate for the practice of IGR in terms of how it may shape cooperative governance and intergovernmental relations in the Sol Plaatje Local Municipality. The objective of this research will be to answer the research question in relation to cooperative governance and intergovernmental relations in the Sol Plaatje Local Municipality. Chigudu (2018: 5) states that government has the responsibility of propelling and inspiring the governed for sustainable development and the provision of services. The most important outcome of this study will be to address failures and challenges related to IGR and to find better working mechanisms to address cooperative governance (Chigudu, 2018: 5).

The research seeks to understand why the national and provincial executive sphere of government fails in providing local government with the authority to exercise its own discretion when implementing programmes that are region-specific and that will deal with issues directly affecting the municipality. Cooperative governance is an essential ingredient for sound sustainable development. Why issues ranging from internal human resource factors to external service provider factors continue to plague the sphere of local government is a concern that needs attention. Resources and infrastructure are crucial to local governments, but, undoubtedly, it will be the people who, through their management and daily work, will ensure adequate public service for the constituents. However, this is not the case in many municipalities across the country.

In this regard, the South African Local Government Association (SALGA) proposed a human resource development strategy for developmental local government (Van der

Waldt, 2002: 2). The aim is to underline why the community's migration to direct electricity purchases from Eskom should frankly not be considered, as it will reduce a large portion of the SPLM's income generated through the sale of electricity. The SPLM could mitigate its bad financial position by stemming energy losses, collecting its debt more effectively, and strengthening its IGR with both provincial and national government departments. Exactly how this can be done is the objective of the research. The municipality needs to reduce its overwhelming dependency on collections from the community by soliciting other means of generating revenue. How this is to be done will further form the basis of this study. The research aims to find solutions to IGR and cooperative governance problems in the Sol Plaatje Local Municipality by, firstly, highlighting the issues to be dealt with and, secondly, unpacking the roles of each IGR partner with its resource contribution to resolve issues in the SPLM.

The primary purpose and objective for this research study is to assess intergovernmental relations structures and processes in the Sol Plaatje Local Municipality. The study will also analyse the most important, prevalent, and distinctive aspects of IGR and cooperative governance that contribute to the efficacy, successes, and / or failures of the municipality in delivering services to its constituency. Nationally speaking, government has accepted and admitted to the issues facing intergovernmental relations and cooperative governance (Zulu, 2014: 14). With these in mind, the specific objectives of the study will therefore be to:

- a) Conceptualise cooperative governance and intergovernmental relations;
- b) Investigate the problems, challenges, and issues facing the Sol Plaatje Local Municipality;
- c) Understand the roles of the different spheres of government and the relationship between the municipality and the rest of the spheres with regards to IGR; and
- d) Make recommendations and propose solutions to the IGR challenges faced by the municipality.

1.5. Methodology

A discussion on the ways in which data will be collected and analysed now follows. Qualitative research is “...used to answer questions about experience, meaning and perspective, most often from the standpoint of the participant” (Hammarberg, Kirkman, & De Lacey, 2016: 499), which is applicable to the study at hand. Chenail (2011: 1715) advises that, the method used to conduct a qualitative research study should not be complicated by distorting evidence or presenting unnecessary information to avoid it overwhelming the subject being researched. The method should be as simple as possible due to the complexity of research that resides in the subject being studied (Chenail, 2011: 1715).

The research technique employed in this study is that of a desktop study. This is a form of secondary research where “...existing and publicly available data...” are used to make inferences, support theories, and draw conclusions (SIS, 2020: para 1). This is particularly relevant in this study, since a great deal of extant research refers to the topic and ideas in this study. No fieldwork is therefore required to collect data, as Internet and library searches are carried out instead. Qualitative research is made up of methods that include, amongst others, logic, case studies, participant observation, grounded theory, comparative methods, and historical research to derive at a conclusive research report (Mohajan, 2018: 2).

As indicated, this research will focus on documented material and research conducted on intergovernmental relations and cooperative governance, mainly focusing on their relations with the Sol Plaatje Local Municipality. The idea is not to formulate a new topic for discussion or build a new theory from the ground. The historical research approach – using “primary historical data to answer a question” (Tuchman, 2004: 20) - is partially implemented to provide a historic background of the Sol Plaatje Local Municipality and the background and history of intergovernmental relations and cooperative governance in the context of South Africa. The research will take a deductive approach.

The research will commence with an investigation of literature and studies conducted on intergovernmental relations and cooperative governance in order to achieve a conceptual framework as basis for the study. This framework will be concerned with

understanding the systems and operations of cooperative government in South Africa, focusing on the Sol Plaatje Local Municipality and the responsibilities of different spheres of government in the local governments' IGR chain. With a qualitative approach will form the basis of this research, data from scholarly documents, journals on the same topic, published material, newspapers articles, municipal reports, and the Internet will be collected and analysed.

These resources will draw on material related to cooperative governance, intergovernmental relations, the Sol Plaatje Local Municipality, such as reports, and the South African Constitution. Since this is a textual form of data collection, the act of content analysis and content data capturing will be involved. A complex view of the South African Constitution's interpretation of cooperative governance and intergovernmental relations, influential role players, and the impact of IGR on the state and its constituencies will be obtained and presented. The goal is to present recommendations based on these aspects. Data regarding the state of governance in the Sol Plaatje Local Municipality will be collected to form the basis for the study. However, one cannot rely on documentary sources alone; therefore, print media and newspapers will also form part of data collection for this study. The South African context of governance on cooperative governance and IGR, reports on and by the Sol Plaatje Local Municipality, and the Constitution will be the main sources of information for the study and analysis.

Data will be analysed, interpreted, and presented to reduce the magnitude and the overwhelming load of information that will be collected. When utilising a qualitative research methodology, data should be transformed to findings. In order for the researcher to be able to transform data to findings, he / she should be involved deeply in the research activity, in the data, and identifying and describing the evident and dormant patterns of meaning emerging from the data (Du Plooy-Cilliers, Davis, & Bezuidenhout, 2014: 229). Documents on and relating to intergovernmental relations and cooperative governance will be collected, interpreted, and analysed to merge previous research on the topic to this research study to draw up an informed presentation and recommending remarks. This study will be conducted from an interpretive paradigm, as it seeks to first assess whether there are IGR challenges in the SPLM, what these challenges are, and how they can be addressed (Du Plooy-Cilliers et al., 2014: 27).

1.6. Structure and Layout of the Study

The thesis is divided into six chapters, briefly discussed below.

Chapter One: Introduction

In this section, a provisional introduction to the study is provided. The aim is to present the background to the research and to edify the motivation behind the selection of this research subject. Furthermore, the chapter unpacks the significance of the research and the main questions that the research aims to address. The concepts of cooperative governance and intergovernmental relations are defined, and the goals and objectives of this research are outlined. Finally, the strategies and methodology of collecting the data will be given and the major references will be listed.

Chapter Two: Theoretical Perspectives, Concepts, and Conceptualisation Framework

It is of critical importance to use a theoretical framework in a research study. In research, knowledge is constructed from a theoretical framework in order to present comprehensive findings of the study. For the purpose of this research, the reason for the study, the problem statement, the purpose and the significance of the study will be supported by the theoretical framework. In this chapter, the conceptual framework will be used to portray relations of concepts in this research document. The conceptual framework provides the opportunity to outline and define concepts within the research problem (Grant & Osanloo, 2014: 17). Concepts that are related and which pertain to intergovernmental relations and cooperative governance are outlined.

Chapter Three: The Working and Practices of Intergovernmental Relations in South Africa

It is critical to understand how IGR and cooperative governance came about to better link the practices of IGR with the current status thereof within the three spheres of government. This chapter will summarise the constitutional and institutional framework for government in South Africa and gauge how the composition of government came about and why is it structured as it is. The manifestation of IGR in South Africa will form part of chapter three, and will be linked with present processes, procedures and systems for the coordination of IGR in South Africa. The aim is to get an idea of

whether the Sol Plaatje Local Municipality's IGR structures and process operate in line with national government's initial intention for developing cooperative governance and IGR systems in South Africa.

Chapter Four: An Assessment of IGR Structures and Processes in the Sol Plaatje Local Municipality

Cooperative governance and intergovernmental relations in the Sol Plaatje Local Municipality in the Northern Cape South Africa will be discussed. The background of the Sol Plaatje Local Municipality, the issues prominent to the municipality, its constitutional framework, its principles and core values, the governance structures and processes, the constituency's participatory levels, the problems and issues, and its relationship with other spheres of government will be discussed alongside the action plans to improve IGR and measures that the municipality has put in place to deal with IGR conflicts, amongst others. This chapter draws mainly from published material about and published by the municipality.

Chapter Five: Interpretation, Evaluation and Assessment

In this chapter, an assessment of findings related to IGR and cooperative governance in the case of the Sol Plaatje Local Municipality will be carried out to illustrate their credibility, plausibility, and believability. An in-depth evaluation of the methods used in this research as well as the findings will be provided. Sources used to support the findings of the research will be listed, evaluated, and assessed for credibility.

Chapter Six: Findings, Conclusion and Recommendations

Findings and outcomes of the research will be documented and qualified in this chapter, along with the provision of a thorough conclusion of the study and recommending remarks will be made. This chapter will also provide the final analysis of findings related to the study of intergovernmental relations and cooperative governance. The chapter also aims to provide more theory for further research to be conducted, as well as more concepts which may contribute to the development and improvement of cooperative governance and intergovernmental relations in South Africa, particularly focusing on the Sol Plaatje Local Municipality as a semi-urban local municipality envisaging growth.

CHAPTER 2

THEORETICAL PERSPECTIVES, CONCEPTS AND CONCEPTUALISATION FRAMEWORK OF INTERGOVERNMENTAL RELATIONS AND COOPERATIVE GOVERNANCE

2.1. Introduction

Intergovernmental relations can be seen, in a larger context, as governance institutions linked together with the aim of enabling different structures of government to co-exist at all governmental levels (Phillimore, 2013: 229). In Keping (2017: 3), governance “...refers to the numerous ways” groups of people and institutions, government, and private business handle their collective affairs. Governance comprises formal institutions and governing systems given the authority to enforce compliance, as well as informal arrangements that individuals and other organisations may regard to be in their interest. Governance relates to the processes of exercising authority to maintain law and order, while also addressing the needs of the constituency within defined scales. Its motive is to give guidance, drive and regulate the constituencies’ activities by means of the authority of different systems and affairs through interactive public interest (Keping, 2017: 3). A variety of entities (known generically as governing bodies) can govern. The most formal is a government, a body whose sole responsibility and authority is to make binding decisions in each geopolitical system such as a state by establishing laws (Bevir, 2013:1).

The idea behind IGR is for government institutions to achieve their priorities while also practicing good governance. The concept of good governance is based on the management of public resources and affairs in a transparent, open, answerable, fair and fast responsive manner of the needs of the people by government. By government's prescription to these features, it effectively responds to its mandate given by the people (De La Harpe, Rijken, & Roos, 2008: 6).

Discussions presented in this chapter will provide a holistic overview of intergovernmental relations and cooperative governance, beginning with the outlining and defining of concepts using the contextual framework. The chapter will also take cognisance of the legislative framework, the Constitution, and governmental policies in relation thereto. For the purpose of this research, a conceptual framework is used

as an analytical device. It is applied in order to depict a broader picture of the assessment of IGR structures and processes in the Sol Plaatje Local Municipality. It is also used to facilitate a conceptual distinction and to systematically arrange ideas. Adom, Hussein, and Agyem (2018: 438) imply that conceptual frameworks are specifically emphasised as construction tools in empirical research. This research document applies the idea of the conceptual framework to deductive and empirical research at local government level. Conceptual frameworks are used in this study as abstract descriptions linked to this mini-dissertation's goals as elements that largely influence the collection, interpretation, and analysis of data (Adom et al., 2018: 438).

The theoretical and conceptual framework define the direction of a research study and affirms it in theoretical constructs. The general idea of both types of framework is to make research findings more meaningful, acceptable to the theoretical constructs in the field of research, and to fortify applicability (Adom et al., 2018: 438). As basis for the framework related to governance, two elements are considered, namely relationship factors that influence the three governmental spheres, as well as governmental structures that mirror the connections and interdependence of the three spheres of government. Theories are formulated to interpret and understand phenomena and to contribute to existing knowledge, thus making the theoretical framework the structure that either joins or supports theories underpinning the research study (Labaree, 2013: 40).

2.2. Intergovernmental Relations

The concept of intergovernmental relations refers to the manner in which each governmental sphere cooperates with the other, particularly in terms of the existence of the separation of power in government at the legal and administrative branches of government (Kahn, Madue, & Kalema, 2016: 4). The intergovernmental system is highly dependent on well-structured policy, planning, and implementation (National Treasury, 2011: 30). South Africa has an intergovernmental system built on principles of cooperation between the three spheres of government with the aim of these spheres sharing functions and responsibility (National Treasury, 2011: 27).

Intergovernmental relations are a fundamental and prevailing part of modern political systems and is of increasing significance as contemporary governance becomes increasingly complex (Phillimore, 2013: 228). Phillimore (2013: 228) further asserts that IGR has become an outstanding characteristic of political and governance systems comprising more than one level of government (Phillimore, 2013: 228). Intergovernmental relations encircle all the compound and interdependent relations between different spheres of government, as well as the coordination of public policies among the national, provincial, and local governments, through programmes and budgeting (Malan, 2005: 228). This also refers to the fiscal and administrative processes where the different spheres of government share budgets and other resources, thus involving in IGR a selection of structured and unstructured processes for bilateral cooperation between the three spheres of government (Malan, 2005: 228).

In South Africa, the intergovernmental system is constantly changing and developing in terms of context variations and emergence of improved approaches to cooperative governance. One crucial area that needs addressing is the allocation of functions between district and local municipalities (National Treasury, 2011: 48). With the adoption of a democratic model of cooperative governance, South Africa's Constitution makes allowance for a three-sphere system of government, where said spheres are distinctive, but interdependent and interrelated (Kahn et al., 2016: 90-91). According to the Constitution of the Republic of South Africa (1996), Act 108 of 1996, the distinctiveness, interdependence, and interrelatedness can be described as follows:

- a) Distinctiveness implies that each different sphere of government exists and has autonomy and authority in terms of decision-making processes that involve roles and responsibilities assigned by the Constitution for the purpose of accountability. However, although the spheres are distinctive, all their functions and their powers are bound to regulatory frameworks set out by the national government as the sphere responsible for monitoring compliance and with the power to intervene and oversee the fulfilment of constitutional and statutory obligations of the other spheres (Layman, 2003: 8). The national sphere can also intervene in the provincial sphere, and the provincial sphere has the authority to intervene in the local government sphere when those spheres fail in fulfilling these obligations;

- b) Interdependence denotes the degree to which one sphere of government depends on another to effectively and efficiently respond to their constitutional mandates. The national sphere has an obligation to aid and enable both provincial- and local government spheres in fulfilling these mandates. This assistance, however, comes vested with powers in the national sphere to oversee, supervise, and ensure that provincial and local spheres fulfil their constitutional functions. Cooperation between the spheres reflects their interdependence. Interdependence thus emphasises the existence of mutuality between the three spheres of government with the intention to form a single unified government with distinctive domains (Haurovi, 2012: 68).
- c) Interrelatedness refers to the constitutional stipulation of each sphere exercising its autonomy while being supervised by another sphere of government. Although the local government sphere has been assigned certain responsibilities and functions, municipalities are still under the supervisory power of both provincial- and national spheres of government. To some degree, the national sphere has supervisory responsibility and function over the provincial sphere of government. The purpose of interrelatedness is to encourage cooperation between the spheres of government through joint planning, building friendly relations, and avoiding conflict to, in turn, facilitate effective and efficient development, service delivery, and avoid misuse of power and authority amongst the spheres of government (Mdliva, 2012: 34).

Based on the aforementioned, IGR can be defined as the cooperation and systematisation of the relations that exist between the spheres of government and the organs of state with the sole reason of creating numerous formal and informal operations for bi-lateral and multinational amalgamation of spheres of government (Gaoretelelwe, 2017: 26). The democratic government of South Africa has created a constitution as well as institutional frameworks in order to emphasise cooperation and interaction amongst the spheres of government and to intensify an environment of policy creation to promote intergovernmental relations (Malan, 2005: 230). Additionally, as to the division of powers and functions, the Constitution of the Republic of South Africa permits the transfer of more functions and authority to provincial and local governments. South Africa's legislative autonomy is divided between Parliament, the provincial legislature, and local government municipal councils. The authority of

these legislations is safeguarded by the Constitution and cannot be revoked (Mdliva, 2012: 27).

2.3. Cooperative Governance

The term cooperative governance came about as a result of the drafters of the South African Constitution's decision to use the term hoping that the intergovernmental relations system would be consensual; thus, the term cooperative governance is uniquely South African (Kahn et al., 2016: 263). Cooperative governance is a representation of the essential values of the government as stated in Section 41(1) of the Constitution, making cooperative governance a relationship between the three spheres of government with each sphere required to occupy a specific role (Malan, 2005: 229). Malan (2005: 229) further submits that cooperation applies to situations where people work together, particularly noting that no sphere of government can operate effectively without cooperation with the other spheres due to the overlapping of functions among these spheres (Malan, 2005: 229).

In Kahn (2016: 263), the principles for cooperative governance applicable to all spheres of government, stipulated in Section 41(1) of the Constitution, are listed. These principles stipulate that organs and spheres of government should:

- a) Preserve the peace, national unity, and indivisibility of South Africa;
- b) Secure the wellbeing of the people of South Africa;
- c) Provide effective, transparent, accountable, and coherent government for South Africa as a whole;
- d) Be loyal to the Constitution, the country, and its people;
- e) Respect the constitutional status, institutions, powers, and functions of government in other spheres;
- f) Not assume any power or function, except those conferred upon them in terms of the Constitution;
- g) Exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional, or institutional integrity of government in another sphere; and
- h) Cooperate in a spirit of mutual trust.

Cooperative governance is a rapidly evolving system, mainly because of the statutory devotion of the different spheres of government to the execution of the principles of cooperative governance, as well as the establishment of various arrangements and the expectation that all the three spheres of government will frequently try to cooperate with one another without overstepping their boundaries (Malan, 2005: 228).

Layman (2013: 9-10) further lists four requirements - effective, transparent, accountable, and coherent government – as set by Section 41(1)(c) of the Constitution in delivering government to the nation through cooperative governance (Layman, 2013: 9-10). The system of cooperative governance requires a combination of the functions and responsibilities of the three spheres of government to coordinate and operate simultaneously to achieve a common objective (Devenish, 1998: 108). Because the system of cooperative governance is not clearly outlined to the spheres of government, Section 41(1)(c) of the Constitution stipulates elements that serve as guidelines for the effective and fair operation of the spheres of government with regards to cooperative governance. Therefore, constitutional structures enhance supervisory and operational structures' capacity to enable them to function as interrelated bodies (Thornhill, 2011: 47). In terms of cooperative governance and IGR, these elements are defined as follows:

- a) Effectiveness and efficiency include the ability to operate without any excess while meeting envisaged objectives. The emphasis on efficiency and effectiveness factors around all elements consulted in the rationalisation of decision-making, which includes the planning- and management processes inherent in good governance (Moroka, 2000: 16, in Gaoretelelwe, 2017: 68).
- b) Transparency indicates that governance processes can be regarded as transparent and fair when those directly affected by decisions are informed about said decisions; thus, procedural information is made available and understandable to them. The visibility of government is the most critical element in this regard, requiring all subjects of governance to be interrelated to mitigate the weakening of structures and risking a collapse of the entire system of governance (Shaman, 2010: 13-14); and
- c) Accountability refers to how both public and elected officials execute their mandated responsibilities and account for their actions, which signifies a level of accountability to their duty as public servants and as monitored by their

constituency (Mokgahle, 2010: 16). When public representatives allow for constant monitoring of their progress in addressing issues affecting their constituency, and when they adhere to corrective measures and take and share responsibility amongst the three spheres of government, accountability can be regarded as an existing element (Coetzee, 2010: 94).

2.4. The Evolution of Intergovernmental Relations in South Africa

For one to obtain a holistic view of IGR in South Africa, one should be *au fait* with administrative systems that operated during the apartheid system and during the transition to the new democratic system (Phakathi, 2016: 34). The role of IGR in refining the system of segregation, the three spheres model, the relationship between the three spheres of government, and the control of the national- and provincial spheres over the local spheres are some of the factors that will be outlined as contributing factors to the evolution of IGR in South Africa (Devenish, 1998: 105).

2.4.1. The Constitution of the Republic of South Africa in the Evolution of Intergovernmental Relations

The 1996 Constitution of the Republic of South Africa set new frontiers for the country and would see the emergence of the separation of powers and spheres of government, consisting of the legislative, judicial, and executive authority (Mojapelo, 2013: 37-38). Sang (2013: 97) presents that the separation of powers doctrine importantly spells out the principle of checks and balances, where each branch of government is given unique authority to monitor the exercise of functions of other spheres (Sang, 2013: 97). The Constitution of the Republic South Africa, 1996 (Act 108 of 1996) instituted a government which brought about the emergence of influence and cooperation between the spheres of government while also making these spheres distinctive, interdependent, and interrelated (Du Plessis, 2001: 11).

South Africa's IGR system can be traced to the South Africa Act of 1909, which applied to the Union of South Africa that came into existence on 31 May 1910 (Kahn, 2016: 73). The democratic government of South Africa, elected into power in 1994, was

confronted with the task of not only transforming the country, but orienting government with the goal to democratise institutions of the state with the extension of services to all (Layman, 2003: 13). The Constitution of the Republic of South Africa, Section 41(h), advocates for the cooperation of all the spheres of government with each other through communication, consultation, coordination, assistance, and support with and for each other (Ile, 2010: 54). Section 125 (3) of the 1996 Constitution put a duty on the national sphere of government to support provincial government in building their capacity and effectively performing their functions (Kahn et al, 2016: 49).

2.4.2. Intergovernmental Relations to Refine the System of Segregation

It is important to understand why intergovernmental relations exist in South Africa. The factors contributing to the emergence and evolution of IGR, with the resultant changes, will be investigated to better understand the evolution of IGR in South Africa. The interactions between the different levels of government during the final years of the apartheid regime were identified by both harmonious and hostile relations; agreeable relations occurred mainly in conservative white municipalities, while hostile relations were primarily restricted to urban areas where the apartheid regime was opposed (Kahn et al, 2016: 83). These relations could have influenced the democratic government's creation of IGR. Therefore, the inequalities that existed in South Africa as a result of the colonial malpractice and segregation policies, before the new democratic government came into effect in 1994, prompted the adoption of the 1994 and 1996 Constitution (Endoh, 2014: 68).

2.4.3. The Three Spheres Model of Government in South Africa

The Constitution of the Republic of South Africa, 1996, provides for the establishment of three distinctive, interdependent, and interrelated spheres of government, namely national, provincial, and local (Thornhill, 2011: 45). South Africa has one central or national government, nine provincial governments, and local government that comprises 283 municipalities subdivided into three categories: metropolitan municipalities (Category A), local municipalities (Category B), and district

municipalities (Category C). The division of the local government sphere came about as the establishment of the Municipal Structures Act 117 of 1998 and the Municipal Systems Act 32 of 2000. The intentions of these Acts were to coordinate the role of each category of local government for the horizontal alignment of the Integrated Development Planning (IDP) of the local spheres of government for the consistency of the different municipalities to the policies and legislation set out by the Republic (Nkhahle, 2015: 19-22).

The intergovernmental relations Framework Act 13 of 2005 makes provision for specific rules and regulations relating to the three spheres of government, specifically regarding policy and legislation operation and implementation, and with structures that manage IGR conducts within the IGR environment (Edwards, 2000: 68). These spheres are required to function as a single cooperative governance body (Oelofse, 2010: 1). The legislative authority in the national sphere is vested in the National Assembly, which is the primary legislative body. At the provincial level of government, executive authority is vested in the provincial legislature, and the local sphere must recognise legislature passed by both spheres (Ile, 2010: 53). The Municipal Systems Act 117 of 1998 and the Municipal Structures Act 32 of 2000 set out numerous laws and policies that guide and govern the powers and authorities given to municipalities, subjecting them to adhere to national legislation with their powers subordinate to the Municipal Structures Act 117 of 1998 (Gaoretelelwe, 2017: 48).

2.5. Intergovernmental Relations Network

The concept of network governance appeals to connections in countries that have law-setting structures. These connections link institutions or individuals who have the responsibility to formulate laws put into operation by the public structures of government (Opolski, Modzelewski, & Kocia, 2013: 101). Government spheres, private business, and civil society are often unable to address some of the issues in governance by themselves due to the shortage of capacity and resources. The complexity of governance challenges and the interdependencies between the spheres of government create a space for concerted interactions between the spheres and actors in governance; as a result, governance networks emerge (Klijn & Koppenjan,

2016: 8). There are two traditions in network governance, namely the positivists and the participatory tradition. One tradition speaks of a governed society, and the latter speaks of a society that governs.

Governance networks can be very large, as they include governmental law-making and law-prescribing structures, civil and non-governmental societies, and the private sector (Opolski et al., 2013: 101). Not only is Cooperative Governance the relationship between all the spheres of government; it is also a partnership between government and the civilians or constituencies, the people who elected it into power. Governments are elected to lead and govern the constituency, making the people an important part of Cooperative Governance. The processes of government in maintaining and establishing policies advocate in favour of governance networks. This is achieved through the blurring of the difference between the state and civil society, and by putting in place structures from both the public and private institutions to govern society (Hansen, 2007: 248).

Section 40(2) of the Constitution of the Republic of South Africa makes provision for the interaction of the public to traverse intergovernmental frontiers through legislative processes, with the stipulation that no one sphere can impose or dictate to another sphere (Kahn et al, 2016: 291). IGR networks also require that all stakeholders, network managers, and network administrators are aware of and comprehend the laws, administrative-, and political dynamics in order to manoeuvre and carry out their responsibilities within the IGR network (Kahn et al, 2016: 292).

Bevir (2013: 1) defines governance as all the processes of governing that are undertaken by a government over both formal and informal institutions. Governance has direct relation to the process of interaction and decision-making by organs that are involved in a collective position and which leads to the creation, reinforcement, or reproduction of societal norms and social institutions. The most formal form of governance is a government that exercises responsibility and authority with the task of making binding decisions in a geographical system, known as a state, by establishing laws (Bevir, 2013:1). Governance has networks of interconnected platforms used to exchange and develop information through vertical and horizontal lines that enables it to govern.

Kahn *et al* (2016: 293-300) provide a detailed explanation of the governance network with the roles and responsibilities of role players in the IGR system. These roles and responsibilities include:

- a) Oversight, which is a managerial plan of action found in all systems where members of a society and / or organisation are ranked according to their status or authority, thus placing significant importance on the capacity of those elected or chosen to lead. In the process of IGR, administrative oversight is derived through the actions of formalising executive orders stipulated in contractual agreements, be these written or verbal (Kahn et al., 2016: 293);
- b) Mandating, which implies the role and responsibility of state organs in a mandating partnership, *viz.* that of traditional command and directional control defined through legislation. In IGR networks, this practice takes place when spheres and organs of government embark on the negotiation of terms of regulation and compliance with standards. Although mandating sets limitations and boundaries, frameworks may be adjusted by regulated interests by also providing regulatory relief (Kahn et al., 2016: 294);
- c) Provision of resources, as one responsibility of network strategies management is deciding on and selecting capital resources, as well as how, when, and under which conditions to provide them. This includes the provision of resources such as subsidies or policy incentives that may be used to induce private business to invest in network activities. This is regarded as one of the important functions in IGR networks, as it determines the flow of grants, contracts, and tax expenditures to provincial and local spheres of government via national level (Kahn et al., 2016: 294);
- d) Systems thinking and situational awareness is related to the systems theory, where a system is defined from its environment and its parts are interrelated. This encompasses the ability to see and act on the acknowledgement of the interrelatedness within and among systems. Within IGR networks, system thinking is likely to pursue situational awareness of the basic characteristics of IGR as well as intragovernmental binds that constitute the network. Network managers may attempt to exercise leverage points in IGR networks with the aim to influence new legislation or change existing legislation. If they want to help with the alignment of objectives of all participating governments, or invest in other ways of providing

resources, network managers can do so by advocating for the development of new coordinating mechanisms (Kahn et al., 2016: 295-296);

- e) Boundary spanning and brokering can be facilitated by network managers, as they serve as boundary tools who can go beyond vertical and horizontal boundaries. Brokering is when knowledge and information comprising opinions and viewpoints are translated into frames comprehensible to IGR actors. The responsibility of the broker is primarily to coordinate the activities of IGR actors, mainly where there is a lack of understanding and agreement between actors in the IGR system. Brokering allows for both innovation and the fostering of good relations (Kahn et al., 2016: 296-297);
- f) Negotiation and bargaining allow for the advancement of individual interests and institutional interests of organisations and institutions represented by network managers. This also allows for the mutual adjustment, goal alignment, and reaching of expectations, as well as concluding agreements regarding the mutual exchange of resources between IGR role players and network managers (Kahn et al., 2016: 297).
- g) Facilitation implies that a facilitator is tasked with the responsibility to create opportunities and empowering environments; here, IGR role players can meet to discuss and finalise shared agreements related to resource exchange and their union. In the IGR system, the facilitator is responsible for bringing financial-, human-, information-, technological-, and other expert resources together. This is a means for the creation of protocol and procedures for continuous interaction, engagements, negotiations, and decision making. This is an important function and role in IGR networks, as it coordinates a mutual adaptation as well as resource provision between different spheres and organs of state (Kahn et al., 2016: 299).

IGR networks thus refers to role players that are within and out of government and places greater responsibility on the institutions and actors to have the ability to mobilise resources, advocate for effective cooperation and create sustainable partnerships in a legitimate manner (Gaoretelelwe, 2017: 60). It is important for IGR networks to have a shared responsibility and accountability in governance to avoid the blurring of responsibilities by partners thus resulting to blame and scapegoating (Gaoretelelwe, 2017: 60).

2.6. The Principles and Key Elements of Intergovernmental Relations

South Africa's intergovernmental relations system consists of many different but connected parts and continues to develop gradually with the emergence of better coordination as functions are transferred between the different spheres (National Treasury, 2011: 29-30). The intergovernmental relations Act 13 of 2005, stipulates that all three spheres of government are compelled to the provision of effective, efficient, transparent, accountable, and coherent government for the goodwill of South Africans (Kahn et al., 2016: 288). From Kahn et al (2016: 288-290) as well as the National Treasury (2011: 29-30), core principles and key elements that promote and support the system of IGR can be identified, viz.:

- a) Accountability, where each sphere has its own constitutional mandate and responsibilities, and is empowered to set its own priorities (National Treasury, 2011: 29);
- b) Fostering friendly relations, which includes the Batho Pele principles, to create a culture of friendly relations among the different governmental spheres (Kahn et al., 2016: 289);
- c) Transparency and good governance, indicating that political office bearers are compelled to be accountable to their constituency and transparent in reporting and giving feedback (National Treasury, 2011: 29);
- d) Mutual support and assistance, implying that the different spheres must have coordinated actions in the implementation of policy (Kahn et al, 2016: 290). The upper spheres have the responsibility to support and strengthen the capacity of the local sphere (National Treasury, 2011: 29);
- e) Adhering to agreed procedures and avoidance of legal proceedings, which indicates that the three spheres are encouraged to adhere to mutual agreements and try to make reasonable strides to avoid disputes between them as per Section 40(1) of the Intergovernmental Relations Act 13 of 2005 (Kahn et al., 2016: 290); and
- f) Redistribution, revenue-sharing, and vertical division, indicating that the three spheres must determine allocations to each other involving trade-offs. The spheres' redistribution is also then achieved through the division of revenue,

while also considering each sphere's fiscal capacity and the responsibilities assigned to each sphere (National Treasury, 2011: 29).

The Constitution of the Republic of South Africa binds the three spheres of government and all organs of state to the principles of IGR and cooperative governance across all sectors of state. Firstly, it enforces a sense of patriotism and loyalty to the Republic, while, secondly, emphasising the safeguarding of the Constitution and the uniqueness of each sphere of government with their powers and functions. Finally, it echoes the need for the spheres and organs of government to foster friendly relations, be interdependent, adhere to legislative prescripts, and mitigate conflict (Layman 2003: 8). Layman (2003: 9) posits that the intention of IGR is to achieve a coherent and seasoned government that can deliver services to its constituency through the three spheres of government. IGR thus becomes a way to deploy the capacity, efforts, and resources of all the spheres of government so these can be channelled for effective service delivery (Layman, 2003: 9).

The most outstanding principle of cooperative governance and IGR is public participation, which includes adequate sharing of power for the delivery of services. The Constitution thus places a greater emphasis on national and provincial governments to support and capacitate the local government sphere, empowering it to function individually (Coetzee, 2010: 88).

2.7. Models of Intergovernmental Relations

Research on intergovernmental relations has set the tone for the development of numerous theoretical models that mirror distinctive state development worldwide. Several theories are used as a frame of reference to outline and examine the different sides of IGR (Kahn et al., 2016: 38). Wright proposes three IGR models at an international level. These models are the Coordinate Authority model, which is the IGR model where the various levels of government's functional competence select critical functions, the Inclusive Authority model, and the Overlapping Authority model (Agranoff & Radin, 2014: 1-2).

Because IGR cannot be generalised, for the purpose of this research document, an examination of both federal and unitary government systems is carried out, as IGR exists in both the federal and unitary state. In the federal state IGR system, Wright's Overlapping Authority is used as a new form of describing IGR (Agranoff & Radin, 2014: 1-2).

2.7.1. Intergovernmental Relations Model in a Unitary State

In a unitary state, IGR is known as to be the relationship between the national- and subnational spheres of government; however, national government can make modification to the functions allocated to the lower structures without consultation. The national government can also set standards and characteristics of IGR (Bello, 2014: 67). Kahn et al. (2016: 38-41) discusses several of the outstanding theoretical models of intergovernmental relations pertinent to unitary states.

- a) The agency model sees fundamental authorities as wholly inferior to the national government. In the agency model, local government has limited financial and administrative authority, acting only as an agent for the national government. This model disregards the fundamental policy diversity that exists among the local sphere of government in any form of constitution. Although municipalities in a country derive authority from the same legislation, there might be a difference in the way they implement and interpret those policies (Kahn et al., 2016: 39);
- b) The stewardship model is an IGR model closely related to the agency model that has direct bearing on IGR in South Africa. In this model, constant consultation is carried out with lower structures for the implementation of better managerial systems as well as the suggestion of new policies or the highlighting of failures in existing strategies. This model is evident in the South African context through the relationship between the three spheres of government. The stewardship model tries to explain the national and local relations that exist in a unitary state where a certain level of authority is delegated to provinces and municipalities (Kahn et al., 2016: 39-40);
- c) The partnership model views the national government, the provincial government, and the local government as more or less equal entities. This model has two major

deficits. Firstly, the concept of partnership is indistinct and imprecisely defined. Secondly, the constitutional reality that the local sphere of government is the lowest ranking sphere of the national parliament is disregarded (Kahn et al., 2016: 40);

- d) The power-dependency model argues that both the national- and local sphere of government have their own resources, including, but not limited to, legal-, financial-, political-, and information resources. It advocates that these resources can be used against the provincial sphere of government. In this model, specific attention is given to bargaining between the different spheres and state organs. This model also argues that, although there may be inequalities in distribution of resources between the three spheres of government, they are not necessarily cumulative. This model thus regards power in relative terms, based on a bargaining and exchange process (Kahn et al., 2016: 40-41); and
- e) In Marxist and dual-state models, Marxist scholars provide that the local sphere is an adjustment of the capitalist state, and that it provides an advantage for the capital system and its beneficiaries to extract, accumulate, and sustain social order. These scholars regard the municipal council as a 'local state' that is not exactly distinct from the 'national state' or on its own represents the state locally. Marxist scholars argue that the local sphere of government is not the national sphere, and that a generalised theory of the state cannot be applied to the local sphere of government; the local sphere also cannot simply be reduced to a functioning part of the national capitalist sphere of government. In the Marxist model, a dual state thesis remains integral, because it draws attention to two issues. Firstly, it speaks to the need to link the analysis of structures of the state to the distribution of resources and activities to society and the involvement of those societies in governance. Secondly, it draws attention to the tensions that exist within society, as well as the reasons for such tensions, and how they can be resolved (Kahn et al., 2016: 41-42).

Governance models have direct influence on policy development, programme delivery and implementation, as well as administrative duties. This emphasises the importance of being inclusive of and open to both private business and the public at large as governance networks for successful IGR.

2.7.2. Intergovernmental Relations in a Federal State

In a federal state, IGR exists as a relationship between the national government, provinces, and regions. The existence of these relationships is clearly entrenched in the constitution and changes can only be affected through constitutional amendments (Bello, 2014: 66-67). Wright's (1988: 40) figure of the national-, provincial-, and local relationship models is depicted below (as in Agranoff & Radin, 2014: 2).

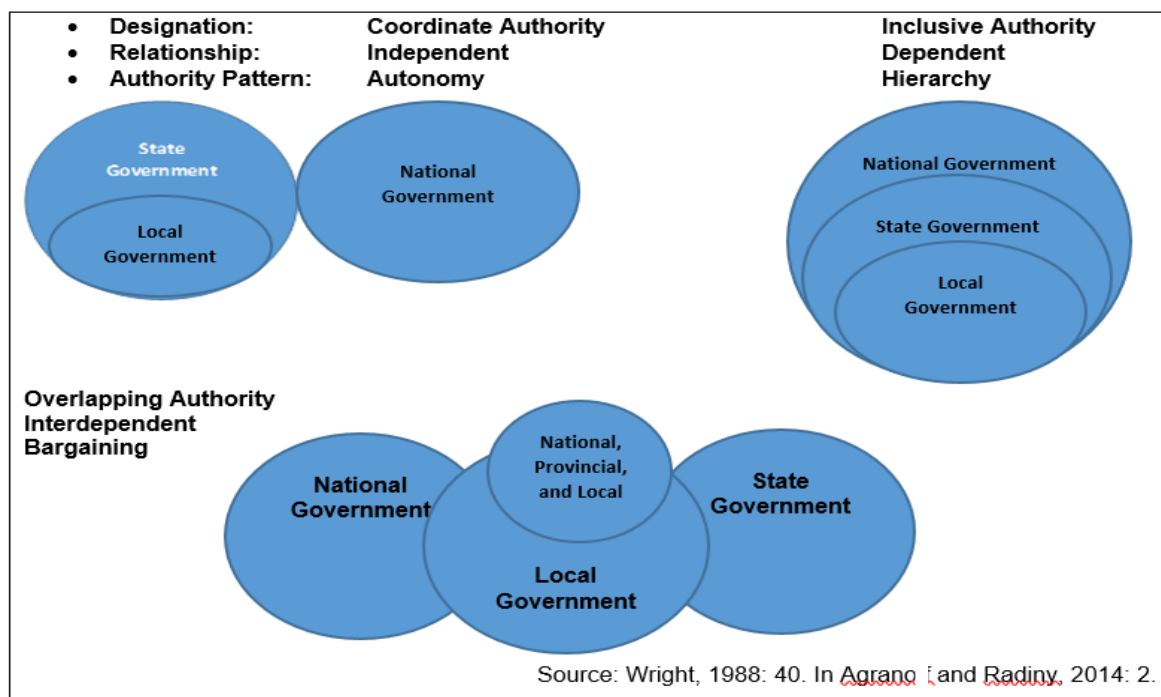


Figure 2.1: Models of National, Provincial and Local Relationships

A constitution defines how a state should be governed - as a framework for organs that establishes laws and indefinite institutions with recognisable responsibilities and sure right. In a federal governing system, authority is decentralised to subnational units and their relationships are characterised by both cooperative relations and independence with a division of powers (Kahn et al., 2016: 28). In Mathebula (2004: 119 – 127) the models of a federal state are explained as follows:

- In the Coordinated Authority model, boundaries separate the national- and provincial government with no formal recognition of the local government as a sphere of government. The local sphere of government is regarded to be

subordinate to the provincial government. This model advocates for a non-interference paradigm of IGR (Mathebula, 2004: 119-120);

- b) The Inclusive Authority Model defines an authority relationship that is formed by decreased powers between the spheres of government. The spheres are controlled by the national sphere by either expanding its circle of influence and jurisdiction while constantly monitoring other spheres, or by reducing their powers and authority without interference (Mathebula, 2004: 121-122); and
- c) The Overlapping Authority model plays a crucial role in mending the divisions that exists among different stakeholders within government. The attempt here is to create situations and an environment that is suitable and beneficiary for all in difficult political scenarios. The Overlapping Authority model further represents a mixture of the two other models (Mathebula, 2004: 126-127).

2.8. The Relationship Between the Three Spheres of Government in Intergovernmental Relations

A central feature of South Africa's new constitutional dispensation is the vertical dispersal of powers between the different spheres of government at national, provincial, and local levels (Steytler & De Visser, 2009: 91). The Executive Authority of the Separation of Powers in the Constitution is responsible for the overall administrative functions of the State. The executive authority consists of three layers of government, namely the national-, provincial-, and the local- or regional layer.

Government's executive authority has the responsibility to implement government policy and programmes. This implementation is then brought down to the provincial and local authority for the efficient implementation of the law and government programmes. The national government is, however, superior to the provincial and local government, as it has the right to mandate the other authorities and influence legislature. Although both provincial and local government have executive authority over their provinces and either district and / or local municipality, they cannot have their own laws different from those established by the national authority (Levy & Tapscott, 2001: 31).

Section 125(3) of the South Africa Constitution (1996) imposes authority to the upper, or national sphere to provide support to the provincial government that enables it to effectively perform its functions (Kahn et al., 2016: 49). Furthermore, Section 155(6) and (7) of the Constitution bestows the responsibility on both the national- and provincial spheres of government to extend support to local spheres of government, allowing provincial government to intervene where local government fails to fulfil its obligations in terms of Section 139(5) of the constitution (Kahn et al., 2016: 50).

Pertaining to intergovernmental relations, the Constitution binds all spheres of government to three basic principles for better cooperation and integration (Layman, 2003: 8). The first principle promulgates common loyalty to the Republic with a commitment by all spheres to secure the wellbeing of all the citizens in the country through the provision of effective, efficient, transparent, and coherent governance (Layman, 2003: 8). The second principle relates to the protection of the distinctiveness of each sphere by safeguarding the constitutional status, the powers, and the functions of each institution. This constitutional binding principle affirms the powers of each sphere, as well as their boundaries, according to which each sphere can exercise its powers without encroaching on the functions or institutional integrity of another sphere (Layman, 2003: 8). The final principle emphasises measures that must be exerted to achieve cooperation between the spheres of government by fostering friendly relations between the spheres of government while supporting and assisting one another, engaging through a process of consultation on matters of common interest, and action coordination through legislation (Layman, 2003: 8).

Monitoring and Evaluation (M&E) is a critical part of intergovernmental relations between the spheres of government. M&E is one of the tools used to assess progress. Kahn et al. (2016: 50 – 51) provide the M&E, support, and intervention process in a decentralised system depicted below.

Table 2.1: Monitoring, Support, and Intervention in a Decentralised System

IGR system component	National	Provincial	Local
Intergovernmental Relations Legislation	Government-Wide Monitoring and Evaluation Framework	Public Financial Management Intervention	Systems Act Performance management Municipal Financial Management Act

			Intervention
Intergovernmental Relations Forums / Bodies			Local government data forums
Intergovernmental Relations Processes		Interventions in terms of Section 100 of the Constitution	Interventions in terms of Section 139 of the Constitution
Intergovernmental Relations Instruments	Sectoral Monitoring & Evaluation IT innovations	Quarterly performance reporting, Government Information Systems.	Quarterly reporting on the Service Delivery and Budget Implementation Plan, Integrated Development Plan Nerve Centre Project Consolidate
Conflict Resolution and Disputes			

Source: South Africa (2003: 54) in Kahn et al. (2016: 50-51).

De Villiers (2008: 97-101) outlines the most important constitutional provisions associated with the relationship between the provincial- and local spheres of government in intergovernmental relations as follows.

- a) Section 40(1): The constitution of government comprises national-, provincial-, and local spheres of government that are interrelated, interdependent, and distinctive;
- b) Section 41(1): There must be a mutual respect of the Constitution by all the spheres of government and their state organs;
- c) Section 125(3): By legislative and other policy standards, there must be assistance for provinces to develop governmental administrative capacity at national level;
- d) Section 126: A member of the Executive Council of a province may assign powers or functions to a Municipal Council;
- e) Section 139(1): The provincial executive may intervene to ensure fulfilment of the local structure obligation when a municipality cannot or does not fulfil an executive obligation;
- f) Section 151(1): Municipalities should be established for all the regions in the country, and these will constitute the local sphere of government;
- g) Section 151(2) and (3): The Municipal Council is vested with legislative- and executive authority;

- h) Section 151(4): The national- or provincial government may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions;
- i) Section 154(1): National- and provincial governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs;
- j) Section 155(4): National legislation should provide municipal services in a fair and supportable way;
- k) Section 155(6): The provincial government should ensure the establishment of municipalities in the provinces, and provide systems to monitor, assist, and promote the capacity and development of local government;
- l) Section 156(4): By agreement and subject to certain conditions, a municipality must be assigned the administration of its own responsibility by national- and provincial government, as listed in Schedule 4 or 5 of the Constitution;
- m) Section 156(5): For the effective performance of its functions and responsibilities, a municipality should be vested with the right to exercise any power relating to a matter reasonably necessary; and
- n) Section 195(5): There may be a differentiation across sectors, administration, or institutions by public sector regulation legislations (De Villiers, 2008: 97-101).

2.9. Local Government Service Delivery and Intergovernmental Relations in South Africa

2.9.1. Local Government Sphere and Service Delivery

For good governance to be achieved, more suitable developmental policy objectives should be implemented in order to sustainably develop society. Public service delivery is regarded as the most important aspect of government (De Villiers, 2008: 93-95). De Villiers (2008: 93) further goes on to emphasise that, much as public service delivery is an important function of government, it is not the main reason for the existence of government in society (De Villiers, 2008: 93).

In contrast from the previous pre-democratic dispensation, the local sphere of government now has a developmental mandate that surpasses service delivery. Local government is now mandated to provide clean, equal, and accountable governance, support public consultation in local government affair, and deliver services to communities in a sustainable manner inclusive of health, sanitation, and safety services (Fuo, 2008: 325).

In terms of section 156(2) of the Constitution, the local sphere of government may make and administer by-laws for the successful administration of the affairs it administers (Fuo, 2008: 328). The provincial government is governed by the Premier as head of the province with the authority to appoint members of the Executive Committee. The local- or regional government is governed by the Executive Mayor as the first citizen of the city, who appoints members of the Municipal Council from the chamber of councillors.

Fuo (2008: 328) states that, regarding the intrusion into the autonomy of South African local government, municipalities have constitutional powers and are responsible for the provision of essential services. He submits that, in terms of Section 156(1)(a) of the Constitution, local government has executive authority and the right to regulate local government matters as listed in Schedule 4B and 5B (Fuo, 2008: 328).

2.9.2. Municipalities in Cooperative Governance

Chapter 73 of the Constitution of the Republic of South Africa (Act 208, Chapter 73) of the South African Constitution on Local Government outlines the functions and responsibilities of municipalities in cooperative governance. It states that the national government and provincial governments, by legislative and other measures, must play a supportive role to municipalities and strengthen its capacity in order to effectively manage their own affairs, exercise their powers, and be able to perform their constitutionally assigned functions and responsibilities (South Africa, Act 208, Chapter 73).

Draft national or provincial legislation that affects the status, institutions, powers, or functions of local government must be published for public comment before it is introduced in Parliament or in provincial legislature. It has to be done in a manner that

affords organised local government, municipalities, and other interested persons the opportunity to make representations with regard to the draft legislation (South Africa, Act 208, Chapter 73).

Local government's functions in the intergovernmental relations and cooperative governance segment are outlined by Section 84(1) of the Municipal Structures Act 117 of 1998. The Act personifies points of entry and departure for the local government in relation to cooperative governance, outlining what the jurisdiction of the local government is and clarifying roles of responsibility between the district and local municipalities (Steytler & Baatjies, 2006: 14). The local sphere of government has the responsibility to establish forums, chaired by the Mayor, with the aim to ensure a wide-spread development vision aligned to the Integrated Development Plan of the local sphere of government. The purpose is to utilise intergovernmental relations forums to the advantage of the local sphere as well as comprising a monitoring role to ensure that the national- and local spheres are held to their commitments to provide support to the local sphere. Municipalities are also allowed to form inter-municipal forums to facilitate intergovernmental relations in the local sphere of government (Nkhahle, 2015: 19-22).

2.9.3. Powers and Functions of Municipalities

The South African Constitution on Local Government (Chapter 7: 76) outlines the powers and functions of local government and municipalities. What follows are salient matters pointed out in this section.

- a) A municipality has the authority and the right to administer:
 - i. Matters of local government that are listed in Part B of Schedule 4 and 5; and
 - ii. Matters given to it by the national or provincial legislation;
- b) For the effective administration of what it is given the right to administer, a municipality may make and administer by-laws;

- c) Subject to Section 151(4), by-laws should not contradict national- or provincial legislation, otherwise it is deemed invalid. Should any conflict exist between the national- or provincial legislation and a by-law, due to the by-law being deemed inappropriate as per Section 149, the by-law will be valid while the legislation is non-functional;
- d) The administration of matters listed in Part A of Schedule 4 or Part A of Schedule 5 by agreement and subject to any conditions must be assigned to a municipality by the national- and provincial government which relates to local government (Chapter 7: 77), if:
 - i. The matter would be administered effectively locally; and
 - ii. There is capacity in the municipality to administer it; and
- e) For the effective performance of its functions, a municipality has the right to exercise any power concerning matters that are necessary and effective.

Section 7 makes provision for municipalities to form inter-municipal IGR forums that will advance their cause for service delivery and operations; for example, it allows for two or more municipalities to form their own inter-municipal forum. Section 54 of the Intergovernmental Relations Framework Act 13 of 2005 makes provision for an IGR forum with the aim to encourage IGR and facilitate good relations in the local sphere of government, both in district- and local municipalities (Nkhahle, 2015: 19-22). There is a magnitude of factors that need to be in place for IGR and cooperative governance to be effective in the local sphere of government. Intergovernmental relations play a crucial role where a concurrent allocation of powers amongst the three spheres of government exists. The local sphere should adhere to legislative- and institutional frameworks when making cooperation- and IGR decisions (De Villiers & Sindane, 2011: 3). As per Section 151(4) of the Constitution of the Republic of South Africa, the local government sphere is vested with the right to administer their own affairs of local government, concluding that, in terms of the Constitution, all municipalities are protected to run and administer their own administration (Gaoretelelwe, 2017: 44).

2.10. Measurements for Dealing with Intergovernmental Relations Conflict

Since there is no legally instituted structure or legislation to address IGR conflicts in cooperative governance and intergovernmental relations, pertinent categories are formed in line with the Constitution of the Republic of South Africa. The Constitution of 1996 makes provisions for and clearly highlight the role of conflict resolution in order to honour the conditions set in the Constitution. Section 44(2), Section 100, and Section 139 are explicit in giving each sphere a responsibility in conflict resolution (Thornhill, 2009: 673 – 674), as set out below.

2.10.1. Declaring Dispute as Formal Intergovernmental Disputes

- a) An organ of state that wishes to declare dispute with another must notify the organ which they wish to declare dispute against in writing and declare it a formal intergovernmental dispute (Nkhahle, 2015: 19-22); and
- b) The organ of state in question should, in good faith, make every reasonable effort to resolve the dispute; this may include the invitation of direct negotiations with the party involved or through the services of an intermediary, before declaring a formal intergovernmental dispute (Nkhahle, 2015: 19-22).

2.10.2. Interventions

The Constitution and Section 106 of the Municipal Structures Act empower a member of the Executive Council for local government to intervene should allegations be brought against a municipality. Likewise, Chapter 13 of the Municipal Financial Management Act gives permission to the provincial government to assume financial functions of a local sphere of government when the local authority fails to meet its financial-, governance-, and / or service delivery obligated mandate (Makoti & Odeku, 2018: 108-109).

2.10.3. Role of a Facilitator

Section 43(1) allows for a facilitator and clarifies their role. The facilitator must assist the parties involved in the dispute to settle it in any possible manner. The facilitator should also submit a report concerning the nature and type of dispute, the solutions or procedures foreseeable to settle the disputes, and any regulatory prescriptions in terms of section 47 to the Minister or the provincial MEC for local government (Kahn et al, 2016: 62).

2.10.4. Role of the Minister or Member of the Executive Committee for Local Government

Section 136(1) of the legislation empowers the Member of the Executive Council to assess and take decisions regarding whether to invoke section 136(1) provisions and to intervene where there are disputes in the local sphere. The section emphasises, however, that the MEC is required to consult with the Mayor of the affected municipality before any intervention can occur (Makoti & Odeku, 2018: 107).

The most important characteristic of dispute resolution is the ability of affected parties to seek the assistance of an intermediary. The member of the Executive Committee responsible for Local Government (MEC) is given a clearly defined mandate on how to facilitate the dispute resolution meetings. The MEC has no statutory powers to bind the disputing parties to accept and agree to his / her rulings. The role of the MEC is of a limited nature and does not compel parties to outcomes; thus, the MEC's intervention must be conceded to by disputing parties. The MEC is ideally involved in the dispute process to stimulate negotiations and overcome misunderstanding between disputing parties (Christmas & Akintan, 2006: 10-16). Section 42(1) makes it mandatory for and empower the MEC to convene a meeting on behalf of the disputing parties should they fail to do so themselves. The MEC has an obligation to do so due to subsection 40(1)(a) and 40(1)(b) of the Intergovernmental Relations Framework Act. This also forms part of the informal course of the dispute resolution process to make reasonable efforts to resolve and settle the dispute. This is in contrast with the Constitution, that

places the responsibility on disputing parties to avoid and settle the dispute (Christmas & Akintan, 2006: 11).

2.10.5. Judicial Proceedings

The Constitution of 1996 necessitates that the three spheres of government as well as other organs of state should circumvent litigation against one another. Where parties have lodged disputes against one another, the Constitutional Court has the jurisdiction to refer the dispute back to the involved parties if the requirements of Section 41(3) have not been met (Kahn et al., 2016: 58). While it is not advisable that disputing parties must seek recourse with the courts in the intergovernmental relations dispute resolution process, failure to resolve such disputes allows parties to approach the judicial authority to resolve disputes. If the dispute resolution process fails to have an amicable resolution, parties have the option of recourse to the courts (Christmas & Akintan, 2006: 34).

As the Intergovernmental Relations Framework Act is premised on the establishment of the evaluation of standard or norms of behaviour in the cooperative governance space, the judiciary has substantially defined the concepts of intergovernmental relations and cooperative governance. The judiciary has outlined what should constitute a “reasonable effort” by role players in IGR disputes to resolve their disputes (Christmas & Akintan, 2006: 36). This allows for more creativity and inventive thinking as an effort to resolve disputes by giving a clearer definition of “duty to consult” and “public participation” by the Constitutional Court, thus avoiding shapeless duty (Christmas & Akintan, 2006: 36). The move by the judiciary to define and clarify these concepts provides concrete indicators and reduces the responsibility of the judiciary in the context of dispute resolution. Christmas and Akintan (2006: 36) submit that this move will not only act as a discouragement to intergovernmental disputes, but will possibly render cooperative governance and intergovernmental relations concepts which play a substantial role in the ability of organs of state to cooperate in adhering to the Constitution and to better the quality of service delivery to the constituency (Christmas & Akintan, 2006: 36).

2.11. Policy and Legislative Frameworks on Intergovernmental Relations

2.11.1. Background of the Policy and Legislative Frameworks

The post-apartheid era of the Republic of South Africa saw the delivery of a new constitution with values established based on the tolerant principles of democracy. The rationale for promoting the democratic constitutional system in South Africa is to promote the rule of law to achieve a government that assures equality and respect for all (Endoh, 2015: 71-72). Over the past 10 years, the democratic government of the Republic of South Africa has developed a constitutional- and institutional framework to invigorate cooperation and interaction among the three spheres of government through the creation of a substantial policy environment to encourage intergovernmental relations (Malan, 2005: 230).

The concept of concurrent powers was developed with the inclusion of cooperative governance in the Constitution of 1996. Chapter 3 of the Constitution of 1996 stipulates the guidelines and principles for intergovernmental relations and cooperative government (Malan, 2008: 80). In this section, a brief summary of policy- and legislative frameworks that speaks to intergovernmental relations is provided. A summary of the Act itself is also given with the focus on sections that provide guidance to partners in the IGR system.

2.11.2. Constitution of the Republic of South Africa Act 108 of 1996

As discussed in Chapter 1, Section 7(2) of the Constitution, read alongside Sections 24 and 153, bestows on local government, including local-, district-, and metropolitan municipalities, "...the positive duty to realise the constitutional environmental right and to promote sustainable development" (Du Plessis, 2008: 11). Section 41 of the Constitution promotes the principle of cooperation and Intergovernmental Relations between the three spheres of government (Constitution of the Republic South Africa, Act 108 of 1996). Each government department and institution has the responsibility to contribute to the function and operations of government in the country (Tau, 2015: 805).

Thornhill (2011: 46) argues that it is normative to refer to relevant sections of the Constitution in order to understand the framework that public services ascribe to. He further makes reference to Chapter 3, Section 40(1) of the Constitution (1996) in its provision for three spheres of government that are distinctive, interdependent, and interrelated as discussed in section 2.2. This should be read with Section 41(1), which requires the three spheres to cooperate with one another in interactive trust and good faith, amongst others (Thornhill, 2011: 46):

Gaoretelelwe (2017: 42) provides a detailed description of the principles of cooperative governance and intergovernmental relations, as outlined by Chapter 3 of the Constitution of the Republic of South Africa. Emphasis is placed on the notion that all three spheres of government and state organs should be committed to:

- a) Preserving the peace, national unity, and indivisibility of the Republic of South Africa;
- b) Securing the wellbeing of the people of the Republic of South Africa;
- c) Providing effective, efficient, transparent, accountable, and coherent government for the public as a whole;
- d) Being loyal to the Constitution of the Republic of South Africa;
- e) Respecting the constitutional status, institutions, powers, and functions of governments in the other spheres;
- f) Not assuming any powers and performing their functions in a manner that does not encroach on the geographic areas; and
- g) Functionalising and institutionalising integrity of a government in the other spheres and cooperating in a spirit of mutual trust and good faith by fostering relations (Edwards, 2000: 61 in Gaoretelelwe, 2017: 42-43).

The principles of cooperative governance are entrenched in Chapter 3, Section 41 of the Constitution of the Republic of South Africa, Act 108 of 1996. These principles are integral to intergovernmental relations while, at the same time, reflecting the highlighted values of Ubuntu and Batho Pele values that underpin the Constitution and its values. The Intergovernmental Relations Framework Act (2005), which conforms to Section 41(2) of the Constitution, makes an attempt to concretise and ensure that the behaviour of intergovernmental relations is in accordance with the Constitution and

the general legislative framework applicable to all spheres and organs of government (Christmas & Akintan, 2006: 1).

According to Chapter 3, Section 41 of the Constitution of the Republic of South Africa Act 108 of 1996, cooperative governance directs intergovernmental cooperation coordination and refrains from competitive political conducts (Devenish, 1998: 105). Section 1 of the Constitution instates the Republic of South Africa as a sovereign democratic state, dividing government in to three different spheres, known as the national-, provincial-, and local spheres of government. Section 40(1) of the Constitution submits a description of the spheres as being distinctive, interdependent, and interrelated, with distinctions relating to the autonomy that each sphere has in respect of powers and functions. The Constitution further describes the powers and functions of the national-, provincial-, and local spheres as equal members in government that remain accountable to the Constitution for the purposes of checks and balances for compliance. Interrelatedness depicts the regulations in relations to these spheres with a deep manifestation in the supervisory authority of regulation and monitoring of the national- and provincial spheres of government. Finally, interdependence relates to the dependence of spheres on each other to function effectively for the security of the wellbeing of the country's constituency (Christmas & Akintan, 2006: 2).

2.11.3. Intergovernmental Relations Framework Act 13 of 2005

The Intergovernmental Relations Framework Act 13 of 2005 aims to establish a framework for national-, provincial-, and local governments to promote and facilitate intergovernmental relations, viz. to provide for mechanisms and procedures to facilitate the settlement of intergovernmental disputes, and to provide for matters connected therewith (Act 13 of 2005). The promoting objectives of the Act speaks to the affairs of national-, provincial-, and local governments' need to reach the objectives of the Act, which includes being cognisant of the circumstances, finances, and material interests of other governments and state organs when implementing and performing their statutory functions. Other organs of the state should be consulted in accordance

with procedures through direct contact with each other and through other relevant intergovernmental structures (Act 13 of 2005).

According to this Act (Act 13 of 2005), different spheres of government should coordinate their actions when implementing policies or legislation that affect the material interest of other spheres. Furthermore, unnecessary wasteful duplication or jurisdictional contests should be avoided, and there should be sufficient institutions to share with and consult other state organs, and to speedily attend to requests by other state organs. Moreover, the different spheres should take part in, firstly, all IGR structures they form part of, and, secondly, measures to settle IGR disputes.

The Intergovernmental Relations Frameworks Act 13 of 2005 outlines the guidelines for all the spheres of government in relation to the implementation of policy and legislation, emphasising the need for the establishment of intergovernmental relations structures that should be put in place to manage the conduct of actors within the IGR environment (Edwards, 2000: 68). Edwards (2000: 68-70) further asserts that the main objectives of the Intergovernmental Relations Framework Act 13 of 2005 is to outline the responsibilities and functions of each sphere in the IGR and Cooperative Governance value chain.

Section 5 of the Act highlights the responsibility and functions of each sphere of government in ensuring that sufficient institutional capacity exists for effective measures of consultation, sharing of information, and cooperation. They must also ensure a timeous response to requests from other spheres of government and organs of state and participate in IGR structures that said spheres and organs belongs to. The Act also contains guidelines regarding the implementation of procedures and rule systems which may be applied where two or more organs of state coordinate their interaction when implementing policy and law. Adequate measures are put in place to settle intergovernmental relations disputes by finding amicable solutions favourable to service delivery (Edwards, 2000: 68-70).

2.11.4. Organised Local Government Act 52 of 1997

The Organised Local Government Act 52 of 1997 provides for the recognition of national organisations representing the different categories of municipalities. The Act further relates to the determining of procedures by which local government may:

- a) Designate representatives to participate in the National Council of Provinces;
- b) Consult with national and provincial governments;
- c) Nominate persons to the Financial and Fiscal Commission; and
- d) Provide for matters connected therewith (Act 52 of 1997).

The Organised Local Government Act 52 of 1997 also sets out procedures for the participation of representatives in the National Council of Provinces as follows:

- a) Provinces can nominate, in writing, at most six members of municipal councils; and
- b) Regarding participation:
 - i. Participation should be in line with the criteria determined by the national organisation, as it must assign at most ten people to participate in the proceedings of the National Council of Provinces; and
 - ii. Representatives to the head of administration may be assigned by the national organisation.

Dlanjwa (2013: 46) states that the role of the different spheres of government should be coordinated and aligned. The study further highlights the establishment of Section 41(2(a)) of the Constitution of the Republic of South Africa that submits that an Act of parliament must establish or make provision for the structures and institutions to promote and facilitate intergovernmental relations (Dlanjwa, 2013: 46). The Intergovernmental Relations Act 13 of 2005 makes provision for the establishment of councils and forums within the different spheres of government so that issues of interest and concern can be discussed through different forums.

Section 163 of the Constitution provides the foundation for the national legislature to establish and determine the structures and institutions that would represent the Organised Local Government (OLG). The main aims of the Organised Local Government Act 52 of 1997 are the provision of participation and representation for local government within national- and provincial IGR structures. It necessitates the

recognition of national- and provincial spheres of government, representing municipalities, and makes a determination of procedures by which the local government can consult with the national- and provincial government (Dlanjwa, 2013: 47).

Dlanjwa (2013: 46 – 49) goes on to highlight the broad obligation set forth by Section 31(1) of the Intergovernmental Relations Framework Act 13 of 2005 that there should be consultation with the OLG in provinces with regards to issues and matters affecting local government. It is through the Organised Local Government Act 52 of 1997 that local government is able to take part in the premier's forums, which comprises the Premier of the province, the Member of the Executive Committee responsible for local government, and those invited or designated by the premier, mayors of the local spheres of government, and councillors designated by the South African Local Government Association (SALGA) in provinces. The aim is to facilitate intergovernmental relations and cooperation between the spheres of government (Dlanjwa, 2013: 46-49).

2.11.5. Municipal Structures Act 117 of 1998

The Municipal Structures Act 117 of 1998 aims to:

- a) Provide for the establishment of municipalities in accordance with the requirements relating to categories and types of municipalities;
- b) Establish criteria for determining the category of municipality to be established in an area;
- c) Define the types of municipality that may be established within each category;
- d) Provide for an appropriate division of functions and powers between categories of municipality;
- e) Regulate the internal system, structures, and office-bearers of municipalities;
- f) Provide for appropriate electoral systems; and
- g) Provide for the matters in connection therewith (Act 117 of 1998).

According to this Act, the Members of the Executive Council (MEC) must:

- a) Establish a municipality in each municipal area as demarcated by the provincial Demarcation Board in terms of the Demarcation Act;
- b) In order to establish a municipality:
 - i. Be consistent with the provision of this Act; and
 - ii. Take effect at the commencement of the first election of the council of that municipality; and
- c) In order to notice establishment of the municipality, specify:
 - i. The category of the municipality;
 - ii. The type of municipality;
 - iii. The boundaries of the municipal area;
 - iv. The name of the municipality;
 - v. The number of councillors as determined in terms of Section 20;
 - vi. Which councillors of the municipality, if any, may be designated as full-time; and
 - vii. Any adjustments in the division of functions and powers affecting the municipality.

In the South African Constitution, the national sphere of government is the main sphere of government and the highest political authority in the country with both legislative and executive authority. South Africa has nine provincial structures and 258 local government structures, which comprise eight metropolitan municipalities, 44 district municipalities, and 206 local municipalities. The functions of the provincial structure are to monitor, coordinate, and evaluate the performance of the district and the local structures of local spheres of government. Sections 79 and 80 of the Local Government Structures Act 117 of 1998 makes provision for the establishment of portfolio committees to exercise monitoring of service delivery projects (van Niekerk & Dalton-Brits, 2016: 5-8). The municipal council is then given the power and authority to exercise the municipality's executive- and legislative responsibility and disseminate resources in the best interest of the community. The Municipal Structures Act 117 of 1998 asserts that all municipalities should have municipal councils. Section 61(1) of the Municipal Structures Act further provides that a metropolitan municipality may establish metro municipal sub-councils with decentralised authority, unless prohibited

by Section 160(2) of the Constitution of the Republic of South Africa (van Niekerk & Dalton-Brits, 2016: 5-8).

The structure of a municipal council may consist of one or more portfolio committees that necessitate effectiveness and efficiency of a municipality's function or its execution of powers. These established portfolio committees are bound to report to the municipal council in terms of Section 79 of the Municipal Structures Act, and the portfolio committee may be established from the members of the municipal council to better assist the executive mayor (van Niekerk & Dalton-Brits 2016: 5-8). Craythorne (2006: 111) emphasises the importance of portfolio committees in local government with the consideration that they represent the authority of the Executive Mayor. The Executive Committee is the highest committee and makes recommendations to council and advises according to reports it receives from other committees (Craythorne, 2006: 111).

2.11.6. Municipal Systems Act 32 of 2000

The Municipal Systems Act 32 of 2000 makes available the major principles, mechanisms, and processes imperative for municipalities to be able to progress towards the social and economic elevation of local communities, while also ensuring:

- a) All-inclusive access to essential service;
- b) Establishment of a support framework for monitoring and standard setting by other spheres of government in order to progressively build local government into an efficient, frontline, development agency capable of integrating the activities of all spheres of government;
- c) Provision for legal matters pertaining to local government; and
- d) Provision for matters incidental thereof (Act 32 of 2000).

As per section 41 of Act 32 of 2000, the executive and legislative authority must be exercised within the constitutional systems of Cooperative Governance. Both the national- and provincial government must exercise their authority but must not compromise the ability of a municipality to exercise its own authority (Act 32 of 2000).

2.11.7. Municipal Finance Management Act 56 of 2003

The purpose of the Municipal Financial Management Act 56 of 2003 (MFMA) is to secure sound and sustainable management of the financial affairs of municipalities and other institutions in the local sphere of government. The Act further aims to establish treasury norms and standards for the local sphere of government, and to provide for matters connected therewith (Act 56 of 2003).

According to this act, the general functions of the National Treasury, as well as provincial treasuries, is to:

- a) Fulfil its responsibility in terms of Chapter 13 of the Constitution within the prescriptions of Cooperative Governance;
- b) Ensure compliance with the aforementioned; and
- c) Monitor and assess municipalities' and their entities' compliance, while also promoting a system of good budgeting (Act 56 of 2003).

2.11.8. Public Finance Management Act 1 of 1999

The Public Finance Management Act 1 of 1999 (PFMA) aims to regulate financial management in both national- and provincial governments to, firstly, ensure that all revenue, expenditure, assets, and liabilities of those governments are managed efficiently and effectively. Secondly, the aim is to provide for the responsibilities of persons entrusted with financial management in those governments, and, thirdly, to provide for matters connected therewith (Act 1 of 1999). As the Act itself is worded:

- (1) "This Act is applicable to: Government departments, public entities, constitutional institutions and the provincial legislation.
- (2) To the extent that a provision of this Act applies to
 - (a) Paragraph (a) repealed by section 72(b) of Act No. 10 of 2009.
 - (b) A provincial legislature, any controlling and supervisory functions of the National Treasury and a provincial treasury in terms of that provision are performed by the Speaker of the provincial legislature. Paragraph (b) added by section 2(b) of Act No. 29 of 1999.

- (3) In the event of any inconsistency between this Act and any other legislation, this Act prevails (Act 1 of 1999)."

The Act's objectives are to actively encourage clean governance and good financial practices within the three governmental spheres and organs of state. The Act advocates for more accountability and transparency with essential internationally recognised practices relative to public fiscal management (Fourie, 2005: 679). The most salient aspect of the PFMA is its emphasis on compliance by the spheres and organs of state. Lack of compliance has a negative bearing on public entities' performances and service delivery (Kanyane, 2004: 47). Act 1 of 1999 came about as a governmental strategy to improve fiscal and financial management in the public service. Its objective is to assist and capacitate state organs in areas of limited resources with the motive of achieving economic growth and efficiency in services delivery to the country's constituency (Van Wyk, 2004: 411).

2.11.9. Financial and Fiscal Commission Act 99 of 1997

The Financial and Fiscal Commission (FFC) was created as a specialist body which would construct the budget and advise on matters thereof, while also making recommendations on the budget and IGR financial matters to parliament, the provincial legislation, and municipal council (Fourie, 2008: 134). The Financial and Fiscal Commission Act 99 of 1997 (FFCA) serves to give effect to the constitutional requirements relating to the Financial and Fiscal commission and to provide for matters in connection therewith.

The commission comprises 22 members serving a five-year term as prescribed by Sections 5 to 7 of the FFCA of 1997 (Fourie, 2008: 135). The FFC constitutes:

- a) Nine members nominated by the Executive Council of Provinces;
- b) Two members nominated by the South African Local Government Association;
and
- c) 11 members directly appointed by the president (Fourie, 2008: 135).

As a chapter 9 institution, the FFC has a responsibility of oversight responsibility over government's financial processes and procedures by being a consultative and

advisory body during the budget process. De Visser & Ayele (2014: 1-5) points out that the Financial and Fiscal Commission is the primary advisory body of government in matters related to Intergovernmental Fiscal Relations. The Commission was established and mandated to make recommendations regarding IGR financial matters to Parliament, the provincial legislature, and other organs of state recognisable by the national legislation. Before local government table proposals for national or provincial tasks, the relevant minister or MEC must first consult the commission. All affairs of national legislation relating to the state's fiscal standing may not be passed before Parliament has not consulted the Financial Fiscal Commission. These legislative affairs include, amongst others, the division of national revenue, equitable shares, grants, and any other condition thereto (De Visser & Ayele, 2014: 1-5).

Regarding intergovernmental relations, the commission regularly engages IGR fiscal relations by annual submissions and *ad hoc* projects. This engagement is done on an annual basis with the Division of Revenue Bill in three forms. Firstly, recommendations on the equitable division of revenue among the three spheres of government is produced. Next, a technical report is compiled, and, lastly, the final document is tabled as a response to the Bill. The FFC produces and submits proposals on an annual basis and holds engagements and briefings on fiscal framework and revenue. Submissions are also made to parliamentary committees on appropriation bills and the Medium-Term Budget Policy Statement (De Visser & Ayele, 2014: 6 - 7).

2.11.10. Intergovernmental Fiscal Relations Act 97 of 1997

Intergovernmental Fiscal Relations are a system of the distribution of taxes and the usages of finances by the state in line with the executive- and legislative mandate of government. This includes the vertical allocation and structuring of public finances (Hendricks, 2014: 13). Act 97 of 1997 seeks to promote cooperation between national-, provincial-, and local spheres of government on fiscal, budgetary, and financial matters. The Act further prescribes a process for the determination of an equitable sharing and allocation of revenue raised nationally and provides for matters in connection therewith (Act 97 of 1997).

In Table 2.2 depicted below, Malan (2005: 230-232) highlights elements pertaining to the legislation and policies linked to and promoting intergovernmental relations in South Africa. The table also provides a summary of their implications regarding intergovernmental relations.

Table 2.2: Policy Environment for Intergovernmental Relations

POLICY	INTERGOVERNMENTAL RELATIONS IMPLICATIONS
The Constitution of the Republic of South Africa, 1998 (Act 108 of 1998).	This Act outlines the Chapter Three principles of cooperation and Intergovernmental Relations.
White Paper on Reconstruction and Development, 1994.	This is a policy document that outlines the significance of a participatory local sphere of government system to motivate for provincial-local Intergovernmental Relations.
Organised Local Government Act, 1997 (Act 52 of 1997).	The Act speaks of the formulation of relations that should exist among the provincial sphere of government and the municipalities and the need for monitoring, supervisory roles, and intervention.
Financial Fiscal Commission Act, 1997 (Act 99 of 1997). Intergovernmental Fiscal Act, 1997 (Act No. 97 of 1997).	These Acts make provision for the establishment and determination of fiscal intergovernmental relations between the spheres of government.
Municipal Financial Management Act, 2003 (Act 56 of 2003). Public Financial Management Act, 1999 (Act 1 of 1999).	These Acts streamline the financial management system of government and its entities, while also ensuring accountability. It describes the relationship that should exist between the spheres of government in relation to local government financial management, including the supervisory- and monitoring responsibilities of the provincial government.
Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005).	The Act looks to provide focus, clarity, and certainty with regards to the main objectives of Intergovernmental Relations at the executive branch of government. It provides for the formation of intergovernmental structures, including the conduct of Intergovernmental Relations disputes.
Division of Revenue Act for Each Financial Year.	The Act provides for the fair division of financial funds to all the three spheres of government, and advocates for the promotion of transparency during the fiscal budget allocation process.

Adapted from Thornhill, C., Odendaal, M.J., Malan, L., Smith, F.H., van Dijk, H., Holtzhausen, N., Crous, M., and Mello, D.M., 2003: 13 – 20, cited in Malan, 2005: 230-232.

Intergovernmental Fiscal Relations concern the structure of public finance, which pertains to different spheres of government. The relations include the disbursement of expenditure responsibilities of budgets to the spheres of government and other financial authorities, such as grants and loans that are distributed among the spheres of government (Kahn et al., 2016: 139).

2.12. Summary

It is noteworthy that South Africa is a country with a new democratic dispensation and a new government with the inherited dysfunctionalities of an imbalanced system and society. The values of intergovernmental relations are not fully realised or implemented. This is evident in a lack of skills and dually capable individuals to manage government institutions and departments at national-, provincial-, and local level for the Executive Authority to function at its best. The intergovernmental relations system also emphasises the need for IGR partners to adhere to the constitutional frameworks set up by government to regulate and guide the operations of governmental institutions' interrelatedness.

Intergovernmental relations play a crucial role in the cooperation of spheres of government. The sharing of revenue is one crucial aspect in intergovernmental relations network. The local sphere of government is regarded, in principle, as the centre of service delivery and implementation, but receives the least of the budget. It is crucial to understand that the success of intergovernmental relations is dependent on all the spheres of government and organs of state that participate in the IGR system. Their level of participation, be it of a competitive or cooperative nature, will determine the ontological state of the intergovernmental relations system (Malan, 2005: 229).

All governmental spheres prescribe to constitutional- and policy frameworks as guidelines for their operations. In the local government sphere, property rates are levied in accordance with council policies, the Local Government Municipal Property Rates Act 2004 (MPRA), the MPRA Amendment Act 2014 (MPRAA), the MPRA Regulations, and the Local Government Municipal Finance Management Act 56 of 2003. In the SPLM, the rates policy is established by taking into consideration

feedback received from the Finance Portfolio Committee, councillors, ratepayers, and clients, and has been since the adoption of the 2016/17 Property Rates Policy in May 2016 (SPLM, 2018: 30). This is a clear indication of the municipality's adherence to constitutional frameworks set up to govern its operations.

Intergovernmental relations surrounds all the compound- and interdependent relations that exist between the different spheres of government, as well as the coordination of public policies among the spheres of government (Malan, 2005: 228). This study seeks to create awareness regarding the importance of intergovernmental relations within the local government sphere and depicts how poor IGR systems within the spheres will have crippling effects on municipalities. In Malan (2005: 228), Anderson asserts that intergovernmental relations are critical relations that exists among state organs and government institutions. Intergovernmental relations also highlights the problems and the interdependence of political systems (Malan, 2005: 228). For IGR to succeed, political will and political buy-in is a crucial aspect, but political interference may lead to negative outcomes and defeat the initial intentions of the IGR system.

CHAPTER 3

THE WORKING AND PRACTICES OF INTERGOVERNMENTAL RELATIONS IN SOUTH AFRICA

3.1. Introduction

South Africa's democratic government had a responsibility to transform the operations of government when it was elected in 1994. The government was faced with the task of democratising state institutions and find a better inclusive approach to development (Layman, 2003: 12). The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) set up a government that encouraged relations and collaboration between government institutions on a constant basis and therefore provided guidelines to direct those relations and cooperation. South Africa showed its first inclination towards intergovernmental relations after the passing of the Interim Constitution of 1993. This Constitution made provision for a constitutionally entrenched provincial sphere of government with rules and regulations of a federal system (Dlanjwa, 2013: 9). De Villiers (2012: 675) mentions that the formation of informal intergovernmental relations happened soon after the Interim Constitution took effect due to the three spheres of government bringing about the process of government, with the need for consultation and coordination being the areas of concern (De Villiers, 2012: 675).

Intergovernmental relations structures and forums are set up to ensure cooperation and proper coordination between the institutions of government. The working and practices of intergovernmental relations in South Africa are embedded with the focus on cooperative government, and the establishment of the structure of the state that describes in broad terms, the responsibilities of the three spheres of government. The operationalisation of the policy of intergovernmental relations and cooperative government in South Africa, can largely be as a result to bridge the gap between a unitary and a federal model of the state (Tapscott, 2000: i). In South Africa, intergovernmental arrangements and the status afforded to local government, which is central to the system of the division of powers are strongly linked together. The Constitution of the Republic of South Africa not only establishes local government as a separate sphere of government in coexistence with the national- and provincial spheres of government; local government is also rendered a potential structure that

will develop into a strong and important sphere with larger responsibilities for service delivery and societal development (Murray, 2001: 68).

Intergovernmental relations practices in South Africa, thrives on the collaboration of institutions of government planning and delivering programmes jointly through concrete plans. These plans are made in structures and forums set up to respond to Cabinet's goals and strategies. This collaboration is depended on a good coordination of responsibilities and institution of government synchronizing simultaneously for a common goal and the best interest of the nation. Through bodies like the National Council of Provinces (NCOP), mechanisms are put in place to coordinate the affirmative sharing and division of resources to provinces without suppressing other provinces. It is through these mechanisms that IGR, alongside the operations of cooperative governance in the NCOP, contributes to a reduction of political tension and uncertainty between the relations in the three spheres of government (Gaoretelelwe, 2017: 13).

3.2. Constitutional and Institutional Frameworks for Government in South Africa

The 1910 Constitution of South Africa deviated from the two-sphere British Westminster System by resourcing a three-sphere government system that comprised a national-, local-, and a four provincial structure government system. It is during this period that intergovernmental relations received recognition through the confidence that the Union Government had in the provinces (Gaoretelelwe, 2017: 27). This confidence in the provinces is still evident today; the final 1996 Constitution is endowed with the character and soul of intergovernmental relations as part of governance.

Chapter 3 of the Constitution provides the most theoretical foundation for the conduct of intergovernmental relations. Chapter 3 allots the importance of cooperative governance to the three different spheres of government. Chapter 3 also foresees the promulgation of an Act of Parliament that will regulate and facilitate the operations of intergovernmental relations in South Africa. The characteristics of cooperative governance are also set out in Chapter 3 of the Constitution, with the

Intergovernmental Relations Framework Act of 2005 outlining intergovernmental relations institutions and matters related thereto (Kihato, 2012: 125).

The system of government in South Africa, as entrenched in the Constitution, envisions a multi-tier constitutional disposition where the different spheres of government and organs of state would cooperate, consult, and coordinate with one another without disrespecting the authority and functions of the other spheres. The Constitution is thus a single, decentralised, and unified state containing federal elements, with three spheres that distinctly serve the interests of the people uniquely whilst mitigating and avoiding litigation (De Villiers, 2012: 678). The Constitution refers to the national-, provincial-, and local governments as spheres rather than as tiers or levels, so as to depict the equality and esteem that exists amongst the spheres, instead of a hierarchical system with one sphere being superior to the others (Dlanjwa, 2013: 9).

Constitutions have been regarded internationally as the maps that direct both procedural- and administrative justice in order to arrive at a firm basis and equality among the population. The new Constitution of the Republic of South Africa held a unity of ideas for the reconstruction and development of South Africa (Murray, 2001: 66). The system of decentralisation in South Africa is formed by the idea of a three-tiered system. The three spheres of government are distinctive in their levels of authority, interrelated in a hierarchy of supervisory powers, and interdependent in executing their governmental responsibilities in a cooperative manner (Steytler, 2001: 204).

The system of decentralisation might to some degree have paved a way for a better government system in South Africa. The success in the system of decentralisation was evident with China's government when it transformed from the system of centralization in the 1970s. The Chinese government took responsive measures in 1984 that included an improvement of the economic system that was decentralised, but integrated. The government relinquished its direct role in enterprises by changing policies that saw the emergence of State-Owned Enterprises (SOEs). This was a steppingstone to better integrated cooperation between the state and SOEs with a more independent, but coordinated, approach (Cheng, 2019: 115). Governments' interrelatedness, distinctiveness, and interdependence is not a new approach in

governments across the world. The concept was also evident in China in 1982 with the promulgation of the reorganisation and formalisation of authority and powers by the new constitution (Cheng, 2019: 119).

3.2.1. The Composition of Government in South Africa

Government is defined as a body that oversees the overall management of the affairs of the nation, and the way in which power and authority are exercised to manage those affairs, including the national economic-, political-, and administrative affairs. Governance thus alludes to the exercise of political authority to manage a nation's affairs (Gaoretelelwe, 2017: 59). Chapter 6 of the Constitution of the Republic of South Africa (1996) deals with the structure of the South African government and the relations forged between the different governmental structures by the Constitution. The Constitution allocates government responsibilities on either an exclusive or on a shared basis. The national government is uniquely responsible for its own mandate. In other areas, the national government is solely responsible for policy formulation and the setting of norms and standards, while also overseeing the implementation of such functions. The function of the provincial government is largely to implement policies, norms, and standards within the national framework. The local government, which comprises district- and local municipalities, is responsible for the provision of basic services. All spheres of government perform these functions within nationally- and provincially set regulatory frameworks (Layman, 2003: 8).

The institutional framework for government in South Africa was established in 1996 after the adoption of the first democratic Constitution. The three spheres are required to operate as a single system of cooperative government, with the most basic function being the responsibility of local government. The Constitution does not provide directives regarding the division of functions in the local sphere of government between district- and local municipalities (Oelofse, 2010: 1). A summary of the structures and responsibilities of government in South Africa is given below:

- a) The national government includes Parliament and a National Executive, as enacted by Chapters 4 and 5 of the Constitution, respectively. The national government is tasked with responsibilities of the national defence, foreign

affairs, the criminal justice system (safety and security and the courts), higher education, water- and energy resources, and administrative functions that include home affairs and the collection of taxes (Zulu, 2014: 46). Zulu (2014: 46) also provides a summary of functions that are shared between the national and provincial governments. Within the frameworks of these shared functions, the national government is mainly responsible for policy formulation, setting regulatory frameworks, that includes the setting of norms and standards, and overseeing the implementation of those functions (Zulu, 2014: 46). These functions are school education, health services, social security and welfare services, housing, and agriculture;

- b) In terms of the provincial government, the Constitution makes provision for the powers and authority of the nine provinces in South Africa, constituted by a provincial legislature and a provincial executive authority. The Premier of the province exercises the provincial executive authority together with the Members of the Executive Council (MECs). The main function of provinces is policy implementation within the national policy framework. The authority of the provincial government lies with the provincial legislatures, with its authority being applicable only in the jurisdiction of each province. The limited number of provincial functions include the awarding of liquor licenses, provincial roads, ambulance services, and provincial planning. Provinces exercise their authority and execute their functions within the regulatory framework set by the national government. The national government is also responsible for monitoring compliance in provinces and, where necessary, intervening when constitutional or statutory obligations are not fulfilled (Zulu, 2014: 47); and
- c) Pertaining to local government, the Constitution is sovereign and comprises several local government Acts, legislation, and policies, thus creating the legislative framework for local government. With the provision of local autonomous governance, cooperative governance is expressed in the local government policy framework, which includes approaches for public participation. The local sphere of government is responsible for the provision of basic services that include water, electricity, refuse removal, and municipal infrastructure (Zulu, 2014: 48).

3.2.2. Systems of Managing Intergovernmental Relations in South Africa

Inherent in the Constitution is a tension between national direction and locally defined preferences. The goal of intergovernmental relations is to manage such tensions to arrive at a logical government that can deliver services to the nation through the three spheres of government. Intergovernmental relations is thus key for assembling the distinctive effort, capacity, leadership, and resources of the different spheres of government, as well as channelling them effectively towards government's objectives (Layman, 2003: 9-10).

Section 41(1)(c) sets out four requirements in delivering government to the nation through cooperative governance. The four requirements are:

- a) Effective government, which compels cooperative government to involve the effective and efficient use of resources. It further asserts avoiding wastage of public resources and duplication of functions between the spheres of government, while rather unlocking synergies of collective efforts;
- b) Transparent government, which mitigates cooperative government from being an intertwined web of committees and consultations, resulting in complications in determining who is responsible for which task;
- c) Accountable government, which implies that the system and processes of cooperative government should not obstruct the holding of executives accountable for their decisions and actions; and
- d) Coherent government, which indicates that government should be sensible and informed by best information regarding consultation between the spheres of government. Contradictory or overlapping policies should not arise by oversight, the absence of consultation, or poorly informed decisions (Layman, 2003: 9 – 10).

Structures of intergovernmental relations and cooperative governance are tasked with the responsibility of managing the success in delivering government to the nation through sound government approaches. This is, however, not the primary reason for the creation of intergovernmental spheres of government by the Constitution. In managing intergovernmental relations, the executive authority of each sphere is

prevented from creating a new government structure; however, these authorities can meet to align their plans and combine their efforts (Dlanjwa, 2013: 11).

Section 152(1) of the Constitution takes on the onerous task of clarifying the legislative responsibilities of the local sphere of government, stating that it must be effective, efficient, and responsible in executing its legislative mandated functions. It must be able to organise its administration to manage, strategise, and finance its agreements. Local government should be able to:

- a) Create a democratic and accountable government for its local constituency;
- b) Manage the effective provision of services in a sustainable manner;
- c) Manage the promotion of social and economic development, and promote a safe and healthy environment; and
- d) Encourage the involvement of communities and social organisations in matters of local government (South Africa, 1996, cited in Zulu, 2014: 56-57).

3.2.3. Mandatory Legislation in Terms of the Constitution

According to Chapter 3, Section 41 of the Constitution (Act 108 of 1996), cooperative government and intergovernmental relations are new and unusual concepts for the South Africa. Cooperative government draws attention to the facilitation of intergovernmental cooperation coordination instead of involvement in competitive political conduct, activated by the separation of statutory power found in a federal model of government (Gaoretelelwe, 2017: 43).

Section 41(3) of the Constitution mandates an Act of Parliament to:

- a) Establish and provide for structures and institutions to promote and facilitate intergovernmental relations; and
- b) Provide for appropriate mechanisms and procedures to facilitate the settlement of intergovernmental disputes (Layman, 2003: 10-11).

Even though some legislation regarding intergovernmental relations exists in the framework, there is no comprehensive legislation that addresses the constitutional mandate. The approach is rather to build on current systems and to strategise on

already developed best practices. The underlining objective of the legislative framework is to make improvements in the coordination and effect intergovernmental government, despite the difficulty and complexity of addressing challenges (Layman, 2003: 25). The following two-fold intervention is put in place:

- a) The Intergovernmental Relations Act 2 of 2012 seeks to facilitate and promote intergovernmental relations by securing the system within a broad statutory framework in its attempt to give effect to the Constitutional injunction of Section 41(2). This is done by:
 - i. Expressing the main pieces of cooperative government;
 - ii. Providing the institutional backbone of the system by regulating intergovernmental relations Forums; and
 - iii. Providing a fundamental framework for the settlement of intergovernmental disputes; and
- b) Since intergovernmental relations is a formation of relations between the executives of distinctive spheres, and are inherently political, the system should not be overregulated by law. A significant amount of non-statutory measures should therefore be embraced to make provision for the necessary systems and procedures required for cross-sphere coordination (Layman, 2003: 28).

Chapter 3 of the Constitution does not only place an obligation to cooperate on the different spheres of government; it also proscribes the spheres from resorting to legal action against one another, provided that the spheres have exhausted all other avenues to resolve conflict through agreements. The ideology and spirit of intergovernmental relations as captured and summarised in Chapter 3 of the Constitution is different amongst modern Constitutions. Although attempts have been made by other democracies in the world to evaluate and report on intergovernmental relations, the Constitution of the Republic of South Africa, 1996, with its multi-tier system, makes provision for the ideology and comprehensive nature of intergovernmental institutions collectively with the Intergovernmental Relations Act (De Villiers, 2012: 678).

3.3. Manifestation of Intergovernmental Relations in South Africa

From 1910 onwards in South Africa, the system of intergovernmental relations underwent drastic changes that were, to a certain extent, forced on the previous government dispensation as a broader struggle that was waged by the people, leading to the dawn of democracy and eventually bringing about more democratic and people-driven intergovernmental systems (Gaoretelelwe, 2017: 27). The evolution of intergovernmental relations in South Africa should be understood in the context of the previous administrative systems of the Dutch and the British eras. This rule was mainly characterised by centralised decisions with regards to intergovernmental relations. The central institutions of Parliament had authority centralised to it, with the executive and the lower organs of state assuming the role of implementing agents (Kahn et al., 2011: 47).

The democratic government, elected in 1994, was faced with the task of transforming the nation and reversing centuries of racial segregation in South Africa under a system that brought about broad inequalities across levels of societal classes. Government's objective then became to democratise organs and institutions of the state, redress inequality, and extend basic services to all. One of the major mechanisms was to set up economic policies that focused on poverty alleviation and service delivery. For the state to realise these policies, several important reforms had to be undertaken. These reforms Included:

- a) Fiscal reform to highlight equity between the spheres of government, as well as transparent and multi-year budgeting;
- b) The amalgamation of the public service to a single body governed by the Public Service Act, that includes both the national- and the provincial government, terminating the previous provincial- and homeland administrations; and
- c) The local sphere of government is not yet included in the Public Service Act, although plans to include it are considered (Layman, 2003: 12).

The new Constitution of the Republic of South Africa consummately advocates for cooperative governance and constructive intergovernmental relation amongst the different spheres of government. The inclusion of the concept of cooperative

governance in the Constitution of the Republic of South Africa can be a historical and important defining characteristic of the current dispensation (Sokhela, 2005: 62). It has brought about the creation of a legislative framework for intergovernmental relations that defined cooperative governance between the three spheres of government in South Africa (Sokhela, 2005: 62).

3.3.1. Transformation of the State and Government in South Africa with Emphasis on Cooperative Governance

Post the democratic national elections, the South African government was faced with a challenge of amalgamating ten former ethnic- and three racial administrations into a single national administration, advancing for the recognition of state departments, redesigning all regulatory frameworks, and formulating policies. The system of intergovernmental relations underwent a reconstruction process to enable it to assign enough responsibility and authority to provincial- and local spheres of government (Tapscott, 2017: 70).

The new Constitution of the Republic of South Africa significantly emphasised cooperative government by setting out structures of the state and broadly describing the terms and responsibilities of the different spheres of government (Tapscott, 2000: 119). As do many other authors, Tapscott (2017: 119-127) concurs that the Constitution does not spell out clear frameworks for the development of systems on intergovernmental relations and the operationalisation of the policy of cooperative government, and that it therefore manifests the existing tensions between a unitary- and federal model of the state. This shortfall is the result of the poor coordination of the intergovernmental relations systems between the three spheres of government in South Africa with limitation in capacity for multi-sectoral government programmes (Tapscott, 2000: 119).

It is important to note that the Constitution of the Republic of South Africa (1996) does not refer to the system of the South African State, and that there is no explicit distinguishing characteristics of federalism or unitarism made in the Constitution (Schwella, 2016: 77). The Constitution of the new democratic South Africa has,

however, transformed the governance system to encompass elements of a unitary- and federal system, with examples such as:

- a) The system being constituted by nine provinces that has local spheres of government called municipalities;
- b) The Constitution enacting that each province should have a democratically elected legislature and should comprise of an executive authority that is accountable to it and the constituency of the province; and
- c) The authority of the provincial legislature and the provincial administration being legitimate and protected by the Constitution (Schwella, 2016: 77).

Schwella (2016: 77) highlights that, in South Africa, the system of government transformation as entrenched in the Constitution further promotes an integrated system of government where all the three spheres of government are closely connected in each other's operations and functioning with the expectation to coordinate their relations. The South African state thus evolved into an integrated governing system with the following characteristics:

- a) The Constitution makes provision for the division of powers among the three spheres of government, with most powers and functions allocated simultaneously to the national and the provincial spheres of government;
- b) Division of the fiscal authority, where most tax services and powers resting with the national sphere of government; and
- c) The most crucial principle of cooperative government requires the spirit and commitment from the three spheres of government to support each other (Schwella, 2016: 78).

The South African government has made great efforts to develop a regulatory framework for Cooperative Governance and Intergovernmental Relations in South Africa. However, legislation alone will not necessarily encourage more robust intergovernmental cooperation. It is likely that elements such as administrative capability and the progression of acceptable interaction models will be equally or more salient (Tapscott, 2000: 119).

3.3.2. The Development of Intergovernmental Relations Systems

In its inception, the concept of intergovernmental relations was introduced as a governmental policy aimed at combating the economic and social chaos during the American Great Depression (Mbecke & Mokoena, 2016: 97). The same reason prompted the post-apartheid government of the Republic of South Africa to implement intergovernmental relations as a tool to redress inequality and ensure an all-inclusive extended delivery of services. In 1998, the government IGR is characterised by several crucial strategic policy issues. The statement went on to say that IGR structures implement critical decisions pertaining the effective public service delivery (Mbecke & Mokoena, 2016: 97). Intergovernmental relations emerge from the Constitution of the Republic of South Africa, 1996 and is assembled through Acts of Parliament (Mbecke & Mokoena, 2016: 97) discussed in chapter two of the dissertation.

The evolution of the intergovernmental system became prevalent from 1996-2003 with an average piece of legal regulation. Assembling of the above-mentioned Acts and certain other Acts governing coinciding functions, provided for certain aspects of intergovernmental relations. Intergovernmental relations systems thus gave rise to IGR forums and IGR dispute settlement mechanisms that play a critical part in intergovernmental relations structures. The intergovernmental system is established on a nexus of formal and informal, but interrelated, institutions, processes, and practices (Layman, 2003: 13). The development of intergovernmental systems was aimed at addressing the challenges of cooperative government, with the three spheres of government focusing on:

- a) Developing intergovernmental forums at national- and provincial level to address challenges of alignment, integration, and coherence;
- b) Developing systems and processes so that the national-, provincial-, and local government can advance their common objectives; and
- c) Being engaged in joint work and common assignments to give results in obtaining common goals (Layman, 2003: 13).

3.3.3. The Establishment of Intergovernmental Relations Forums

The Intergovernmental Relations Framework Act 13 of 2005 makes provision for different intergovernmental forums, without limiting the chances for additional forums to be convened as and when there is a need (De Villiers, 2012: 685). Nkhahle (2015: 19-22) reports that transforming the objectives of the Act into a practical product, which will ensure a coordinated and integrated approach to service delivery, is a challenge for all the three spheres of government. Consultative forums were set up with the intention to drive intergovernmental dialogues and challenges raised strategically at Intergovernmental Relations Forum meetings. Nkhahle (2015: 19 - 22) highlights that IGR forums are an opportunity for the three spheres of government as well as for organs of state to coordinate and align government's different programmes. Forums are thus set up for the three spheres of government to have clear and proactive channels of communication for good intergovernmental relations and a structured implementation of programmes among the spheres of government. These forums also serve to coordinate government's programmes through meetings that will ensure that information dissemination is done in a timely manner, and that information is received by relevant stakeholders, thus aiding service delivery (Mdliva, 2012: 62).

The Intergovernmental Relations Framework Act 13 of 2005 establish three key groups of Intergovernmental Forums, namely National Intergovernmental Forums, Provincial Intergovernmental Forums, and Municipal Intergovernmental Forums. These forums have supporting structures whose purpose is to assist them in effectively facilitating intergovernmental relations and coordination. The supporting forums include The President's Coordinating Council (PCC), National Ministers and Provincial Members of the Executive Council (MinMECs), Cluster of Ministers, Technical Forums, Premier's Forum, Interprovincial Forums, and the District and Local Municipal Intergovernmental Forums, amongst others (Mdliva, 2012: 62).

Table 3.1: Key Components of Intergovernmental Forums

THE THREE KEY COMPONENTS OF INTERGOVERNMENTAL FORUMS	
National Intergovernmental Forums	The forum raises and decides on matters of national interest relevant to that forum with provincial governments, and, if appropriate, organised local government.
Provincial Intergovernmental Forums	The Premier's Intergovernmental forum discusses issues of national-, provincial-, and local interest. It also discusses issues raised by the President's Coordinating Council and broader areas of policy, legislation, implementation, coordination, and alignment.
Municipal Intergovernmental Forums	The district Intergovernmental forum promotes and facilitates collaboration between the district municipality and its local municipalities.

Source: Nkhahle, 2015: 19-22.

3.3.3.1. *The National Intergovernmental Relations Forums*

3.3.3.1.1. President's Coordinating Council (PCC)

Nkhahle (2015: 19-22) describes the President's Coordinating Council (PCC) as a consultative forum for the President. The forum is attended by senior government representatives from the three spheres of government. Matters of national interest are raised by the President with representatives from the provincial and organised local government in the forum. Matters ranging from national policy implementation and legislation, the organisation and positioning of priorities, and objectives and strategies covering all the three spheres of government, find expression in the PCC (Mdliva, 2012: 63). One of the PCC forum's most salient objectives is service delivery and a comprehensive provincial and local government performance appraisal of the successful execution of their mandates. The forum may also make recommendations for corrective action (Mdliva, 2012: 63).

The PCC forum must convene bi-annually during each governmental financial year period. This is the highest IGR structure, and it discusses matters affecting the three spheres of government and the launching of national policy initiatives. This forum is central to budget processes and is ideally the most important mechanism for policy coordination (De Villiers, 2012: 685).

3.3.3.1.2. MinMECs (National Ministers and Provincial Members of the Executive Council)

Informal Intergovernmental Relations Forums have been established along sectoral lines since 1996, constituted by the national ministers and their provincial cluster colleagues in the MinMECs, with only the treasury and basic education sectors having their structures formalised into statutory bodies. The South African Local Government Association (SALGA) represents organised labour in the forums when local government issues are discussed (Layman, 2003: 13). MinMECs are also used as information sharing and consultation structures by accountable officers of the different spheres of government to consult one another on supervision issues. MinMECs are also formed to be utilised to align policies and for coordinating actions (Layman, 2003: 13). The goals of the MinMECs is mainly to make improvements in the coordination of functions within the portfolios of Ministers of cabinet and their provincial counterparts (Mdliva, 2012: 64).

MinMECs are expected to hold meetings on a quarterly basis. The aim of these meetings is to enable members of the forum to take into consideration issues of common concern in order to address challenges that are assigned to them by the PCC. This has resulted in the improved facilitation of vertical and horizontal integration amongst departments of government in the respective sphere (De Villiers, 2012: 686).

3.3.3.1.3. Cluster of Ministers

The Intergovernmental Relations Framework Act 13 of 2005 focuses on the main executive organisational structures amongst the spheres of government. Even though clusters are not legislatively recognisable, they are still sanctioned as major coordination institutional arrangements by Cabinet. As far as ensuring integration, the entire Cabinet is cluster-based to align and implement Cabinet's decision by departments (De Villiers, 2012: 64). To ensure that government receives informed support, the National Programme of Action (PoA) and five Cabinet cluster committees were created, each with its own technical support team. These clusters are:

- Economic Sector, Investment, Employment and Infrastructure Development;
- Social Protection, Community and Human Development;

- Governance, State Capacity and Institutional Development;
- Justice, Crime Prevention and Security;
- International Cooperation, Trade and Security.

The President chairs the Cabinet clusters that are coordinated by the relevant minister of a government department, supported by the Director General (Mdliva, 2012: 65).

3.3.3.1.4. Technical Forums

Political intergovernmental relations forums are assisted by several technical forums of government administrators, the foremost of which is the Forum of South African Director General (FOSAD) that consists of national- and provincial department Directors General. This structure can convene intergovernmental relations through other networks such as informal task teams, workshops, conferences, and interpersonal telephone- and electronic mailing communication platforms (Layman, 2003: 14). These meetings are convened to generally prepare for meetings of political office-bearers and for tighter cooperation between public servants where implementation of joint programmes is concerned (De Villiers, 2012: 686).

FOSAD has ties to the national and provincial Directors-General (DGs), to ensure value in public service and a more involved experience for the discussion of intergovernmental functions. Another function of the forum is to assist in synchronising policy implementation and formulation across the spheres of government (Mdliva, 2012: 65-66). This forum is also assisted by the technical support forum that functions as a technical advisory-, preparatory-, and consultative- body to the political forum (Mdliva, 2012: 66).

3.3.3.2. *The Provincial Intergovernmental Relations Forums*

3.3.3.2.1. Premier's Forum

The Premier's Forum consists of the provincial premier and representatives of local government within the province. This structure is established for conducting meetings to discuss matters that affect both provincial- and local spheres of government. How

regularly this forum meets is not prescribed in the Intergovernmental Relations Framework Act (2005). The forum's purpose is to address issues that affect the province and service delivery matters in the local government sphere (De Villiers, 2012: 686).

3.3.3.2.2. Interprovincial Forums

The main principle behind the formulation of the Provincial Intergovernmental Forum is the facilitation of effective cooperation amongst provincial governments as well as municipalities at the local sphere of government in provinces. The main objective of the forum is to enhance integrated development and the deliberation of key priorities for the province (Gaoretelelwe, 2017: 37). The objectives of the forum are to enhance the decisions of the provincial and local sphere of government by the following:

- a) Information sharing and understanding of the respective programmes of each sphere;
- b) A clearer understanding of mutual strategic priorities and how these complement each other; and
- c) A commitment to collaborate, engage continually, and coordinate government's activities where appropriate (Intergovernmental Relations Policy Framework, 2002: 5 as cited in in Gaoretelelwe, 2017: 37).

Provinces have seen a significant multiplication in intergovernmental forums, leading the establishment of an all-inclusive Intergovernmental Relations Forum to connect the provincial executive with organised local government (Layman, 2003: 14). Provinces may establish a joint forum with a permanent or *ad hoc* structure to coordinate common issues of importance between the provinces. Interprovincial forums in South Africa are unique due to their statute as urgent structures set out by the Constitution (De Villiers, 2012: 687).

3.3.3.3. *The Municipal / Local Intergovernmental Relations Forum*

3.3.3.3.1. District and Local Municipal Intergovernmental Forums

The ways in which the local sphere of government and municipalities participate in the provincial intergovernmental forums differ. Local government's political office-bearers are, in some forums, represented by the Provincial Association of Local Government (PALG) with the provision that they are representatives of the municipalities. Other municipalities are, however, directly represented by the municipal Executive Mayor. An Intergovernmental Relations Forum representative of the municipality's administrative accountable authority can best ensure that decisions taken by the collective on issues pertaining to service delivery are implemented in practice (Layman, 2003: 15).

The local sphere of government took its deserved position in intergovernmental forums and has continued to form part of such forums since December 2000. Representation is also done through the South African Local Government Association (SALGA) by invitation to participate in meetings. Although these forums are non-statutory, Memorandums of Understanding or partnership principles bind member bodies to the forum. In other provinces, the chairperson of the Intergovernmental Relations Forum and the Premier's Municipal Mayoral Forum schedules meetings between the Premier and the Chairperson of the Provincial Local Government Association (Layman, 2003: 15).

3.3.4. Present Processes, Procedures and Systems for the Coordination of Intergovernmental Relations in South Africa

The process of intergovernmental relations includes a combination of interactions between the three spheres, other institutions, as well as organs of government, with reference to the legislative and executive components of government. IGR processes are extracted from the Constitution of the Republic of South Africa. The process of intergovernmental relations in South Africa includes, but is not limited to, dispute settlement, consultation and information sharing, coordination of functions, and intervention of the spheres of government amongst each other (Malan, 2005: 267).

The primary objective of intergovernmental relations is the establishment of a process in which all the three spheres of government coordinate to give a logical, unified approach to service delivery and development. A general coordination framework of government that can be used as a tool to motivate cooperation between the three spheres of government is the envisaged goal (Layman, 2003: 15).

Conflict in the coordination of issues of governance is inevitable where responsibilities and functions are shared between two or more spheres of government and organs of state. This is despite each role-player having their own specified responsibilities, and despite the functions of one sphere possibly having consequences for other spheres (Malan, 2005: 238). Overemphasis on coordination or poor coordination itself has the potential to undermine performance and may result in spheres being confused about their responsibilities, accountability, and mandate. When performance is, however, uncoordinated, it allows for the possibility of efficiency which may not necessarily result in effectiveness. The proper process of coordination can ensure that there is no duplication of activities and functions between the three spheres of government and that they do not overlap. The main criterion for an effective system of government in a decentralised governing body is coordination (Malan, 2005: 238). Section 85(1) of the Constitution of the Republic of South Africa refers to the coordination of functions between government departments and other organs of state, putting the national sphere at the centre of coordination with its functions and legislature coordinated with provincial- and local spheres of government. Fair balance between coordination, performance and accountability can lead to improved intergovernmental relations and capacitate government to deliver on priority areas, with clearly outlined goals of coordination, since each sphere in government knows its role in the value chain (Malan, 2005: 238).

The fundamental principle of Intergovernmental Development Planning over the three spheres of government is that IGR should become a discourse between the organs of state and government. Priorities of the national sphere should be controlled and formed by the formation of clear and distinct community engagements through the local government's Integrated Development Planning (IDP) processes (Layman, 2003: 16). IDPs can be regarded as important intergovernmental planning tools for the entire government (Layman, 2003: 16). The White Paper on Local Government (WPLG) (CoGTA, 1998) summarises the role of the national and provincial spheres of

government in contributing to the coordination of intergovernmental relations in South Africa. The document also places an obligation on the spheres to observe the principles of cooperative governance as entrenched in the Constitution (Layman, 2003: 16).

3.3.4.1. The Role of the National Sphere in Coordination

The WPLG (CoGTA, 1998: 58) states that all the three spheres of government are compelled to notice the principles of cooperative governance and assume the integrity of one another. The document also accepts the different nature of government in South Africa. For South Africa to meet its unique challenges, the different elements of government must operate as a comprehensive whole. This can be achieved by:

- a) The harnessing of all state resources towards a single outcome as a collective, while also adhering to the framework of mutual support;
- b) Developing a comprehensive perspective for all the sectors of government and having respect for goals, policies, and principles set out by national government;
- c) The spheres of government coordinating their activities to mitigate duplication of functions that can be costly and avoid costly competition;
- d) Make use of human resources effectively;
- e) Constructively settle disputes without taking the route of costly and timewasting legal action; and
- f) Logical and total division of the roles and responsibilities of government between the spheres for clarity and maximum effectiveness (CoGTA, 1998: 59).

3.3.4.2. The Role of the Provincial Sphere in Coordination

The WPLG (CoGTA, 1998) places the provincial government central to the role of coordination and responsibility with respect to local government. The paper assigns numerous roles that include:

- a) A responsibility to play a strategic role when planning through the Provincial Growth and Development Strategy for development programmes in the province;
- b) A responsibility to play a developmental role by ensuring that Municipal Integrated Development Plans (IDPs) amalgamate to produce a feasible developmental framework throughout the province – a framework vertically integrated with the Provincial Growth and Development Strategy;
- c) A responsibility to play an intergovernmental role by establishing intergovernmental forums and put in place processes for the purpose of an inclusive decision-making process between the province and municipalities; and
- d) A responsibility to play a regulatory role as per the legislative and executive authority given to the national and provincial spheres of government by Section 155(7) of the Constitution to ensure that municipalities perform effectively and execute their functions in respect of matters listed in Schedules 4 and 5; moreover, the regulation of municipalities' executive authority with respect to matters listed in Part B of Schedule 4 and 5, and any other responsibility given to municipalities by legislation (CoGTA, 1998: 61).

The Intergovernmental Relations Framework Act 13 of 2005 aims at clarifying major characteristics of intergovernmental relations at the executive level of government. The Act also makes provision for the establishment of intergovernmental structures with clear guidelines for coordination, systems, and procedures for coordinating intergovernmental processes as well as the conduct of intergovernmental relations and the processes for resolving IGR disputes (Malan, 2005: 230-232).

3.3.5. Government and Organs of State's Implementation of Joint Work, Projects and Programmes

Regular Intergovernmental Relations, facilitated by the Intergovernmental Relations Framework Act 13 of 2005, promotes the concept of cooperative governance in practice. It also ensures an environment for provincial- and local spheres of government to be active participants in joint planning, policy development,

assessment, and implementation of legislation with the national sphere of government. Intergovernmental sittings are, therefore, not merely platforms for informal interactions where the provincial and local spheres of government take instructions from the national sphere as to its expectation of the prior spheres. IGR sittings serve as an opportunity for all spheres of government and organs of state to cooperate as partners in line with the ethos of cooperative governance (De Villiers, 2012: 691). De Villiers (2012: 691) further points out that constant and consistent IGR sittings produce a conducive environment where the accomplishment of policies can be assessed, prospective problems can be timeously identified, and issue be resolved before they escalate into a crisis (De Villiers, 2012: 691).

Layman (2003: 16) concurs with De Villiers by submitting that effective Intergovernmental Relations Forums and processes are realised in the tangible practices of joint work, programmes, and projects. These programmes and projects are mainly developments to be implemented through joint teams made up of representatives from different spheres of government and organs of state. Joint work between the spheres of government may include, amongst others, poverty alleviation and development programmes such as:

- a) The Integrated Sustainable Rural Development Programme (ISRDP);
- b) The Urban Renewal Programme (URP);
- c) Free Basic Services (FBS) (Layman, 2003: 16);
- d) The Expanded Public Works Programme (EPWP); and the
- e) The Coega Industrial Development Zone (IDZ) (Mdliva, 2012: 66).

Layman (2003: 16) highlights the Alexandra Renewal Programme as a good example of the successful implementation of joint work and cooperation (Layman, 2003: 16). Another good example is the Expanded Public Works short skills programme implemented by the national Department of Public Works, which has cascaded down to similar provincial departments. The Coega Industrial Development Zone (IDZ) in the Eastern Cape is a project implemented through joint work that can act as a strong springboard to international trade in the country. The programme is also connected to other programmes of government aimed at both national economic development and provincial development of the Eastern Cape province. The project is implemented

jointly by the national government, the provincial government, the Nelson Mandela Bay Metropolitan Municipality as the representative of the local government, and the Coega Implementing Authority (CIA) as an organ of state (Mdliva, 2012: 66).

Joint work is, however, not confined to cross-sphere participation, as important initiatives are also done within spheres. Joint programmes are also anticipated amongst provinces, such as the Declaration of Intent on Cooperation between the Eastern Cape, the Western Cape, and the Northern Cape. This programme anticipates joint planning and programmes in the field of agriculture, with the potential to open broader opportunities for cooperation (Layman, 2003: 16). Joint work programmes and projects involve several organisations and institutions across all the three spheres of government and organs of state. The performance of, and the relationship between, the different spheres of government and organs of state is regulated through formal agreements signed and formalised by partners. National departments may play a lead role when the project is implemented at national level (Mdliva, 2012: 66).

3.4. Basic Challenges for Improving Intergovernmental Relation Coordination

Chapter 3 of the Constitution of the Republic of South Africa, 1996, contains many ambiguities regarding cooperative governance and intergovernmental relations. This results in unplanned openness and bargaining relationship amongst the three spheres of government and organs of state, which the legislation did not intend when intergovernmental relations and cooperative governance were enacted. The three spheres of government need to understand and be able to properly and correctly interpret the fundamentality of powers and authority of each sphere for better synergies. Failure to do so may result in the emergence of challenges amongst the spheres of government (Coetzee, 2010: 90). Coetzee (2010: 90) divulges that the Constitution is an act of parliament set up to play an overseeing and overriding function for the provincial- and local spheres of government, signifying that the three spheres of government are not equal due to the different powers and authority assigned to each different sphere. This inequality results in the spheres overstepping their boundaries to the disadvantage of another sphere (Coetzee, 2010: 90).

Another challenge is discrepancies that exist between policy objectives, plans, budgets, and implementation, which may be caused by inadequate funding allocation by the local spheres of government, and which does not align its implementation with policies set by the national sphere. Policies set at national level may be unrealistic and inconsiderate of operational circumstances, human resources, and capacity restrictions experienced at the local government level (Coetzee, 2010: 90). Intergovernmental Relations Forums, its systems, processes, and joint work - that has seen significant changes to date - have been delivering holistically integrated government to the nation. Although a range of commendable best practices have emerged over a short period of time, integrated government has and will present challenges that are related to all the features of intergovernmental relations, Intergovernmental Relations Forums, IGR systems and processes, and joint work with regards to implementation (Layman, 2003: 21).

Another challenge can be the substandard manner in which the separation of political- and administrative responsibilities have emerged in numerous sectors of government, mainly at the local level. This is reflective of the tension between the political- and administrative authority, the inadequacies in capacity of many councillors to keep up with the pressures of local government, lack of clear separation of powers between political organisation and the municipal council, the legislature and the executive, and lack of accountability measures with poor compliance with regulations and frameworks. (Tapscott, 2017: 81).

3.4.1. Basic Challenges for Intergovernmental Relations Coordination at the National Sphere of Government

Given that South Africa's society is divided into different fragments that run across the lines of political and socioeconomic relations, implementation of good governance becomes exceedingly hard. The national sphere of government has a responsibility to introduce legislation, formulate policy, and monitor the provincial and local spheres of government as its role in service delivery. There is, however, a lack of capacity and resources in the national government to support and monitor the municipal body of government. This is because the three spheres of government can differ in terms of opinion and in policy choices. This is particularly pertinent to local government due to

its proximity to the constituency (Gaoretelelwe, 2017: 10). The national sphere seems to have a lack of integrated strategic planning due to several reasons, such as:

- a) The opaqueness regarding the basis of national government and other spheres' strategic plans;
- b) National and provincial government's strategic planning, unlike municipal Integrated Development Plans, does not present clarified proportions; therefore, plans are regarded as statements of intent in that they do not present specific details and areas of impact;
- c) Provincial growth- and development strategies are either non-existent, are dated, or do not align with the municipal and provincial plans; and
- d) Budget cycles and processes of the provincial- and the national sphere are different from that of the municipalities (Gaoretelelwe, 2017: 12).

In addition to the challenges encountered in improving government and state institutions, the system of public service and the coordination thereof has also raised concerns. As with various other plans to improve the public service system in the country since 1994, the intention of the new public administration model was to represent the reversal of the apartheid system, which was hierarchal, rule-bound, secretive, authoritarian, and represented the needs of the white minority. The fundamental direction of the new government of the Republic of South Africa was towards a social democratic government that played an interventionist position in the economy. It later changed to the idea of the state assuming a position of an enabling government (Tapscott, 2017: 80).

Without understanding the situation clearly, most of the attention of the New Public Management (NPM) model became misunderstood, thus posing challenges to the new system that includes cooperation across all spheres of government. The new model came with government outsourcing of certain services to consultants, and work that was initially performed by government officials now being outsourced to private providers. At the national level, intergovernmental relations and cooperative governance lack a strong adequate human resource capacity, concluding that the new policy created challenges for the government. The extensive dependence on tendering and outsourcing to deliver public services has not done much to improve service

delivery. This, as a result, reduces intergovernmental relations systems to talk shows and administrative support services (Tapscott, 2017: 81).

Although intergovernmental relation systems addressing service delivery and development are in place, cooperation between the spheres of government plays a larger role in ensuring that the operations of government are smooth and abide by legal prescripts. The national sphere of government is tasked with monitoring and overseeing powers, including the mitigation of corruption and fraud in the public service. The national sphere of government has not managed to put in place measures that will alleviate and mitigate fraud and corruption in government institutions. Consecutive reports from the Auditor General and the Public Service Commission disclose that a larger proportion of fraudulent activities in the public services occurs in supply chain management and in the granting of tenders (Auditor General, 2011; Public Service Commission, 2015, as cited in Tapscott, 2017: 81).

It cannot be disputed that the system of intergovernmental fiscal relation provides, in some areas, a model of good governance; however, the major underlying challenge for the national government is the structural tensions that come from the simultaneous assignment of responsibilities firmly fixed in the Constitution. These challenges include:

- a) The disconnection between policy aims, plans, budgets, and implementation - at times, nationally agreed upon policy at division level may be inadequately funded, or not funded at all by provincial- and local spheres of government. This results in policies being implemented piecemeal and their envisaged outcomes not being realised;
- b) The overlapping of coinciding functions and abstruse lines of accountability of the spheres are combined with unrealistic policies from the national sphere. The national sphere fails to consider the operational context, human capacity, and other restrictions that the provincial sphere experiences, which undermines implementation; and
- c) Joint accountability for coinciding function planning and implementation along with an individual budget responsibility and accountability (Nkhahle, 2015: 19-22).

Intergovernmental forums are also faced with challenges that hinder effective intergovernmental relations and coordination. Decision-making at intergovernmental forums are infused with uncertainty as to whether recommendations of the MinMECs are legally binding or not. The national sphere is faced with a challenge of MECs not always tabling important MinMEC decisions to their executives for approval. This practice has the potential to cause uncertainty about the adoption of policy by government, while also opening the national government to claim unfunded mandates. The disjuncture in the clarification of report lines between MinMECs and the PCC, as well as between the provincial intergovernmental forum and MinMECs, has the potential to undermine successful coordination (Nkhahle, 2015: 19-22).

3.4.2. Basic Challenges for Intergovernmental Relations Coordination at the Provincial and Local Spheres of Government

For the systems of cooperative government and intergovernmental relations to be effective, suitable and effective government institutions should be in place. Government institutions have the responsibility to develop proper systems and processes accompanied by systems to initiate and supervise joint work and projects. The present status quo of institutions brings about several challenges for the successful accomplishment of cooperative governance (Layman, 2003: 21). Currently, provincial- and local government structures encounter challenges of becoming leading institutions of economic development and growth, with service delivery being deficient in addressing displayed and indicated societal needs (Schwella, 2016: 91). Schwella (2016: 91) mentions three reasons that directly correlate with the challenges encountered by the provincial- and local spheres of government. Firstly, Schwella (2016: 91) points to a lack of political commitment to decentralisation and the provincial system, such as that the ruling party and the South African State do not have a logical vision of the exact role that should be occupied by the provincial sphere. There is a lack of political commitment to developing the provincial sphere system and little support for provincial governments (Schwella, 2016: 91). The second reason is related to capacity or the lack thereof. Although this challenge exists at any level of government, it is currently more severe at the provincial- and local spheres of government. This lack of capacity includes:

- a) Political capacity, or the ability of political structures of government to build frameworks that position intergovernmental relations and cooperative governance as an important centre of authority;
- b) Legislative capacity, which alludes to the ability of legislature and political executive office bearers to develop legislative initiatives that support lower structures to meet their service delivery mandates, and the ability to monitor and evaluate the executive;
- c) Fiscal capacity, or the ability to give directives for resources necessary to complete allocated responsibilities;
- d) Bureaucratic capacity, indicating the ability of administration and government to deliver services to the people through intergovernmental systems; and
- e) Intergovernmental capacity, implying the ability of all the spheres of government and organs of state to cooperate and coordinate their respective responsibilities in a manner that increases service delivery, while it reduces conflict over territory as well as overstepping (Schwella, 2016: 92).

Finally, the provincial sphere of government has not been able to position itself as a body that can govern or control its own affairs. Legislative capacity also excludes municipalities from engaging in law-making processes. Even with joint work programmes and projects, provinces and the local government institution assumes the role of administrative agencies, implementing and delivering various services as per the mandate of the national institution. The limited powers given to provinces to raise revenue results in constraints in respect of capacity for service delivery. The largest share of the provincial budget (95%) is from transfers and grants from the national government as per constitutional prescripts that provinces should receive an equitable share of the national budget to execute their mandate. The biggest challenge seems to be provincial spending, even though intergovernmental relations systems for this aspect are in place. Service delivery issues continue to rise in areas of provincial responsibility, thus affecting all public services including public health, basic education, and social services across a range of constitutionally mandated services (Schwella, 2016: 92).

3.4.3. Basic Challenges for Joint Intergovernmental Work and Projects

Although South Africa's Medium-Term Strategic Framework (MTSF) tries to speak to integrated planning for service delivery, there are still problems with synchronising the entire budgeting- and planning system of government. As a result, the national and provincial spheres of government omit the inclusion of municipalities from their Integrated Development Plans (Gaoretelelwe, 2017: 12). Joint work and similar projects are the outcomes of successful cooperative government initiatives. However, their successful implementation presents daunting challenges (Layman, 2003: 25). These challenges comprise:

- a) Clear financial accountability: According to the Public Financial Management Act 1 of 1999, accountability for public spending resides in one institution. This means that public funds cannot be shifted from one vote to another without sanction by Parliament. Joint work should, as a result, find different and efficient measures that enable different entities to work together whilst maintaining a single point of accountability for public expenditure (Layman, 2003: 26);
- b) Effective and efficient decision-making: The main aim of joint work is to improve the delivery of government responsibilities and services, which needs effective and efficient decision-making across all spheres. This can, however, also lead to decision-making collapse by weakening the decision-making effectiveness of executive authorities within a shapeless escalation of meetings and forums (Layman, 2003: 26);
- c) Promoting a joint work ethos within the public administration: Unless it makes perfect sense for senior manager to form part of such an effort, joint work will not flourish. The traditional line-function culture of votes per government department, expert ministerial mandates, and compensation and penalty for individual poor performance are prevalent. Senior managers, for example, have separate performance contracts that speak to direct mandates and make provision for work in joint teams. Consequently, joint work merely results in creating another additional task instead of the main effort. Changes should be made in operations that endorse cross-sectoral cooperation, and programmes

must thus direct the structural prejudice in favour of sectoral work (Layman, 2003: 26);

- d) Integrated planning linked to budgets: Joint work should be supported by integrated planning and should be aligned to budgets. Interdepartmental work must be converted into individual departmental budgets. Very often, a disconnection between plans and budgets exists; administrators do not have the ability to commit their departments and institutions to a joint task, due to the budget not reflecting commitments made in joint teams (Layman, 2003: 26);
- e) Clear mandates for intergovernmental forums: Only where there is certainty in the status and the responsibility of management forums that are created to drive a project will joint work yield the desired results. Interdepartmental- and intergovernmental task teams are mostly hindered by unclear mandates, especially when they involve political decision-making (Layman, 2003: 26); and
- f) Full participation in municipal Integrated Development Planning (IDP): Municipalities are dependent on the participation of both the national- and provincial sector departments in local Integrated Development Planning reviews, as this is a fundamental process of integrated planning. The local government is highly reliant on information about sector expenditure plans from the national- and provincial departments to provide the required technical support or cost for the municipalities. However, participation from the national and provincial sector has been weak in practice (Layman, 2003: 27).

Intergovernmental challenges are bound to exist in areas of coordination and common interest; it is, however, the responsibilities of stakeholders to try and mitigate them and resolve them should they arise. There should be constant information sharing and consultation between the three spheres when issues of common interest are at stake. Information sharing includes the attendance of conferences, congresses, and government joint seminars, or utilising other platforms of communication by organs of state and intergovernmental relations structures to exchange ideas (Malan, 2005: 237). Section 100(1) of the Constitution makes provision for the national authority to intervene in provinces and the local government institutions in situations where they are unable to deliver on their mandated obligations assigned by legislation. To mitigate IGR challenges amongst the spheres, Section 155 of the Constitution gives the

national authority powers to assume responsibility for certain obligations in the province or municipalities, and Section 139 makes provision for the provincial executive to intervene in the local government sphere where there are failures or challenges (Ngoy, 2009: 32).

3.5. Summary

This chapter emphasised on the belief that a stronger motivation can be made for South Africa to strengthen legislation that oversees intergovernmental relations. The legislation can outline the fundamental ideological basis for intergovernmental relations with its major forums and institutions where IGR occurs. The legislation can also shed light on the relevant time for information and *ad hoc* interaction amongst the spheres of government to take place additional to statutory forums. This is because the trust, institutional development, and certainty that is linked to the Intergovernmental Relations Framework Act far outweighs all possible risk linked therewith (De Villiers, 2012: 694).

Ineffective intergovernmental coordination is usually due to a challenge of capacity and management instead of government systems. Therefore, government needs to invest in capacity building, training, the implementation of relevant systems, and punctilious monitoring as crucial structures for practical intergovernmental relations systems. For government and the Constitution to relieve intergovernmental conflict and tension, and to ensure greater legislation clarity for the processes of IGR, it should strive to regulate the IGR framework (Levy, 2001: 85).

From the sentiment of the Constitution of the Republic of South Africa, the system of intergovernmental relations is confronted with several challenges. Most critically, the IGR system must be able to show that it provides the type of coordination and cooperation between the spheres of government that ensures that there is adequate and effective delivery of basic services in the country, and demonstrate that it can be successful in redressing the inequalities created by the previous dispensation (Murray, 2001: 81).

Intergovernmental relations has evolved to a more technical regulatory tool that requires a vast set of experience and skills in the delivery process, considering the Intergovernmental Fiscal Relations Act (Act 97 of 1997), which strengthens Section 214 of the Constitution. The Constitution advocates for cooperative governance on fiscal, budgetary, and financial affairs, and directs the process for the establishment of the equitable share and allocation of revenue collected nationally. It forms the Budget Council and Budget Forum, and the advisory Intergovernmental Relations Forum for the budget and fiscal handing process as prescribed in Section 9 and 10 (4) of the Constitution (Act 108 of 1996), which outlines the consultation process regarding recommendations made in alliance to the equitable division of nationally collected revenue (Ngoy, 2009: 27).

Intergovernmental relations will be more effective when their status, role, governing principles, and the relations between executive authority they form is clarified. Should there be uncertainty and indecisiveness regarding the basic rules, it will result in inconsistent practices, unattainable expectations, and unlawful behaviour. These repercussions are, regrettably, not unusual. Clarity on the basic principles of intergovernmental forums thus becomes crucial for the solidity and expected predictability of the system of IGR (Layman, 2003: 21). Regarding joint work and information sharing amongst the three spheres of government, attention is mostly directed to law, executive arrangement, legislation, and procedures relating to the controlling and acquiring of information. Modern technological systems are not only crucial mechanisms for communication but can also promote intergovernmental relations between the spheres of government, provided they are utilised effectively (Malan, 2005: 238).

CHAPTER 4

AN ASSESSMENT OF INTERGOVERNMENTAL RELATIONS STRUCTURES AND PROCESSES IN THE SOL PLAATJE LOCAL MUNICIPALITY

4.1. Introduction

The main reason for the formation of intergovernmental relations and cooperative governance between the three spheres of government is to respond to the social contract between government and its constituency. It also aims to see to the effective deliverance of the municipalities' priorities through an integrated development approach between the municipality and its intergovernmental relations partners (Van der Westhuizen, 2015: 733). As per policy prescripts, the main aim of intergovernmental relations is the enhancement of information dissemination and clarification of programmes and functions between the spheres of government with clearly defined, complementary priorities (South Africa, 2002: 5). Intergovernmental relations is a practise that exists between the three spheres of government in a public administration political environment that emphasises cooperation between these spheres with outlined values and objectives that governs them (Mathebula, 2004: 131). The Intergovernmental Relations Frameworks Act 13 of 2005 stresses the importance of adhering to the prescribed rules and policy by all spheres of government in intergovernmental relations structures, as they operate within the public administration terrain governed by legal rules and laws (Mathebula, 2004: 135).

This chapter will focus on the local sphere of government, with specific reference to the Sol Plaatje Local Municipality (SPLM). The objective is to establish whether intergovernmental relations in South Africa is involved in the operations of the local sphere of government with the aim to capacitate the local government sphere for service delivery. The purpose of this section is to assess intergovernmental relations structures and processes in the SPLM. This chapter will furthermore assess the state and functioning of intergovernmental relations structures and how their processes affect the communities serviced by the Sol Plaatje Local Municipality.

Act 108 of 1996 of the Constitution sets out several specific delivery and regulatory functions for the local sphere of government. Schedule 4(B) of the Constitution lists

key areas that are assigned to the local government as functions (Sokhela, 2006: 90). These functions include building regulations, electricity- and gas civil engineering, firefighting services, air pollution, municipal planning, local health care services, local public works, storm water management systems, water and sanitation services, local public transport, local tourism and municipal planning, municipal airports, and trade regulation (Sokhela, 2006: 91). Schedule 5(B) of the Constitution further list the following as local government functions: amusement facilities, regulations for the display of advertisement in public areas and billboards, cemeteries, control of public nuisances and undertakings that sells liquor to the public, facilities for vehicle licensing and facilities for accommodation, local amenities, refuse collection and solid waste disposal services, roads, street lighting, local sport facilities, and traffic- and parking monitoring services, amongst others (Sokhela, 2006: 91).

Fuo (2013: 225) highlights that, in South Africa, government makes available tools and instruments that serve as mechanisms for the spheres of government to pursue public purpose and outlined objectives, allocate resources, and highlight their vision and missions to show their understanding of the collective societal issues and challenges. The local sphere of government can achieve social justice and the delivery of services by using such tools and instruments along with an Integrated Development Plan (IDP) as its leading governing instrument (Fuo, 2013: 225). Fuo (2013: 225) further lists a government's instruments as:

- a) Policy, indicating that the local sphere of government has, through the Constitution, been vested with legislative and executive capabilities to develop and administer policies. These vested powers thus make the process of policy-making a vital function in the local government sphere. The conceptual framework for policy in local government includes developing prescience plans for the community with clear goals and objectives, socio-economic service delivery programmes, and processes for the adoption of municipal budgets and capital facility plans;
- b) Resolutions, which imply that the executive committee and municipal committees are tasked with the responsibility of advising council and making recommendations that enable the municipal council to take decisions. Through a majority vote agreement by council, the recommendations by the executive

committee and other committees become a resolution. Motions tabled and adopted by council, once passed, can also become council resolutions. However, most motions are referred to executive- or other committees for thorough engagement as well as for further recommendation;

- c) Bylaws refer to laws made at the local sphere of government by the municipal council, rather than the provincial and national sphere. Their purpose is to govern issues in the jurisdiction of the municipality. The local government is vested with legislative authority to create, change, and repeal those legal rules; and
- d) Integrated Development Plans (IDPs), which are bestowed on local government by the Constitution. According to Section 153 of the Constitution, all municipalities are compelled to structure and facilitate their planning processes to enable them to prioritise the provision of basic services and development of communities in their jurisdiction. IDPs afford municipalities the opportunity to align their planning with, and participate in, the national- and provincial governments' programme plan.

The Municipal Systems Act 32 of 2000 further compel all municipalities to include "Developmental Oriented Planning" (DOP) to ensure that municipalities:

- a) Make great efforts to achieve the Constitutional objectives of local government;
- b) Achieve developmental responsibilities; and
- c) Together with other spheres and organs of state, contribute to the progressive realisation of the socio-economic rights listed in Sections 24, 25, 26, 27, and 29 of the Constitution (Fuo, 2013: 225).

The FFC (1995: 6-8) places great responsibility on the local sphere of government for improving constituents' quality of life by improving the levels of nutrition, housing, education, electricity usage, water availability, as well as refuse collection and removal services. The framework document's eight principles emphasise the need for an eased and efficient administration with a financial system that can be administered for purposes of monitoring and evaluation. The ninth principle highlights the importance of intergovernmental relations and cooperative governance for effective growth and the delivery of services in the local sphere of government by reference to

macroeconomic management that is impossible to decentralise. This includes the management and stimulation of the economy that can be better performed by the national sphere of government (FFC, 1995: 6-8).

The local government sphere needs to adhere to these policies and frameworks to ensure the success of municipalities and to establish strong functioning intergovernmental relations systems in their municipal jurisdictions. Failure to do so may result in the municipality facing challenges and issues that will hinder efficient and effective delivery of services to the constituency. Chapter 4 of the mini dissertation will investigate and assess whether the SPLM operates in line with policy and legislative guidelines.

4.1.1. Overview of the Sol Plaatje Local Municipality

Sol Plaatje Local Municipality (SPLM) is a local municipality located in the Frances Baard District Municipality in the Northern Cape Province. The municipality is the largest municipality in the district and covers 314 036 hectares and 62.02% of the household population of the province. The city of Kimberley is the junction of the municipality and forms the administrative centre thereof. The SPLM is one of the 21 secondary municipalities with a constituency population of about 248 041, with most of its amiable neighbourhoods, a schooling system performing above national norm, and a compact spatial structure that locates former township areas at proximity to the city centre (Stewart, 2016: 5). The municipality was renamed the Sol Plaatje Local Municipality in 2001 to honour one of the founding members of the African National Congress, Solomon Tshekisho Plaatje. The municipality is located on the eastern boundary of the Northern Cape province and is on the N8, linking the municipal sitting city of Kimberley with nearby Mangaung (Stewart, 2016: 5).



Figure 4.1: Map of the Sol Plaatje Municipal Boundary

The expanded Sol Plaatje Local Municipality is made up of surrounding towns and villages, which include Kimberley, Ritchie, Platfontein, Galeshewe, Motswedimosa, Roodepan, and the Vaalbos National Park and other non-urban areas (Municipalities of South Africa, 2020). The Sol Plaatje Local Municipality covers the following areas:

Table 4.1: Sol Plaatje Local Municipality

Place	Code	Area (m ²)	Population
Galeshewe	383005	15.24	107 920
Kimberley	383006	142.77	96 977
Motswedimosa	383008	0.86	7 240
Platfontein	383004	1.77	5 185
Ritchie	383007	23.93	7 610
Roodepan	383003	6.28	20 263
Vaalbos National Park	383001	110.13	0
Non-Urban Area	383002	2 844.41	2 846
Total		3 145.39	248 041

(Municipalities of South Africa, 2020).

The Sol Plaatje Local Municipality consists of a 65-member council that is elected by a proportional representation. Thirty-three members of council are elected in the wards and the remaining 32 are elected through a party list. In the local government elections of 3 August 2016, the African National Congress (ANC) won a majority of 38 seats on

the council. In the by-elections held on 13 February 2019, an independent candidate won a ward previously held by the ANC, and the council had to be reconfigured (Municipalities of South Africa, 2020).

The major economic sectors of the Sol Plaatje Local Municipality are community service, finance, trade, and mining. The political municipal structural composition is made up of an Executive Mayor and municipal Speaker elected by council as representatives of their respective political organisations elected into the municipal council. The municipal council further comprises mayoral committee members and ward councillors (Municipalities of South Africa, 2020).

4.2. Governance Structures and Processes of Intergovernmental Relations in the Sol Plaatje Local Municipality

Governance structures represent the interrelated relationships, elements, and other factors that influence government institutions. These structures are, in most cases, used in parallel with governance frameworks, as both refer to the structures that govern an institution or organisation (Layman, 2003: 8). They are responsible for setting up general rules, procedures, and other principles that govern an institution. As governance structures and frameworks are the guiding element of an organisation, they are mainly shaped by objectives, strategic mandates, and processes of the organisation, amongst other goals (Layman, 2003: 8). In IGR, governance structures are the frameworks that establish and keep the efficiency - or lack thereof - of partners and stakeholders in government alive, assisting them in reaching their cooperative governance objectives (Sokhela, 2006: 107). These structures are of high importance for the success of the relations between spheres in intergovernmental relations systems, as they are intertwined, and their connection will result in envisaged changes.

In this section, the discussion will focus on the Constitution and policies that govern governance structures in the Sol Plaatje Local Municipality, their connection to national- or provincial development plans, governance structures in the Sol Plaatje Local Municipality, and the role of cooperative governance in the province in relation to the SPLM. The Constitutional framework that governs intergovernmental relations

in the municipality will be outlined, with the Provincial Development Plan (PDP) as well as inter-municipal IGR structures discussed. The municipality's adherence to IGR legislative frameworks and policies, and the composition of the mayoral IGR Forum, will also be scrutinised.

4.2.1. Governance Structures of the Sol Plaatje Local Municipality

The Sol Plaatje Local Municipality comprises the Mayoral Executive System with a combination of a Ward Participatory System. The administrative structure of the municipality consists of the Municipal Manager, the Chief Financial Officer, and other line functioning departments that report to the administrative executive management (SPLM, 2018: 37). The functions and structures of the SPLM are outlined below, taking into account the Mayor and Municipal Council, as well as the Office of the Municipal Manager.

4.2.1.1. *The Executive Mayor, the Mayoral Committee, and the Municipal Council*

The functions of the Executive Mayor are set out in the Local Government: Municipal Structures Act, 1998. Section 151(2) of the Constitution of the Republic of South Africa, Act 108 of 1996, vests the legislative and executive authority of a municipality in the Municipal Council, from which the power of authority and functions of the Executive Mayor are derived. The Executive Mayor reports to the Municipal Council and his / her legislative- and executive authority are delegated by the municipal council (Sokhela, 2006: 20).

As the political head of the municipality, the Mayor is elected by the Municipal Council. He / she presides over meetings held by the executive committee, and his / her functions are assigned by the municipal council or the executive committee. The Mayor has the responsibility to appoint the municipal manager and heads of departments upon resolutions of the council (Sokhela, 2006: 20). The Mayor also makes recommendations to the municipal council about the operations of the

municipality and other strategic plans aligned with the priorities set out in the Integrated Development Plan (SPLM, 2018: 38).

The governance system of the municipality comprises Section 79 and 80 committees. In terms of the Local Government: Municipal Structures Act 1998, Section 80, these committees are set up to provide assistance to the Executive Mayor in his deliverables, although they do not have decision-making powers. Section 80 committees are headed by council members who form part of the Mayoral Committee (SPLM, 2018: 38).

The Mayoral Committee in the Sol Plaatje Local Municipality comprises of the following portfolios:

- a) Finance;
- b) Safety and Security Services;
- c) Utility Trading Services;
- d) Economic Development, Urban Renewal, and Tourism;
- e) Integrated Development Planning, Budget, and Performance Management;
- f) Community Services;
- g) Human Settlement Services;
- h) Transport, Roads, and Storm Water;
- i) Intergovernmental International Relations and Customer Care; and
- j) Corporate Services and Human Resources (SPLM, 2018: 37).

In terms of Section 79 of the Municipal Structures Act, 1998, the Municipal Systems Act, Section 62, and the Municipal Financial Management Act, 2003, Section 66, the municipal council must establish the following:

- a) Disciplinary;
- b) Rules;
- c) Ward Participatory;
- d) General Appeals;
- e) Spatial Planning, Environment- and Land Use Management; and
- f) Municipal Public Accounts Committees.

These should consist of non-executive councillors who execute certain functions and responsibilities, and who report directly to Council (SPLM, 2018: 37).

4.2.1.2. Office of the Municipal Manager and the Administrative Structure

Administratively, the Executive Mayor and the Mayoral Committee receive support from the municipal manager and municipal administrative divisions. Activities of the office of the municipal manager are performed in line with the strategic focus areas set out in the municipality's framework (SPLM, 2018: 39). By ensuring that the municipality reaches its developmental objectives, the office of the municipal manager must ensure that the municipality thoroughly implements the Integrated Development Plan (IDP) and provides sound advice to the municipality's political principles and structures (Sokhela, 2006: 23). The office of the municipal manager thus has the responsibility to oversee the administrative structure of the municipality and implement policy plans set out by the municipal council, and deliver an accountable, effective, and efficient administration. These functions are entrenched in Section 55 of the Local Government: Municipal Structures Act (Act 32 of 2000), which affirms the municipal manager as the head of municipal administration (Surty, 2010: 14-15).

The municipal manager oversees other supporting, line function departments in the municipality. These departments are:

- a) The Office of the Chief Financial Officer and Financial Services;
- b) Corporate Services;
- c) Strategy, Economic Development and Planning;
- d) Community and Social Development Services; and
- e) Infrastructure and Services (SPLM, 2018: 40).

This then places the municipal manager at a crucial position in the facilitation of the Intergovernmental Relations through the application of the Integrated Development Plan.

With the support of the Executive Management team, the Municipal Manager (MM) is responsible for the accomplishment of the mission and vision of the municipal council and is also the head of the municipal administration. The MM is tasked with the

responsibility to develop a municipal system that can respond effectively and efficiently with a capable administration that can plan and deliver the IDP of the municipality. The executive management team oversees the implementation of the IDP in relevant directorates more focused on service delivery (Surty, 2010: 15). The Sol Plaatje Local Municipality thus comprises the political- and administrative structures crucial in the day-to-day operations of the municipality. The SPLM places these structures in an all-important role in the facilitation and implementation of intergovernmental relations in the municipality. In addition to the political- and governance structures of the local government spheres, municipalities comprise of the Office of the Speaker. The responsibility of this Office is to ensure the provision of an accountable and democratic government to communities by establishing ward committees and the proper management thereof (Sokhela, 2006: 23). The Office of the Speaker is also tasked with the responsibility of ensuring that council and its committees' function smoothly and support the functioning of council.

4.2.2. The Constitutional Framework Governing Intergovernmental Relations Processes in the Sol Plaatje Local Municipality

The Intergovernmental Relations Act 13 of 2005 clearly defines and outlines the rules and procedures that govern IGR processes for better cooperation among stakeholders. In the Act, partners are encouraged to consult each other. They therefore solicit the view of each partner, both in writing and verbally, in matters affecting their relations. The Act also emphasises common respect between organs of state through an implementation protocol that governs the agreement between these organs in terms of Section 35 (Layman, 2003: 8).

The Integrated Development Plan (IDP) process in the SPLM draws guidance from different laws, strategies, and regulations, which are scrutinised and analysed thoroughly before the process is embarked upon. The municipality consults legislation as frameworks that guide the municipality when embarking on community and stakeholder involvement consultations for processes such as the IDP (SPLM, 2018: 16). The municipality adheres to several legislative frameworks when implementing its programmes. These legislative frameworks are discussed below.

4.2.2.1. The Constitution of the Republic of South Africa (Act 108 of 1996) White Paper on Local Government

The Sol Plaatje Local Municipality adopted a community involvement approach to fulfil its mandate by implementing programmes together with local communities. This approach assists the municipality in finding sustainable means of achieving their mandate and improving service delivery. This approach was proposed by the White Paper on Local Government (1998) in the document termed “Developmental Local Government”. The municipality involves public participation in its Integrated Development Planning (IDP) as an essential democratic consolidation as articulated in the several legislations, including the White Paper on Reconstruction and Development (1994), the Constitution of the Republic of South Africa (1996), and the White Paper on Local Government (1998).

4.2.2.2. Local Government: Municipal Structures Act (Act 117 of 1998)

The municipality uses the Municipal Structures Act 117 of 1998 as a guiding legislation to enact ward committees as part of the internal structures of the municipality that provide structure and arrange participation.

4.2.2.3. Local Government: Municipal Systems Act (Act 32 of 2000)

The municipality undertakes the process of Integrated Development as a measure to achieve cooperative governance, consult with communities, and provide quality acceptable planning of its IDPs. The aim is to include the larger community and ensure the effective provision of services. This undertaking is a result of the Municipal Systems Act of 2000. The municipal council of the municipality adopted the guidelines of the Systems Act for the planning, drafting, and revision of its IDP as afforded by Section 28(1) of the Act.

4.2.2.4. Local Government: Municipal Planning and Performance Management Systems Regulations (2001)

As part of its planning, the Sol Plaatje Local Municipality adopted its Integrated Performance Management Policy in 2004. On both institutional- and individual level, the municipality's Integrated Performance Management System reaches up to the middle management that report to Executive Directors. The municipality conducts annual assessments for the Municipal Manager and his direct reporting structures, and a mid-year assessment for its middle managers.

The municipality's planning process focuses on internal structures and individual wards to conduct a needs analysis for planning and service delivery. The scope of programmes and their impacted assessment are included in the five-year strategy- and performance plan of the municipality. As part of the Integrated Development Planning implementation, the municipality embarks on a year-long consultation process with all relevant partners to consolidate their contribution. For effective planning purposes, the IDP document covers a five-year term, but is reviewed annually for efficient service delivery plans for each Medium-Term Review and Expenditure Framework.

4.2.2.5. Local Government: Municipal Financial Management Act (Act 56 of 2003)

As part of adhering to the Municipal Financial Management Act of 2003, the SPLM restricts the municipal councillors' responsibility at local levels to policy-making and public engagements. All bid-specification development, evaluation, and decision-making processes are kept at the technical level as per the Municipal Financial Management Act prescripts. The Municipal Manager as well as the senior managers have financial approval powers and authority capped at a fixed amount.

In its IDP review (SPLM, 2018: 137), the Sol Plaatje Local Municipality notes that the Constitution (1996) provides an outline of the type of local government needed, proving that the municipality adheres to Sections 152 and 153 which prescribe that local government be in control of municipal development processes and planning (SPLM, 2018: 16).

As prescribed by the Constitution of the Republic of South Africa, 1996, the SPLM follows the regulations set out by the Local Government: Municipal Planning and Performance Management Regulations of 2001. These regulations stipulate the minimum requirements for an Integrated Development Plan. The municipality also adheres to the regulations set out by the Local Government: Municipal Financial Management Act 56 of 2003, Section 21(2), when preparing the annual budget. This section states that the Mayor considers the municipality's IDP and takes all reasonable measures to ensure the municipality revises the IDP in terms of Section 34 of the MSA, taking into consideration realistic revenue and expenditure estimates, and planning for new financial years. The Mayor must also consider the national budget, the provincial budget, the national fiscal- and economic policies, the annual Division of Revenue Act, and all agreements reached in budget forums (Craythorne, 2006: 256).

4.2.3. The Sol Plaatje Local Municipality's Integrated Development Plan Review Process

The Local Government: Municipal Structures Act (Act 32 of 2000) encourages the local government sphere to develop IDPs that include the broader public and entities, are not ambiguous, are prudent, and which include an annual review plan and process. The IDP should be adopted by council within the jurisdiction of the municipal council area and should serve as developmental guidelines. The Act makes provision for the relevant information that is required in the IDP (Ndlovu, 2007: 35). The SPLM's current 5-year Integrated Development Plan was adopted by the current council that assumed office on 31 May 2017. The first reviewed IDP includes changes with new information from both internal- and external sources, that will influence further implementation of the IDP (SPLM, 2018: 17).

As per Section 28(1) of the Municipal Structures Act 32 of 2000, the Sol Plaatje Local Municipality adopts a process set out in writing to give guidance for the planning, drafting, and review of its IDP. The municipal council adopted the process plan and the schedule for public hearings and engagement sessions for its IDP on 30 August 2017 (SPLM, 2018: 17). A summary of the process plan, that includes IGR systems followed by the municipality in reviewing the Integrated Development Plan, is outlined in the table below.

Table 4.2: Sol Plaatje Local Municipality Integrated Development Planning

IDP AND BUDGET TIME SCHEDULE FOR PREPARING THE IDP REVIEW 2017/18 AND BUDGET FOR 2018/19 MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK				
NO	ACTIVITY DESCRIPTION	ORGANISATIONAL RESPONSIBILITY	OUTPUT	LEGISLATIVE REQUIREMENTS AND INFORMATION
JULY 2017 – JUNE 2018				
1.	Briefing Sessions, constituting the IDP/Budget Committee and approval thereof	Municipal Manager / Chief Financial Officer	• Planning • Legally Constituted Committees • Process Plan for IDP	• Internal Process • Municipal Financial Management Act Sections 53 (1) and 56 • Municipal Systems Act 32 of 2000
2.	Approval of the IDP and Budget Process	Executive Mayor	• Approved IDP and Budget Process Plan	• Municipal Systems Act 2000 • Municipal Financial Management Act 56 of 2003
3.	Time schedules to be advertised on the website, notice board, and in local newspapers	Integrated Development Plan/Budget and Treasury Office	The notification on the process of the IDP and preparation of the budget process	• Municipal Systems Act 32 of 2000 • Municipal Financial Management Act 56 of 2003
4.	Realignment of Strategic Priorities and Budget; establish contact with national- and provincial sector departments	Integrated Development Plan assigned task team	Contact sector departments to ensure the SLMP's priorities find expression in the strategic plans and budget	Municipal Systems Act 32 of 2000
5.	Note national- and / or provincial government budget for incorporation	Integrated Development Plan / Budget and Treasury Office.	Ascertain what is contained in national- and provincial budget for incorporation in local budget	Municipal Financial Management Act 56 of 2003
6.	The oversight report is adopted by Council and made public. The report is submitted to legislators, Treasury, and the Department of CoGHSTA	• The Municipal Council • Chief Financial Officer	• Completion of the entire report and oversight reporting • Submission to provincial legislators is completed	Municipal Systems Act Circular 63 of September 2012
7.	Conduct public hearings on the draft Integrated Development Plan, budget and top-layer service delivery, and Budget Implementation Plan with constituted public participation structures	• Integrated Development Plan • Budget and Treasury Office • Office of the Speaker • Service Providers	• Consultation and input from communities and stakeholder groupings regarding the draft Integrated Development plan • Budget and Service Delivery and Budget Implementation Plan	• Municipal Systems Act 32 of 2000 • Municipal Financial Management Act 56 of 2003

8.	National Treasury Benchmarking Exercise	- Executive Management Committee - National Treasury	National Treasury's analysis of the SPLM's Integrated Development Plan and budget benchmarked against 21 secondary cities to improve IDP, budget processes, and products	Municipal Financial Management Act
9.	Council adopts Integrated Development Plan, budget & top-layer service delivery and Budget Implementation Plan. Approve changes to IDP and budget-related policies	- Budget and Treasury Office - Integrated Development Plan	Public notification of adopted budget	Municipal Financial Management Act
10.	Final preparations for the implementation of the Municipal Standard Charter of Accounts version 6.2	Budget and Treasury Office	Municipal Standard Chart of Accounts Compliance	The Municipal Standard Chart of Accounts regulations

(SPLM, 2018: 18-30).

The Sol Plaatje Local Municipality (2019) states that it ascribes to the Local Government: Municipal Planning and Performance Management Regulations of 2001 requirements for intergovernmental relations consultations when developing IDPs. These regulations oblige municipalities to consult the relevant provincial treasury, any other provincial organ of state as may be prescribed, as well as the national department responsible for water, sanitation, electricity, and other services. Municipalities may also consult other municipalities that affected by the budget (SPLM, 2018: 17).

4.2.4. The Sol Plaatje Local Municipality's Intergovernmental Relations Structures and Forums

Chapter 3 of the Intergovernmental Relations Frameworks Act 13 of 2005 makes provision for the conduct of the Inter-Municipal Intergovernmental Forum, while Chapter 2 makes provision for intergovernmental relations structures. These forums and structures coordinate intergovernmental relations between the local municipality, the provincial-, and the national government (Act 13 of 2005).

In relation to the Sol Plaatje Local Municipality, the role of the Mayoral Intergovernmental Relations Forum is the coordination of the municipality and the provincial government to create synergies to meet service delivery demands and public expectation. The promotion of service delivery and functions is a primary concern shared by spheres of government, thus making it easy to facilitate intergovernmental relations between the province and the municipalities (SPLM, 2018: 41). Provincial leadership is mandated to create platforms for the municipality to interact with the provincial sphere in order to discuss issues pertaining to the municipality. The province thus has a right to politically intervene in the municipality and act as a dispute resolution body when the need arises (Christmas & Akintan, 2006: 10-16). Intergovernmental relations structures that the Sol Plaatje Local Municipality forms part of are the National Intergovernmental Structures, Provincial Intergovernmental Structures, Provincial- and District Structures, and District Intergovernmental Structures.

4.2.4.1. National Intergovernmental Structure

The SPLM is a non-delegated municipality and reports to the National Treasury on a monthly and quarterly basis. During meetings between the municipality and the National Treasury, the following issues are highlighted:

- a) The mid-term visits of the national treasury to the SPLM;
- b) The Budget Benchmark Exercise – the review of the budget prior to approval by Council; and
- c) The Financial Statements Compliance Checklist for Generally Recognised Accounting Practice compliance (SPLM, 2017b: 41).

The Sol Plaatje Local Municipality has representatives serving in the Institute of Municipal Finance Officers at national level, meaning the municipality has an early awareness of new developments in the accounting and reporting framework (SPLM, 2017b: 41).

4.2.4.2. Provincial Intergovernmental Structure

The Sol Plaatje Local Municipality forms part of the Provincial Intergovernmental Relations Committee as a full-time member. The committee is chaired by the Premier of the province and meets on a quarterly basis. The municipality is also represented in the South African Local Government Association Working Committee of Finance and Local Economic Development, as well as other committees (SPLM, 2017a: 41).

4.2.4.3. Provincial and District Structures

As a legislative structure, the District Intergovernmental Relations Forum is constituted to ensure the smooth operation of the three spheres of government. The District Technical Intergovernmental Relations structure provides technical support to IGR structures at political level. The technical committee is responsible for dealing with issues that sector departments and municipalities experience and is also charged with planning for the District Intergovernmental Relations Forum (SPLM, 2017a: 41).

Issues brought to the committee form the agenda of the District Intergovernmental Relations Forum and, if need be, can be submitted to the Provincial Intergovernmental Relation Forum. Individual- and district municipalities have the advantage of regular consultation with professional counterparts to assist and share good practices in problem solving on issues pertaining to service delivery. The SPLM thus communicates and attends regular meetings with the committees to intensify cooperation on local government level, as well as with national- and provincial spheres of government (SPLM, 2017a: 41).

4.2.4.4. District Intergovernmental Structure

The District Intergovernmental Forum is a structure constituted to ensure intensive cooperation between the three spheres of government. Its Technical IGR structure is tasked with the responsibility of planning for District Intergovernmental Relations. The Sol Plaatje Local Municipality forms part of the Frances Baard District IGR structure,

comprising four local municipalities in the jurisdiction of the district municipality, as well as the district municipality itself. The municipalities hold quarterly meetings to coordinate the district's Integrated Development Plan (SPLM, 2017a: 41). Provincial sector departments are also invited to the meetings for their input when the need arises. Service delivery by local municipalities and the district municipality also enjoy the advantage of shared practices and cooperation in solving problems faced by the municipalities (SPLM, 2017a: 41).

4.2.5. Composition of the Mayoral Intergovernmental Relations Forum Structures in the Sol Plaatje Local Municipality

There is a need for all spheres of government in South Africa to cooperate in order to meet their desired service delivery objectives and mandates. Service delivery is one of the major functions of any municipality, making the local sphere of government the most critical function of government. However, this sphere of government is highly dependent on both cooperation and other partners in order to function optimally and deliver services as per expectation. For this sphere to meet its objectives, and to succeed, it requires all spheres and bodies of government to be interrelated and to collaborate to achieve an integrated service delivery objective (Layman, 2003: 9).

The Sol Plaatje Local Municipality exercises legislative and executive authority within its area of jurisdiction, as stated in the Local Government: Municipal Demarcation Act 117 of 1998. It comprises political-, administrative-, and community segments and components (SPLM, 2018: 140). The political structure and components encompass the Executive Mayoral Committee (MAYCO) system, as appointed by the Executive Mayor. It reports to the Municipal Council that adheres to the Protocol of Corporate Governance in the Public Sector (1997) with other accompanying legislation (Surty, 2010: 19).

The political component of the municipality, headed by the municipal Mayor, has the responsibility to carry out the following functions, amongst others:

- a) Convening of Council meetings;

- b) Oversight of structures, committees, audit committees, and District Intergovernmental Forums; and
- c) Creation and development of affordable and efficient communication systems to communicate regularly with communities (SPLM, 2018: 137-138).

The Municipal Intergovernmental Forum is established to promote and facilitate intergovernmental relations and cooperative governance between the local- and district municipalities, as well as other government departments in the province. The objective of this structure is to ensure that service delivery within the municipal jurisdiction is effective and efficient, and to discuss and consult on issues that are of mutual interest, while also responding to legislation and matters arising from the premier's IGR forum (SPLM, 2017a: 28). The establishment of the Sol Plaatje Local Municipality Mayoral Intergovernmental Forum and Structures entails that:

- a) The forum is known as the Sol Plaatje Local Municipality Intergovernmental Forum; and
- b) It should serve as a consultative forum for the Local Municipality and shall consist of:
 - i. The Executive Mayor of the Sol Plaatje Local Municipality;
 - ii. The Mayoral Committee Members; and
 - iii. The Mayor as Chairperson of the Forum.

The Mayoral IGR Forum is the outcome of the Back to Basics Programme with the theme of good governance, which forms the essence of the municipality's effective operation. In an effort to prioritise the practice of good governance, the political component of the municipality is tasked with the responsibility to chair Intergovernmental Relations Forums (SPLM, 2016: 28). As head of the political component, the Mayor must chair the IGR Forum with the following responsibilities:

- a) Convening council meetings as legislated;
- b) Ensuring that oversight structures, Section 79 committees, audit committees, and District Intergovernmental Relations Forums are fully functional;
- c) Safeguarding anti-corruption mitigation measures within the municipality;
- d) Ensuring compliance with legislation and the enforcement of bylaws; and

- e) Establishing forums that seek to address and mitigate the rate of service delivery protests (SPLM, 2016: 28).

In the SPLM, Intergovernmental Relations Forums are mainly established to ensure that the municipality delivers on its constitutional mandate for council's five-year term. Public participation is also essential and necessitates the municipality to engage with communities through affordable and efficient communication systems for the dissemination of information. IGR Forums thus include the establishment of functional ward committees and effective public participation programmes conducted by council and spearheaded by the Speaker of the municipality (Mtshali, 2016: 34). The municipality regularly engages with the public and other stakeholders through bi-monthly meetings. The municipality then reports to the mayoral council, which, in turn, reports to other IGR Forums the municipality forms part of (SPLM, 2011: 35). IGR Forums in the SPLM publishes their annual reports on notices made available to the public from the Special Inter-Governmental, International Relations and Customer Service Committee. The committee compiles all IGR reports and minutes of meetings.

4.3. Intergovernmental Relations Policies to Govern the Relationship Between the Sol Plaatje Local Municipality and the Frances Baard District Municipality

4.3.1. Intergovernmental Relations Policies and the Role of the District Municipality

In the South African context, the local government sphere consists of three different types of municipalities, namely metropolitan-, district-, and local municipalities. The Local Government: Municipal Structure Act (1998) paves the way to the legislative framework for the consolidation and rationalisation of municipalities in agreement with the Constitution (Act 117 of 1998). On its inception, the functions of district councils were not clearly defined in legislation; the Structures Act then clarified issues of operations and functions of district municipalities and allowed for the adjustment of power divisions between the district- and local municipality (Hungwe, 2017: 31). The role of the district is outlined by the Constitution as follows:

- a) Redistribution of resources within a district according to needs;

- b) Capacitate and give aid to the local municipality to equip them with capacity that enables them to provide, and sustain the provision of services in their jurisdiction areas; and
- c) The promotion of economic development (Act No. 117 of 1998).

The White paper on Local Government (CoGTA, 1998) recognises four key roles to be fulfilled by district municipalities. These are:

- a) The completion of District Integrated Development Planning as a constitutional mandate of all district governments;
- b) Assuming the role of infrastructural development agents, inclusive of planning and development in non-metropolitan municipalities;
- c) Providing technical assistance to local municipalities, including the facilitation of the sharing of specialised capacity and equipment between municipalities, developing cooperative relations between municipalities, assisting with budget preparations, the consolidation of municipal infrastructure programmes applications, as well as the drafting of by-laws and tenders; and
- d) Playing a coordinating role for national- and provincial capacity building programmes and location of support and training infrastructure (CoGtA, 1998).

Section 88 of the Local Government Structures Act (1998) advocates for the call for cooperation between district and local municipality that:

- a) A District municipality and the local municipalities within the jurisdiction of the district municipality should cooperate, assist and support each other;
- b) A district municipality may when requested by a local municipality, provide financial, technical and administrative support services to the requesting local municipality provided that the district has enough capacity to provide those services;
- c) Local municipalities within the same district municipality may assist each other financially, technically or administratively provided there is enough capacity to do so;
- d) The Member of the Executive Council for Local Government should give assistance to the district municipality to enable the district to provide support to the local municipalities (RSA, Act 117 of 1998).

The Frances Baard District Municipality's Intergovernmental Relations Forum is set to engage on legislation, policies, and town-specific regional development matters on a strategic level between the district- and the local municipalities. The forum sees to the

implementation of national policies and legislation, the management of developmental planning, and the aligning of provincial- and local strategic and performance plans (FBDM, 2015: 100). The forum is established to ensure that different stakeholders cooperate, and that their activities are integrated. The District IGR Forum set up a Technical Intergovernmental- and District Intergovernmental Forum with the aim to coordinate IGR matters between the district- and the local municipalities, which the Sol Plaatje Local Municipality forms part of (FBDM, 2015: 100).

4.3.1.1. The Technical Intergovernmental Forum

Issues of district- and local interest are discussed in the Technical Intergovernmental Forum within and between district- and local government organs. Issues raised by the Premier's Intergovernmental Forum are also raised by the Technical IGR Forum. The forum is coordinated by the district municipality and is chaired by the district's Municipal Manager. The forum plays an informative role to the District Intergovernmental Forum for support and mobilisation (FBDM, 2015: 101).

4.3.1.2. The District Intergovernmental Forum

The District Intergovernmental Forum is chaired by the district's Mayor and constitutes Mayors from local municipalities in the district. The forum is supported by the technical IGR forum and is responsible for soliciting support further up on the IGR chain (FBDM, 2015: 101).

4.3.2. The Coordination of Relations Between the District- and Local Municipalities.

The Intergovernmental Relations Framework Act (2005) seeks to promote good relations within government while ensuring that each sphere performs its assigned functions as per the prescripts of the Constitution. The Act has the objective to bring into existence the constitutional requirements in relation to the structures and institutions to promote intergovernmental relations and dispute resolutions

mechanisms. The purpose of the legislation is to foster coordination among the three spheres of government in the implementation of policies and legislation, also ensuring proper coordination within district municipalities (Act 13 of 2005).

The Act sets up a wide range of legal frameworks that deals with:

- a) The main principles of Cooperative Governance and Intergovernmental Relations;
- b) Intergovernmental forums that are the basis for the institutional foundation of Intergovernmental Relations;
- c) Integrated service delivery facilitated by implementation protocols; and
- d) Rules on how intergovernmental disputes should be settled.

The Act also provides for District Intergovernmental Forums. According to Section 26 of the Act, District Intergovernmental Forums should:

- a) Serve as a consultative forum for the districts and local municipalities;
- b) Implement policy and legislation;
- c) Deal with matters arising from the Premier's Intergovernmental Forum that affect the district;
- d) Provide mutual assistance in terms of Section 88 of the Local Government: Municipal Structures Act 117 of 1998; and
- e) Provide services in the district.

The forum provides a platform for the district municipality and all its local municipalities to enable integrated and coordinated planning to avoid duplicating of functions (Edwards, 2000: 68). Edwards (2000: 68-70) notes that Section 29 of the Act provides directives for the establishment of inter-municipal forums that should serve as consultative forums for the municipalities that participate in the district Intergovernmental Forum to consult each other on issues of mutual interest, including:

- a) Sharing of best practices, information, and initiatives such as capacity building;
- b) Cooperating on development challenges that affect more than one municipality; and

- c) Any matters that affect the interest of the participating municipalities.

These inter-municipal forums should aim at promoting coordination and the spirit of reporting in the local government sector. The inter-municipal forums is also tasked with ensuring that the establishment of District Intergovernmental Forums are set up and have clearly defined terms of reference to ensure good coordination and integration within the District is encouraged between municipalities (RSA, Act 13 of 2005).

According to Section 17(d) of the Intergovernmental Relations Frameworks Act 13 of 2005, the local sphere of government must form part of the District Intergovernmental Relations Forums in their respective provinces. The Mayor of the Sol Plaatje Local Municipality thus forms part of the District IGR Forum. The Mayor consults the municipal council on items to present to the IGR Forum and compiles proposed agenda items. The Mayor, as any other stakeholder in the District IGR Forum, serves as a consultant to the forum. Although neither the Mayor nor the forum can change policy, they can make recommendations that assist in the improvement of public service delivery affecting their respective municipal areas (Act 13 of 2005).

4.4. Sol Plaatje Local Municipality's Measures to be Effective, Efficient, Accountable, Responsible, Transparent, and Participative

The most critical element of intergovernmental relations is the understanding of stakeholders' roles and responsibilities to avoid overlapping or overstepping. Stakeholders' ability to differentiate roles and functions makes it easy for the spheres and other organs of state, that are partners in the IGR system, to meet their legislatively mandated responsibilities. Setting timeframes and target objectives can assist implementers in responding to their constitutionally mandated responsibilities effectively and efficiently (Muthien, Khosa & Mugabane, 2000: 119). Municipal IDPs and other strategic plans set targets and timeframes that specify municipalities' turnaround time, as well as the resource needs to meet targeted priority areas. For a municipality to be transparent and show a sense of responsibility, public and stakeholder participation becomes a key element (Ndlovu, 2007: 23).

As a result of municipalities' poor performance, as well as high failure viability reported in the State of Local Government Assessment Report (CoGTA, 2009), government saw a need to put in place aiding strategies for the local government sphere. These strategies included aiding mechanism such as the introduction of the Practitioners Guide to Intergovernmental Relations to assist municipalities in being more effective, efficient, transparent, and accountable (DPLG, 2007: 5-7).

In its Integrated Development Plan, the Sol Plaatje Local Municipality provides timeframes that complement their key deliverables with accountability clauses. The SPLM notes that it can respond effectively and efficiently to its legislative duties when the Gross Domestic Strategy process is completed in a timely fashion as a tool that feeds into the municipality's five-year IDP cycles (SPLM, 2017c: 55).

4.4.1. Efficacy and Efficiency

The local government sphere is mandated to ensure that municipal service delivery is effective and efficient. As a result, planning and implementation of developments undertaken by different provincial government departments is done in conjunction with the municipalities. As such, the establishment of committees to facilitate effective governance in the SPLM became a priority with the aim to enhance integrated development and key programmes in the vicinity of the municipality Sol Plaatje Local Municipality (SPLM, 2017c: 89-92).

The principle of Distinctive Governance is a key element for the Sol Plaatje Local Municipality when engaging with IGR structures. This is shown in its commitment to ensuring that service delivery reaches the intended constituency of the municipality as part of ensuring maximum utilisation of available resources, and for improved, effective, and efficient service delivery (SPLM, 2017c: 89 - 92).

4.4.2. Accountability and Transparency

In its response to accountability, the SPLM deployed measures to regulate fiscal- and budgetary spending as a mechanism to achieve solid and sound financial

management in the municipality. The municipality's Integrated Development Plan highlights indicators that will be assessed to comply with accountability standards (SPLM, 2016: 49). The municipality assesses:

- a) The number of rejected and refused requests within the terms of office of the present council and administrative executives;
- b) The availability of funds and whether the budgets are realistic;
- c) The overall percentage of the revenue collected by the municipality;
- d) The extent of servicing debts; and
- e) The efficiency and functionality of the supply chain management system.

The Sol Plaatje Local Municipality adheres to the laws and rules set out in the Local Government: Municipal Financial Management Act 56 of 2003 as a guiding tool for its accountability- and transparency measures. The Act provides critical roles that should be adhered to; it further provides clarity to accounting structures and officers in the municipality with regards to expenditure and financial authority. In its response to financial misconduct, the SPLM placed restrictions on expenditure as per the regulations of Circular 83 of the Municipal Financial Management Act (SPLM, 2017c: 55). These restrictions include, firstly, the limit of the delegation allowed to attend seminars and conferences, and, secondly, a cap on purchases and approval of supply chain requests.

4.4.3. Responsive and Participative

As part of the process of developing an IDP for a council's term of office, the Sol Plaatje Local Municipality holds IDP community consultative meetings. The Executive Mayor, with the assistance and support of the Member of the Mayoral Committee (MMC) for Integrated Development Plan, Budget, and Performance Management Committee, presides over these consultative meetings. The Municipal Council also conducts public meetings to seek comments and inputs from invited stakeholders and community members who participate in the meetings (Craythorne, 2006: 185-186). During these meetings, the budget is also tabled, and post-budget tabling meetings are conducted. All comments and input received from stakeholders and the community are then consolidated and presented to council (SPLM, 2017c: 93 – 95).

These aspects indicate the municipality's efforts to establish a responsive- and participative system. It also points to the municipality's resolution to address the needs of the community in an integrated approach with the involvement of both internal- and external stakeholders and the community at large. By implementing process plans with specific timeframes, actions, and procedures with aligned mechanisms for participation, the municipality can be regarded as being efficient, effective, and transparent.

4.5. The Process and Attention Given to the Provision of Services in the SPLM

Public service delivery is, to a large extent, regarded as the most important function of government, even though it is not the main reason for the formation and existence of government in society. Public service delivery is the result of a social commitment made by government to ensure that community households receive the delivery of basic municipal services. The Constitution of the Republic of South Africa (1996) renders basic public services a right for all South Africans and compels the three spheres of government to ensure that they provide at least a common minimum standard of service (Mdliva, 2012: 88). In the local sphere of government, the main component of government service is the delivery of basic services to households, because households constitute the smallest consumer unit in the rendering of services (Mdliva, 2012: 88).

The Bill of Rights enshrines the right to basic services to communities, emphasising that the services must be provided in a progressive, effective, economically sustainable, and affordable way to the communities as consumers (SPLM, 2017a: 29). This is one of the measures taken by the government of the Republic of South Africa to eradicate backlogs in terms of basic needs such as housing, water, sanitation, roads, and solid waste removal (SPLM, 2017a: 30).

As are many other municipalities in South Africa, the SPLM is faced with challenges of addressing the historical backlog with regard to adequate access to quality basic services, the uncontrollable influx of people and the increase in demand for basic services, and issue of addressing ageing infrastructure, whilst trying to achieve quality

service provision with excellent basic levels of service (SPLM, 2017a: 30). The Sol Plaatje Local Municipality carries out functions that include both Water Service Authority and Water Service Provider in its municipal jurisdiction. Sections 27 and 11 of the Water Services Act 30 of 2004 places an obligation on the SPLM to ensure the supply of progressive access to quality and reliable water services to the community (SPLM, 2017a: 29). In its Annual Report 2016/17 (2017a: 29), the SPLM reports that bulk infrastructure for water- and electricity services is not enough for the envisaged future growth of its jurisdiction, whilst poor maintenance and old infrastructure lacks capacity (SPLM, 2017a: 29).

For the purpose of this mini dissertation, the discussions will focus on the strides made in four service provision areas by the Sol Plaatje Local Municipality to the communities in its municipal boundary. These areas are discussed in the following sections.

4.5.1. Water- and Sanitation Services

The SPLM reports that it ensured that all households in the informal settlements are provided with access to communal stand water taps. This is in line with the minimum requirements in terms of the water provision that stipulates that all households in informal settlements must have adequate provision of water tap stands at 200m (SPLM, 2017a: 29).

A chemical toilet, a ventilated pit latrine, or ventilation-improved pit latrine is a minimum standard requirement for sanitation services. The municipality ensured communal taps are erected in all households living in informal settlements and provided at least one ventilation-improved pit latrine or chemical toilet. These services were provided free of charge to all households living in informal settlements (SPLM, 2017a: 29).

4.5.2. Electricity

According to the 2011 South African Census Report (StatsSA, 2011), the Sol Plaatje Local Municipality succeeded in their efforts to decrease the number of households not connected to electricity from 2 601 in 2015/16 to 1 850 in 2016/17. The reduction

came as the municipality's implementation of two Snake Park Electrification Projects, entailing of 165 and 586 households respectively. This, however, does not include the estimated growth of about 2 458 not included in the reported backlog figures (SPLM, 2017a: 29). Although the municipality made significant strides in addressing basic services, electrification remains a challenge due to the growth of informal settlements on vacant land prohibiting the erection of electrical infrastructure prior to formalising settlements to township establishments (SPLM, 2017a: 29).

4.5.3. Roads and Storm Water

Due to new township development, the municipality's roads network has seen an increase of roughly 812 kilometres with some of the new roads either already paved or being temporary dirt- or gravel roads. The municipality made strides to maintain good standards and high levels of service with regards to roads and storm water maintenance and management. The SPLM Annual Report 2016/17 states that all residents have access to a road that meets the basic level of service within 500 metres of their residence, even though there may be challenges regarding the quality of road surfaces and effective storm water management (SPLM, 2017a: 29).

4.5.4. Service Delivery to Indigents

Household poverty levels have led the local sphere of government to introduce the SPLM Indigent Support service. The aim of this service is to subsidise households unable to afford basic municipal services. The Sol Plaatje Local Municipality has consistently updated and reviewed its indigent policy and status register to enable it to make provision for the servicing of its poor constituency. Although a significant number of poor households are not registered, the municipality has recorded improvements in the reliability and quality of its registration process for indigents. This process has resulted in an increase in the number of poor households registering for these services (SPLM, 2017a: 29).

The Constitution of the Republic of South Africa (1996) promotes the improvement of livelihoods for South Africans through developmental approaches to local governance. Local government thus plays a developmental role that should be understood through the consideration of four basic drivers, namely planning for development, governance and administration, regulation, and service delivery. Service delivery is the provision of municipal services to its constituency, whether directly or indirectly, including the provision of services on behalf of other spheres of government as a result of delegation, cooperative governance, and intergovernmental relations systems (Rossouw-Brink, 2007: 43-46). The Sol Plaatje Local Municipality has made provision for service delivery by enhancing policy and through legislative alignment with all spheres of government and organs of state. Although the municipality made significant strides in the provision of basic services, it faces challenges that hinders its envisaged goals and aspiration for service delivery (Hoo, 2020: 1).

4.6. Challenges and Issues Hindering Service Delivery in the Sol Plaatje Local Municipality

The National Development Plan 2030 submits that the reason for the failure of IGR systems lies in the coordination process of the relations of government. This means that role-players are either not fully committed to their roles and functions or are unaware of their respective responsibilities. Chapter 13 of the National Development Plan 2030 gives evidence that a large range of these function is not met or understood by stakeholders or intragovernmental relations partners (NDP2030, 2019: 6).

One of the main reasons for the challenges experienced by the municipalities can be attributed to the lack of proper coordination and proper structures by the stake-holding spheres of government and the structures they have established. Intergovernmental structures are seen to be less strategic in approach and are dismally failing to fulfil their strategic mandate as IGR partners (Hindson, 2003: 4). The Sol Plaatje Local Municipality is currently faced with issues and challenges that signify a lack of proper IGR systems and a lack of cooperative governance. Issues in the municipality range from a lack of good governance and public participation to the improper provision of services to its constituency. A summary of the challenges noted by the SPLM, as well

as planned changes to be implemented, relate to the following Key Performance Areas (KPAs):

- a) Good Governance and Public Participation;
- b) Municipal Institutional Development and Transformation;
- c) Municipal Financial Viability and Development;
- d) Basic and Sustainable Service Delivery and Infrastructure Development; and
- e) Strategic Economic Development Planning (SPLM, 2018).

4.6.1. Good Governance and Public Participation

The sphere of local government in South Africa is faced with challenges that hinder social service delivery. Municipalities' inability to accomplish good service provision practices is as a result of, amongst others, weak public institutions, societal non-participation in municipal processes, and decentralisation. As a result, the achievement of good services delivery practices becomes difficult (Hoo, 2020: 1). Good service delivery is significantly related to participation and democratisation, with democracy entailing that societal members, as dependents on local resources, should participate in the cycle of managing those resources. The efficacy of society, however, seems to be weakened by the more prominent issues they are faced with; thus, society has less interest in the process of managing local resources and local affairs (DFA, 2019: 1).

With regards to the SPLM, over and above weak institutions and lack of participation, lack of capital presents another challenge to providing good public services. The functioning of the municipality's KPAs is directly affected by the networks of relationships between members of society tasked with enabling effective and efficient functioning.

4.6.2. Municipal Institutional Development and Transformation

The Sol Plaatje Local Municipality's Institutional Development area focuses on the delivery of a managerial leadership that is strategic, transformable, developmental,

and able to plan for the municipality. It makes provision for the frameworks of functioning, developmental collaboration, and inclusive corporate strategies for the municipality (SPLM, 2018: 134). As this KPA is, to a large extent, dependent to social capital, challenges related to social capital have a direct impact on the area of good service delivery provision (SPLM, 2018: 139). Most challenges in this area include the economic climate, the high rate of unemployment, as well as budget constraints. The lack of enough strategic planning also negatively influences the Key Performance Areas (KPAs) of Municipal Institutional Development (Beangstrom, 2018: 1).

4.6.3. Municipal Financial Viability and Management

When financial resources are managed in a way supportive of the cycle of service delivery, good governance, and the transformation of the institution, while simultaneously ensuring compliance with the set legislative framework and its supporting regulations and circulars, it results in sound financial management. In its Integrated Development Plan Review (2018), the SPLM highlights factors that affect the Financial Viability KPA both directly and indirectly. Internal factors that negatively affect the municipality's financial sustainability include:

- a) Non-compliance with policies;
- b) The public perception of municipal tariffs as too expensive and not competitive or cost-reflective;
- c) The public perception that the SPLM's cost of tariffs and tax offerings are not of fair value;
- d) Rental charges not being market related;
- e) Penalties that do not avert transgressions;
- f) Insufficient incentives attracting required investments being offered; and
- g) Project planning and project management needing improvement (SPLM, 2018: 131).

External factors that negatively affect the municipality's financial sustainability include:

- a) The growth in debtors attributed to the economic climate, unemployment rate, and the growth of informal settlements. These factors result in communities being unable to settle their municipal bills;
- b) The high- and rising costs of electricity distribution negatively influencing electricity tariffs. The National Energy Regulator of South Africa (NERSA) does not always approve increases for electricity tariffs, straining the budget of the municipality even further; and
- c) Unfunded mandates carried by the municipality, which is another obstacle to financial sustainability. This includes health services, library services, and resorts that cost the municipality large amounts of money (SPLM, 2018: 132).

In 2018, the National Treasury highlighted that the Sol Plaatje Local Municipality would only be able to generate positive financial balances by achieving at least 85% of its collection rate. The municipal budget will be assessed, as funded for the 2019/20 financial year, with the provision that the municipality improves the collection of outstanding debtors. The municipality is projected to generate a deficit of R14.6 million rendered unfunded for the 2021/22 financial year as a result of the decrease in income and increase in creditors (ILO, 2019: 1).

4.6.4. Basic and Sustainable Service Delivery and Infrastructure Development

4.6.4.1. *Roads and Storm Water*

One quarter of the value of the Sol Plaatje Local Municipality's assets rests on the roads and storm water infrastructure; therefore, the proper maintenance and upgrading thereof is imperative. Just like other municipalities in South Africa, the SPLM is not immune to extreme pressures on the limitation of resources required to address backlogs in service delivery to communities regarded as either under-serviced or not serviced at all, and trying to maintain existing old infrastructure (Beangstrom, 2018: 2).

For the Sol Plaatje Local Municipality, the biggest challenge with roads infrastructure is securing sufficient funds to enable the municipality to spend more time on

preventative measures, which have proven more effective than reactive maintenance. Planned preventative maintenance, according to the municipality, will, to a large extent, increase the lifespan of roads, ultimately resulting in the municipality spending less on maintenance and shifting its focus to the construction of new roads (SPLM, 2018: 80).

Current estimates for repairing water drainage systems in the Sol Plaatje Local Municipality far exceeds the municipality's achievable budget, considering that a large percentage of the current storm water drainage system is inadequately capacitated due to urban densification and outdated planning, as well as architectural designs due to climate change. Changes in rain patterns, roads, private property, and unforeseen floods as a result of these climatic changes and densification, means that the municipality is faced with the challenge of crucial upgrades to its storm water infrastructure, while not possessing adequate funds to do so (SPLM, 2018: 81).

4.6.4.2. Water and Sanitation Infrastructure

The Sol Plaatje Local Municipality's IDP review (2018) includes a report carried out by the All Town Study (2014). This report found that the SPLM has enough water sources to cater for the current demand within the next ten years. However, the Vaal River's water quality is deteriorating, posing a challenge to water treatment- and operational costs, as the Vaal River is the SPLM's main water source. This challenge has led to an investigation into other water sources for the city's supply, as well as its sustainability and security. The municipality has also not as yet developed or approved a Water and Sanitation Master Plan to ensure sustainable service delivery (Head, 2019: 1).

4.6.4.3. Electricity

The SPLM is currently faced with the challenge of two priority substations - the Galeshewe and Hadison Park substations - requiring upgrading. These stations' switchgears are overloaded and require replacement to ensure both better quality and sustainability of supply to the municipal jurisdiction. The municipal infrastructure in one of the substations is under immense pressure and strain due to the demand of more

power from existing and new businesses (SPLM, 2018: 88). In an attempt to recover financial losses, the municipality was faced with challenges when it implemented an electricity levy hike of R260 per month without public consultation. This resulted in a public outcry that destabilised municipal jurisdiction and functioning. The actions of the municipality were regarded to be against good governance and in violation of the Constitution (Hoo, 2018: 1).

4.6.4.4. Housing

The Sol Plaatje Local Municipality is faced with illegal invasions of municipal land and sporadic growth of illegal settlements; this poses a great challenge to the SPLM's Housing Division. Due to evictions of illegal occupants being a difficult exercise to execute and overcome - a lack of cooperation by the South African Police Service and insufficient municipal security personnel to enforce evictions are to blame - the safeguarding of municipal land is a problem for the municipality (SPLM, 2018: 94). This challenge has a direct negative impact on the municipality's efforts to eradicate the housing backlog. Another issue is the interference of illegal settlers with the housing waiting list, as they often become permanent residents on the land they illegally occupy.

Municipal apartments have also deteriorated over the years, posing a challenge to the maintenance of these municipal rental stocks, with the municipality incurring more costs to maintain them (Naki, 2018: 1). The issuing of title deeds is another municipal challenge, as the rightful owners thereof have either left the jurisdiction of the municipality, or do not attend municipal meetings called specifically for the verification of deed holders' details and the collection of those deeds (Naki, 2018: 1). Yet another difficulty experienced by the SPLM is the transfer of deceased estates (SPLM, 2018: 95).

4.6.5. Strategic Economic Development and Planning

As the key city in the locality of the Sol Plaatje Local Municipality, Kimberley has vast spatial imbalances that present vast challenges for both urban management and social integration. This is due to different neighbourhoods being separated by solid barriers and zones with uneven densities being a source of inefficiency. Although the municipality has a development plan and agenda, there is not enough funding to support it. The state of the bulk civil engineering network is a matter of concern, particularly regarding frequent pipe bursts and water interruptions due to poor conditions and old age of the water- and sanitation infrastructures. The SPLM currently faces a lack of professional town- and spatial planners, accompanied by the usage of a large, manual system to capture and monitor building plan processes. This significantly hampers the performance of the municipality's Development and Planning Unit (SPLM, 2018: 75).

Challenges in the local sphere of government hinders good municipal service delivery to the community. These challenges are, at times, caused by insufficient support and funding to municipalities. The challenges faced by the SPLM are not unique but are common in South African municipalities due to declining economic conditions and rising levels of poverty in the country. As one of the most rural and poverty-stricken provinces in the country, the Northern Cape is forced to subsidise most of its households. This places the Sol Plaatje Local Municipality at a disadvantage of carrying the bulk of the province's income-generating sources, as it is the most urban municipality. This factor adds more challenges to the municipality's already fraught operations and existence (Kihato, 2012: 125).

4.7. Intergovernmental Relations Systems, Models, and Strategies in Mitigating Challenges in the Sol Plaatje Local Municipality

Intergovernmental Relation structures were formalised and recognised by the passing of the Intergovernmental Relations Framework Act (Republic of South Africa, Act 13 of 2005). These structures were established to promote interaction between the executive branches of government. Intergovernmental Relations Forums were established to encourage and secure the development and maintenance of

cooperation between the spheres of government. These structures and forums are, to a large extent, intended to provide an opportunity for joint decision-making as well as consultation between the spheres (Sokhela, 2006: 107-108). This section of the study will focus on structures, systems, and models that seek to mitigate challenges in the local sphere of government, with specific focus on the Sol Plaatje Local Municipality. If implemented and followed properly, these models and strategies have the potential to mitigate and minimise challenges in the local sphere of government. These mitigation models and structures are:

- a) The Local Government Management Improvement Model;
- b) The Sustainable Development Goal;
- c) The Africa Union Agenda;
- d) The National Development Plan;
- e) The Back to Basics Programme;
- f) The Integrated Urban Development Framework; and
- g) Provincial- and district development strategies.

4.7.1. The Local Government Management Improvement Model

The Local Government Management Improvement Model is closely linked to the Local Government Good Governance Framework. These models assess how municipalities comply with and deliver quality management practices. The model serves two major functions, namely learning - or improvement - and accountability. The model does not measure performance or deliverables, nor does it assess performance; its main purpose is to direct the municipality in the right direction with regards to basic service delivery. It could also aid in avoiding failures, should municipalities comply (SPLM, 2018: 144).

The model measures compliance within the following Key Performance Areas (KPA's):

- a) Integrated Planning and Implementation;
- b) Service Delivery;
- c) Human Resource Management;
- d) Financial Management;

- e) Community Engagement; and
- f) Compliance (SPLM, 2018: 144).

The model does not, however, copy current legal-, regulatory-, and prescribed best practices, but rather amalgamates them into a sole coherent framework (SPLM, 2018: 144).

4.7.2. Sustainable Development Goals (SDGs)

For the Sol Plaatje Local Municipality, as for many other municipalities, its main Sustainable Development Goals (SDGs) are poverty eradication, the fight against inequality and injustice, and fighting climate change; goals envisioned to be obtained by the year 2020. The eleventh goal of the SDGs speaks to the inclusivity of human settlements, safety, resilience, and sustainability which, are specific focal areas for the Sol Plaatje Local Municipality in its current IDP (SPLM, 2018: 145).

4.7.3. The Africa Union Agenda (AUA)

The African Union Agenda (AUA) recognises that cities are hubs of cultural- and economic activities. It envisions more modern infrastructural development and accessibility to decent housing, including financing thereof together with all the basic necessities of everyday human life. This includes the provision of water, sanitation, energy, public transportation, and Information- and Communication Technology (ICT). One of the AUA's key objectives is the provision of opportunities for all Africans to access adequate and affordable housing in proper, clean, secure, and well-planned environments (SPLM, 2018: 145).

4.7.4. The National Development Plan (NDP)

The National Development Plan (NDP) challenges all IGR partners to grapple with the task of dealing with social exclusion, environmental threats, economic inefficiencies,

logistical bottlenecks, urban insecurities, decaying infrastructure, and the effects of new- and emerging technologies. The NDP foresees a future where municipalities create homes for all to be free and connected with others in communities.

The NDP recognises that, by 2030, South Africa should have taken strides towards meaningful and measurable advances in the revitalisation of rural areas. Progress should also have been made in creating better functional, integrated, balanced, and vibrant urban human settlements. For the realisation of the above, the NDP proposes the following:

- a) Clarity and relentless pursuing of a national vision for spatial development;
- b) Sharpening the instruments for achieving the NDPs vision; and
- c) Building the required capabilities in the state and among citizens (SPLM, 2018: 145-146).

Stronger social partnerships between government, organised labour, organised business, and the municipal constituency are needed to attract and deal with the issues of investment, unemployment, and poverty challenges. These aspects are addressed, in the South African contexts, in the National Planning Commission's National Development Plan: Vision 2030. The Sol Plaatje Local Municipality contributes towards this particular NDP vision, as it prioritises the advancement of a Growth- and Development Strategy with a long-term (30 year) planning horizon (SPLM, 2018: 145-147).

Government has put in place plans and frameworks to deal with municipalities' long-term planning. However, the sectoral approach of such plans and frameworks complicates the decision-making development due to its incoherence. Yet more plans and frameworks are put in place to deal with these incoherencies in the municipality, but these are weak and outdated in terms of alignment and integration. The SPLM has consequently appointed service providers to deal with such incoherencies and to review current sectoral- and developmental plans. The National Treasury has also appointed consultants to address the long-term financial strategy of the Sol Plaatje Local Municipality (SPLM, 2018: 145-147).

4.7.5. The Back to Basics Programme

The NDP emphasises that, for the local sphere of government to meet its developmental and transformational agenda, it requires functional mechanisms to be put in place at local level. These mechanisms should be able to create capable systems that address the need for a safe, economically sustainable, and healthy areas where communities can function, work, live, and socialise. The aim of the Back to Basic programme is to improve the operations and functioning of municipalities for the improvement of services to communities by obtaining basic principles (SPLM, 2018: 1149).

The goal of the Back to Basics programme is to improve the operations of municipalities to, in turn, better their provision of services to communities by perfecting the basic elements. This means that municipalities must, therefore:

- a) Develop fundable consolidated infrastructure plans;
- b) Ensure infrastructure maintenance and repairs to reduce losses with respect to:
 - i. Water and Sanitation;
 - ii. Human Settlements;
 - iii. Electricity;
 - iv. Water Management;
 - v. Roads; and
 - vi. Public Transportation (SPLM, 2018: 136).

4.7.6. The Integrated Urban Development Framework (IUDF)

The Integrated Urban Development Framework (IUDF) was adopted by Cabinet in April 2016 in an attempt to redirect urban growth towards a sustainable growth model of impact, attached to planned cities and towns. Its major achievement is spatial transformation. IUDF feeds from the National Development Perspective conception of

spatial transformation. It also finds expression in the creation of urban- and regional planning systems by advocating that elements of urban structures – including land, employment, housing, and public transportation - can be used as a tool to promote urban infrastructure. The SPLM serves as a pilot for this framework with strategic objectives linked to the principles set out in the IUDF (SPLM, 2018: 149).

The IUDF is directed by five principles set out in the National Development Plan. These principles are spatial justice, spatial sustainability, spatial quality, special efficiency, and special resilience. The IUDF introduces four strategic goals to achieve this transformative vision (Kihato, 2012: 119). These goals are:

- a) Spatial integration with the aim to forge new spatial forms in settlement-, transport-, social-, and economic areas;
- b) Inclusion and access to ensure that communities have adequate access to social- and economic services, opportunities, and choices;
- c) Inclusive growth to harness urban dynamism for inclusive, sustainable economic- growth and development; and
- d) Governance to enhance the capacity of the state and its constituency to function for the achievement of spatial and social integration (SPLM, 2018: 149).

In the Northern Cape Provincial Growth Development Strategy 2004-2014, the Northern Cape government sets out specific focus areas for provincial development. This strategy paves the way for development planning and clarifies the strategic planning direction the province is taking. In this document, municipal IDPs are also included; it thus plays a crucial role in the promoting of growth, diversification, and transformation of the provincial economy, the use of social development to eradicate poverty, improving the efficiency and effectiveness of governance and other development institutions, and enhancing infrastructure for the economic growth and social development (SPLM, 2018: 149).

4.7.7. Provincial- and District Development Strategies

The Northern Cape Provincial Growth and Development Strategy (NCPGDS), mentioned above, sets out the development plans for the Northern Cape Province. It establishes the development planning and sketches the strategic planning for the pathway in the province (SPLM, 2018: 151). The main objectives of the NCPGDS are:

- a) To promote the growth, diversification and transformation of the provincial economy;
- b) To eradicate or reduce poverty through social development;
- c) To develop standard levels of people and social capital;
- d) To improve the efficiency and effectiveness of governance and other development institutions; and
- e) To enhance infrastructure for economic growth and social development (SPLM, 2018: 151).

The Northern Cape Province is currently developing a Provincial Growth Plan that is aimed at responding to the NDP. It will include the objectives of:

- a) Providing comprehensive goals for what the province wants to achieve by the year 2030;
- b) Building agreements on identifying crucial obstacles to the province reaching its set goal and strategies to overcoming those obstacles;
- c) Providing a common long-term strategic framework with an explicit direction for planning in order to achieve the long-term goals set out in the NCPGDS; and
- d) Creating standards to decide the best ways to utilise limited resources (SPLM, 2018: 151).

By highlighting structures and forums consulted by the SPLM when planning, the municipality aligns its programme of action with those set by Intergovernmental relations structures at both national- and provincial level. These are structures, policies, and forums that were enacted by the Intergovernmental Relations Framework Act of 2005, Section 33(4), which provides that Intergovernmental relations structures

must also comply with internal procedures to guide their developmental- and implementation path for service delivery (Sokhela, 2006: 107-118).

4.8. Summary

The purpose of this chapter was to provide an overview of the assessment and processes of intergovernmental structures in the Sol Plaatje Local Municipality. A summary of the municipality's governance structures and its adherence to constitutional frameworks and policies is provided with the aim to highlight how these structures and policies influence the municipality's provision of basic services, as well as the inherent challenges. This section highlights the need for stronger IGR structures and processes for the local sphere of government to achieve its mandated objectives. Intergovernmental relations is a process based and dependent on the initiatives of government; it relies on stakeholders to contribute to the structures and adhere to legislation and policies.

For local spheres of government to meet its envisaged goals and responsibilities, the Constitution of the Republic of South Africa makes provision for cooperation amongst the provincial- and the local sphere of government. These spheres need to cooperate in order to meet their service delivery outcomes. If these spheres of government were to achieve an integrated service delivery objective, they would have to adhere to and comply with the policies and legislation set up to govern their relations for effective and results-driven cooperation. As per legislative prescriptions, cooperative governance is highly esteemed and should play a critical role in Intergovernmental Relations if desired outcomes are to be achieved (Rossouw-Brink, 2007: 17). This then makes compliance with the law a critical function of intergovernmental relations.

With cooperative governance, the three spheres of government are coordinated so that each sphere has a different function interrelated with the others. In the Sol Plaatje Local Municipality, the role and function of cooperative governance is to respond to provincial- and district strategies and the Provincial Growth Development Strategy, which seeks to address planning for development and outline the strategic planning direction in the province (SPLM, 2018: 151). In its IDP Review (2018), the SPLM provides that it adheres to provincial IGR- and cooperative governance objectives by

promoting the growth and transformation of the provincial economy as listed in the Provincial Growth Plan.

The South African Local Government Association (SALGA) has put in place rules and procedures so that local spheres of government can harmoniously coordinate and integrate their functions. As a result, the Sol Plaatje Local Municipality reports to the district council meeting on a regular basis during their IGR structure meetings. The municipality also reports to the local municipal council all the resolutions passed during District Council meetings. This cooperation has enabled the different levels of the local government spheres to align objectives and make informed decisions on issues that have influence on the entire district as well as the local municipality, whilst also avoiding the emergence of disputes between the municipalities (SPL, 2018: 151).

It can be concluded that the SPLM has adequately attended to intergovernmental relations systems. The municipality shows significant knowledge of its role in the value chain as well as the roles of cooperative governance and other supporting structures with compliance to legislation and policies. Although the municipality has recorded successes in its deliverables and mandate, there are challenges that need to be addressed for the municipality to achieve all its objectives. These successes can be attributed to the municipality's adherence to principles set out in the Constitution and guidelines for conducting intergovernmental relations. It should also be noted that lack of cooperation due to bureaucracy, improperly coordinated structures, and lack of capacity to implement desired or mandated programmes and policies, will have a negative effect on the municipality's efforts to provide effective and efficient basic services to its constituency (Edwards, 2008: 74).

CHAPTER 5

INTERPRETATION AND EVALUATION OF THE RESEARCH

5.1. Introduction

Sound and salient research requires a well-structured and extremely thorough approach to the construction and implementation of the study, as well as the collection, interpretation, assessment, and analysis of data. Fossy, Harvey, McDermott, and Davidson (2002: 723) state that, in research, the criteria for evaluation requires consistency with the theoretical position (paradigm) and the reason for the chosen research method. The criteria for evaluating sound research involves adhering to the criteria for good practices and trustworthiness in the behaviour and interpretation of the collected data (Fossy et al., 2002: 723). Due to the increased quantity and availability of public research data, research analysis has gained popularity among social science scholars. The availability of this data makes provision for researchers to study and analyse new theories with better informed research questions, while driving new and additional interpretations and assessments that might have been missed in the research findings (Sherif, 2018: 1).

Evaluation is a form of study that includes social research methodologies to evaluate and assess investigated outcomes. In this chapter, measuring the output and impact, the process of collecting data, and qualitative methods used in arriving at the outcomes, will be outlined. Evaluating data is a meticulous and systematic process that includes the collection of information about the institution being investigated, its processes, programmes, and relations (Powell, 2006: 102). For the purpose of this research study, data on the Sol Plaatje Local Municipality and its intergovernmental relations system will be interpreted and evaluated to enhance what was found about the institution's intergovernmental relations structures and processes, in order to derive practical applications (Powell, 2006: 102).

Although it can be agreed upon that not all research topics can be evaluated, many interpretations and evaluations are motivated by the need to justify the research and find possible interventions, making evaluations a demand-driven process (Garbarino & Holland, 2009: 4). The processes of research evaluation, interpretation, and

assessment are likely to positively influence the outcomes of the research (Garbarino & Holland, 2009: 4). Qualitative research involves a process of combining and comparing ideas. In acceptable research, the thinking can be changed, strengthened or weakened, qualified or elaborated. To arrive at desired outcomes, there should be a focus on the process and the methods used and interpretations (Stiles, 1999: 99).

5.2. The Qualitative Analysis Process

The data analysis methodology used for this mini dissertation is qualitative, because information was gathered from non-numeric and textual formats. Qualitative data analysis is the process of evaluating and interpreting information collected by the researcher (Sherif, 2018: 4). The underpinning of qualitative analysis is to draw different information and findings together, make sense of it, and contribute to the stated research problem. The data collection process for this study was iterative and the data was reviewed to shape the outcomes. Research on intergovernmental relations was collected on a constant basis and interpreted before being transferred for analysis. Most importantly, constantly reviewing the material ensured that it was valid, reliable, complete, precise, had integrity, was current, and met the set timelines.

Peersman (2014: 6) provides a summary of the aspects of data quality as:

- a) Validity: The process of ensuring that data measures exactly what they are meant to measure;
- b) Reliability: ensuring, firstly, that data are measured and collected constantly to standardised definitions and methodologies and, secondly, produces the same results when different measurements are used repeatedly;
- c) Completeness: making sure that all the elements of data are included in the process of collecting and analysing it;
- d) Precision: when data is collected, there should be measures to ensure that it is sufficient, with adequate details to be included in the research process;

- e) Integrity: there will be no subjectivity or biased analysis of data, and that the data will be protected from deliberate manipulation for political and personal reasons; and
- f) Timeliness: ensuring that information is current and is available on time (Peersman, 2014: 6).

Additionally, the literature review and policy documents were the main sources of data for collection and analysis. An analysis was done by unpacking raw data from both earlier documents and recent information about intergovernmental relations in South Africa, and in the Sol Plaatje Local Municipality, to acquire clear methodological understanding. This provided an opportunity to gather new information and evidence and produce new conclusions on the subject matter (Sokhela, 2006: 212). Qualitative methods also provide the possibility to deeply engage with the proposition, draw insight from previous studies, and possibly deduce independent research data for secondary analysis (Sherif, 2018: 4).

The first step in presenting this study's research problem is to review the depth and functionality of intergovernmental relations in South Africa. It then needs to be assessed whether it is possible to draw on different types of indicators of intergovernmental relations at local government level. Peersman (2014: 1) indicates that a well-chosen and properly implemented method for data collection and analysis is crucial for research evaluation (Peersman, 2014: 1). A systematic approach was developed to analyse intergovernmental relations and cooperative governance. After the information was reviewed, it was organised to make it easily manageable, which eased navigating of the information. The indicators were grouped to simplify the process of data collection and analysis, while saving time before interpreting it. After grouping the data, it was coded to identify and label all the themes related to intergovernmental relations in the local government sphere with the emphasis on the Sol Plaatje Local Municipality. This chapter will involve the interpretation of the data and give meaning and importance to the collected data and information.

It is important that the process of evaluation expands beyond assessing the average impact to identify the reach of the study. The evaluation stage should be able to clarify whether the data collected responds to specific key evaluation questions and whether the evidence required to make appropriate judgement about the study is enough. The

analytical framework should be outlined during the process of evaluation and interpretation. This should include the way data analysis will address the research question and whether intended results are obtained (Peersman, 2014: 1). Evaluation and interpretation involves the usage of appropriate textual analysis methods, as well as triangulating different data references and perspectives, to increase the credibility of the evaluation findings (Peersman, 2014: 1).

5.3. Interpretation and Evaluation of the Research

In this section of the mini dissertation, the rationale behind the chosen study and the methodology used will be thoroughly interpreted, evaluated, and assessed. The methods and techniques used to collect data will also be assessed and interpreted. The chosen research ideology was, to a large extent, dependent on the aims and the premise of assessing intergovernmental relations at local government level, with specific focus on the Sol Plaatje Local Municipality. Given the extensive study of the literature regarding the SPLM, its intergovernmental relations structures, and its IGR processes, a historical research approach was followed. The Constitutional prescripts of IGR and cooperative governance, along with the legislative frameworks thereof, will be interpreted and assessed in order to align their relevance to the local government sphere. An evaluation of the role of IGR structures in the SPLM will be conducted so as to better understand their operations and functionality, while also trying to link them to possible challenge-mitigating solutions. To provide a robust understating of the chosen study as a tool to assess intergovernmental relations and cooperative governance in the local sphere of government, the SPLM's background is discussed.

The goal of interpreting and evaluating the data is to obtain an in-depth analysis and assessment of the relationship between the three spheres of governance, their cooperation, interrelations, and challenges. These challenges to local government, especially in terms of the SPLM, were chosen in order to better understand why they still exist 25 years into the new Constitution of the Republic of South Africa. To this end, the impact of intergovernmental relations, as well as cooperation between the three spheres of government on local spheres of government, are assessed.

Effective intergovernmental relations structures depend on institutions tasked with implementation of government programmes, policies, and legislation. Pillay (2004: 586) states that South Africa's complex political design is a contributing factor to the failure of governance and cooperation between the three spheres of government. This has adversely affected democratic values, principles, stability, and trust in government, resulting in damaged relations between the governed and the government. Practical challenges have increasingly emerged since inception of the democratic government due to improper coordination of functions and the work within the South African public service, organs of state, and among the various sectors of society (Pillay, 2004: 586).

The aim of this chapter is to identify the major key issues and challenges experienced by local spheres of government with regards to cooperative governance and intergovernmental relations, particularly in the Sol Plaatje Local Municipality. Several identified constraints and challenges within current legislation and policy, that hinders or advances intergovernmental relations and cooperation between the spheres of government, are interpreted and evaluated. Existing intergovernmental relations processes, systems, and capacity constraints in the Sol Plaatje Local Municipality in relation to IGR will also be assessed.

The Interim Constitution of 1993 played a critical role in shaping the pathway for the 1996 Democratic Constitution of the Republic of South Africa. The Constitution makes provision for the distribution of power, by which all authorities and spheres of government would function independently, but integrated. This Constitution divides functions and responsibilities amongst the spheres of government and gives each sphere the authority to be distinctive. This distinctiveness necessitates the South African government to be cooperative. The legislative authority is the law-making authority, the judicial authority is responsible for the upholding of the law, and the executive authority is responsible for the implementation of those laws, with both the judicial- and executive authority enjoying the same independence under the legislation.

The executive authority, however, plays a critical role in all these authorities, as it must show a much bigger commitment to the implementation of cooperative government. This commitment is the result of government's attempt at improving service delivery

and mitigating duplication of functions amongst the three spheres of government. Government can legitimise itself by delivering on its commitments with the provision of reliable services to the public. In its current form, the Constitution binds the three spheres of government to legitimacy and fairness in the way they implement policy and laws are designed to push back the frontiers of service delivery (World Bank, 2017: 14). Separating the powers and authority given to the three spheres of government came about as a mechanism to monitor governments and keep them accountable, thus ensuring that the different spheres know their roles and limitations in exercising governmental powers, which is essential to the realisation of the values of the societies they serve. This control keeps government in line with the values it should promote, while also keeping it from being self-destructive (Venter, 2000: 220).

5.3.1. Interpretation and Evaluation of the Role of Intergovernmental Relations in the Local Sphere with Emphasis on the Sol Plaatje Local Municipality

This study investigates IGR structures in the Sol Plaatje Local Municipality as well as the role they play in the functionality of the municipality. The efficacy and efficiency of the role of intergovernmental relations structure in the municipality is also assessed and evaluated. The main aspect needing interpretation is IGRs' decision-making processes and whether they are binding or implemented to the best functionality of the municipality. Further, whether IGR forums do exist and how functional they are need scrutinising. Intergovernmental relations structures and systems aim at assisting the municipality to deliver on its mandates and share functions with other institutions to advance service delivery to the constituency of the municipality. However, are effective structures put in place to implement and communicate decisions taken at the IGR Forums and structures?

Intergovernmental relations and cooperative governance operate within the legislative prescripts for public administration, binding them to the norms and values of public administration, and should not in any way undermine the Constitution of the Republic. The operations of these forums and structures must be guided by the Intergovernmental Relations Framework Act 13 of 2005. The Sol Plaatje Local Municipality's Mayoral IGR forum is cognisant of:

- a) The national perspective of IGR in the Republic;
- b) The requirements for compliance to the provisions of the Intergovernmental Relations Framework Act 13 of 2005;
- c) The administrative support issues, including the role of the secretariat's support to the Mayoral IGR forum;
- d) The aim and responsibilities of the Mayoral IGR forum;
- e) The impact of the forum on the municipality's service delivery objectives;
- f) The need for cooperative government and integration with other institutions of government;
- g) The forum's participation in the District Mayoral forum; and
- h) The need for implementation of resolutions and decisions taken by the Mayor's IGR forum (SPLM, 2018: 142).

The effectiveness of IGR structures in the Sol Plaatje Local Municipality is measured by its transformational outcome on the constituency and the programmes implemented by the municipality. Intergovernmental relations processes among the spheres of government should be able to transform the livelihoods of the constituency of the country. The local sphere of government's ability to manage intergovernmental relations plays a crucial role in socio-economic development and poverty alleviation. When facilitated properly, IGR structures can link different functions and institutions of government together to embark on joint work for effective service delivery and shared financial responsibilities. Effective and functional intergovernmental structures and processes have the potential to implement programmes and projects with informed needs analysis outcomes, as advised by technical support teams and financial viability assessments.

Municipalities in the local sphere of government are, amongst others, faced with the reality of having to spend a larger portion of their financial budget on addressing road- and infrastructure maintenance, social challenges, healthcare, and basic services, including the provision of rebates and indigence services for the poor. The local government does not preside over communities that are self-sufficient or economically viable; this poses an even bigger challenge to municipalities. Intergovernmental

relations should include the three spheres of government trying to prevent such challenges. If Intergovernmental relations structures were aware of their role in the value-chain, municipalities would be spared from bearing the burden of service delivery and would have adequate financial budgets to implement effective services to the public. Citizens would know their roles and responsibilities in participating in municipal IDP processes and making significant contributions.

5.3.2. Interpretation and Evaluation of Intergovernmental Structures and Processes in the Local Sphere with Emphasis on the Sol Plaatje Local Municipality

The failure of Intergovernmental relations and cooperative government structures and processes in the local sphere of government can be attributed to financial constraints and the inability of the sphere to implement the Constitution and legislative policies. The local sphere of government is prone to challenges of capacity, political interference, transparency, and accountability. As is evident, the local sphere is tainted as the hub of corruption amongst the three spheres of government. Municipalities are ranked amongst the most dysfunctional institutions of government in the country due to the disregard of the rule of law and the necessary human capacity to deliver on developmental mandates. When citizens and political office bearers are not afraid of the consequences that follow as a result of the disregard for the rule of law, and the separation of powers, they engage in acts that compromise the Constitution.

The local sphere of government is not regularly held accountable for its failures and shortfalls with regards to service delivery. Intergovernmental relations structures in the Sol Plaatje Local Municipality do not function at their expected capacity, and public participation in the processes of Integrated Development Planning is inefficient. Processes and intergovernmental structures in the municipality are not responsive, effective, and efficient, but there are no consequences.

The value of cooperative government structures in the municipality and the local sphere of government is evident with the integration of local government and traditional affairs; however, it lacks proper planning and management. In some areas, it is unclear whether traditional leaders are above local government authorities, and the roles of both are not clearly defined to the constituencies. Traditional leaders are

also paid from the national- and provincial financial budget, but their roles in the communities are negligible and not impactful. Intergovernmental relations would have a significant role and value if effectively implemented. The local sphere of government is unable to construct structures and process that allow it to stand above the other two spheres. This begs the question: why do we need this sphere of government and what value does it bring, particularly if it fails at implementation?

National government receives a larger portion of the budget allocation with the local government, with municipalities receiving the least. For the 2010/2011 financial year, the allocations made through the Division of Revenue Act (2010) provides national government with 64% of the revenue. Provinces derive $\pm$ 32%, and municipalities receive only 4% of the available budget. In its report, *State of Local Government in South Africa* (2009), the Department of Cooperative Governance and Traditional Affairs reports extensively on the financial- and governing challenges facing local government. Out of the 13 interventions by provincial municipalities in terms of Section 139 of the Constitution (1996), eight were ascribed to either financial-, financial- and governance-, or financial- and human resource problems. Only three of the interventions have been ascribed to lack of service delivery (COGTA 2009:18 as cited in Thornhill, 2011: 50-51).

5.3.3. Interpretation and Analysis of Challenges for Intergovernmental Relations with Emphasis on the Sol Plaatje Local Municipality

Political transformation and its challenges have a negative impact on any governing body that fails to put in place proper mitigating structures and policies. The root of the local sphere of government's challenges in relation to intergovernmental relations and cooperative government needs to be identified in order to enable municipalities to effectively address those challenges. Identifying and unpacking the issues related to and affecting the local governance sphere in South Africa, with emphasis on the SPLM, forms part of the assessment of intergovernmental relation structures in the SPLM. The aim is to assist in providing long-term solutions to these challenges. It is still evident to date that South Africa is structured unequally in terms of socio-economics, and that the local sphere of government is central in redressing those inequalities. This puts cooperation amongst the spheres of government and organs of

state at a critical position for transformation and good implementation of government policies and programmes.

There are, however, challenges facing the executive body of government. The local sphere of government is regarded, in principle, as the centre of service delivery and implementation, but receives the least of the budget. Thus, the local authority of government is always amongst the poor performers and are faced with the lowest records of effective and efficient service delivery. Some issues range from internal human resource factors to external service provider factors. In local government, resources and infrastructure are important, but it will undoubtedly be the people who, through their management and daily work, ensure adequate public service and functional intergovernmental systems. The South African Local Government Association (SALGA) proposes a human resource development strategy for developmental local government (Van der Walddt, 2002: 2). Local government should be regarded as the most important aspect of the executive sphere of government, but it is the most neglected. The 1996 Constitution does not make steadfast strides to give local government more power or authority over the national- and provincial spheres of government.

Challenges in the Sol Plaatje Local Municipality have practical implications, which show that IGR and its structures in the current governmental system need attention if service delivery is to be improved (Thornhill, 2011: 46). This realisation highlights the role the executive authority of government must occupy to address challenges in local spheres of government. The role of the three spheres of government should be unpacked, and their importance in the value chain of service delivery and socio-economic transformation in the SPLM should be highlighted.

The 2011/2012 consolidated report on municipal audits (AGSA, 2012) indicates that 78% of municipal managers, 82% of executive financial officers, and 86% of supply chain managers do not possess the prescribed qualifications. Political loyalty is more important than ability, and this causes concern. Municipal Managers and municipal councils take illegal and uninformed decisions. This is evident with the current turn of events at the SPLM, where courts reverse decision taken by council and the governing party. Other cases of incompetence in the local sphere are cases opened by AfriForum against municipal managers and mayors of the Cederberg, Oudtshoorn, and

Mogalakwena (Potgietersrus) municipalities. In the latter case, a senior official was redeployed at the same municipality after being found guilty of 26 charges of mismanagement, corruption, and fraud. The district manager of the African National Congress (ANC), the ruling party in the Waterberg district, instructed the Mayor and the Speaker to reappoint the same person and threatened them with disciplinary action should they refuse (Rautenbach, 2014).

Challenges facing the Sol Plaatje Local Municipality are multifaceted, ranging from the delivery of services to its constituency to operational- and fiscal challenges from within the municipality. Some of the challenges highlighted in this research are cited by the Sol Plaatje Local Municipality itself (SPLM, 2018). These are:

- a) Good Governance and Public Participation;
- b) Municipal Institutional Development and Transformation;
- c) Municipal Financial Viability and Development;
- d) Basic and Sustainable Service Delivery and Infrastructure Development; and
- e) Strategic Economic Development Planning

Families depending on government's social relief programmes for income, as well as child- and youth headed families depending solely on government subsidies for survival, education, healthcare, and other social needs needed for daily human use, rely on the municipality for basic services. Therefore, municipalities are faced with the challenge of omitting the receivable of rates and payments for services from such constituencies. Municipalities are further burdened with trials of growth and structural development, disabling them from generating incomes from rates and services. However, they are constantly expected to provide services and sustain infrastructural maintenance. With this realisation, intergovernmental relations can occupy the role of overseers and monitor the transition and graduation of indigent recipients to enable municipalities to generate an income. These challenges will require policies that bring about fiscal adjustment and economic diversification (Basdevant, 2008: 5).

An important principle that should be implemented in an institutional framework that will develop the local government sphere is an adequate amount of local government autonomy. This independence is also not intensified with the mere decentralisation of

functions. The issue is that the local government sphere's independence is pervasively compromised when functions are given to municipalities without the necessary accompanying resources. This gives a rise to unfunded mandates. A major requirement for successful autonomy, which will be able to facilitate adequate developmental implemented at the local sphere, is the clearly outlined division of responsibilities amongst the three spheres of government (Zulu, 2014: 85).

Unfunded mandates are one of the most outstanding issues with the current role and capacity of municipalities. The implementation of similar programmes between the spheres of government causes various challenges for the effective and efficient operations of government. The Financial and Fiscal Commission's *2012/13 Submission for the Division of Revenue Technical Report* (FFC, 2013) researches the impact of unfunded mandates in municipalities. The results show that the local governments implement certain functions, such as health care services, libraries, housing services, museums, and roadworks maintenance, amongst others, on behalf of the provincial sphere of government (Zulu, 2014: 82-83).

5.3.4. An Analysis of the Role of Cooperative Governance Between the Three Spheres of Government with Emphasis on the Sol Plaatje Local Municipality

There is no doubt that cooperative governance can be complicated. It has been subject to extensive analysis and explanation by a variety of experts, with a corresponding variety of definitions. Competing philosophies around the issue of cooperative governance are based not only on assumptions regarding the intersection of economic and political management, but also the relevance of institutions to develop outcomes (Kaufmann et al., 2009: 253-287). This emphasis on cooperative governance, and the efforts made to measure its patterns and understand its dynamics, is crucial to governmental interrelations.

It cannot be argued that cooperative governance matters, and its different dimensions can play a useful role in the following:

- a) Drawing attention to problems and opportunities;
- b) Monitoring compliance with standards;
- c) Evaluating efforts to support reform; and

- d) Informing decisions regarding what reforms to implement and how these should be implemented between the three spheres of government and the organs of state.

Cooperative governance plays an important role in the facilitation of political-, economic-, and institutional dimensions between government institutions. It comprises six indicators, namely voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, and control of corruption. The aim for cooperation between the spheres of government is to advance the objectives of government and to ensure that government departments and municipalities practice clean and good governance. The six indicators build the foundation for the measurement of government performance as well as successful cooperation amongst the spheres (Kaufmann et al., 2014: 2).

Not only is cooperative governance a relationship between all the spheres of government, it is also a partnership between government and the civilians or constituencies; the people. Governments are elected to lead and govern over the constituency, thus making the people an important part of cooperative governance. Consultation encourages dialogues where communities speak to government, articulating their needs. A bottom-up approach system is followed where government listens to the people. This system should also exist in intergovernmental relations, where local government gives mandate to the provincial- and national government. As indicated, the SPLM's IDP encourages a system which inculcates the development of an affordable and efficient communication system to connect regularly with communities and disseminate urgent information. The basic measures to be monitored include the existence of the required number of functional ward committees, the number of effective public participation programmes conducted by councils, and the regularity of community satisfaction surveys carried out (SPLM, 2018: 29).

At the wider level of governmental-civil society relations, systems are developed to advance public participation in policy development processes in all the three spheres of government, mainly at the municipal level. The ruling party and government places significant importance on the need for citizen participation, especially at municipal level. Here, legislation and policy engagements are at a formulation stage for citizens, particularly in terms of local government relations. Municipalities are expected to

develop structures, systems, and practices for promoting citizen participation, which include, amongst others, Integrated Development Planning processes, local government-, public-, and community hearings, and council ward committee systems (Tapscott, 2017: 77).

For successful cooperation between the national-, provincial-, and local spheres of government, cooperative government needs policies clarified and communicated effectively; this serves to enable the three spheres to understand and recognise the types of policies being advanced and implemented by government. This means that intergovernmental relations might function better when all three spheres of government, as well as organs of state involved in the implementation of government policies, liaise with each other and their targeted constituency regarding the intention of the policy and its timeframes (Zulu, 2014: 86-87).

Intergovernmental relations and cooperative governance comprise systems planned with precision and measures to effectively deal with the envisaged outcomes, whether positive or negative. It seems that the SPLM does not have contingency measures in place to deal with possible conflicts that might arise in intergovernmental structures and between the other spheres of government. Although the ideas behind the formation of the cooperative and interrelations systems between the spheres of government has good intentions, the poor implementation thereof is disastrous. Had government first consulted and negotiated with other political formations and included them in their plans for decentralisation and transformation, lucrative solutions could have been debated and implemented. Had this been done, stakeholders and IGR civil society structures would have been patient with the pace at which transformation and cooperation currently takes place and would have taken ownership of the direction it is taking.

5.4. Summary

The system of intergovernmental relations in South Africa requires the three spheres of government to collaborate and build strong, adaptable, goal-oriented relations that can promote their partnership without weakening performance and accountability. This is possible if political office-bearers and government officials change their way of

thinking to welcome cooperation. Malan (2005: 240) expresses that, for government to ensure development, state institutions should invest in capacity building and the strengthening of state institutions. Contrary to the notion that the national- and provincial spheres of government create institutional structures to build sustainable development, and the local sphere is regarded as the service delivery institution, it can be concluded that the system of intergovernmental relations is hindered by two major inadequacies, namely:

- a) The realisation and implementation of critical national developmental priorities, that includes the three spheres of government, is an uncertain and unclear process amongst the spheres of government, with clearer exceptions of the budgeting processes. There are numerous structures and processes that exist with uncertain interrelationships; and
- b) The facilitation of service delivery programmes is determined by jurisdiction amongst government departments and the organs of state in situation of policy priorities cutting across departmental mandates and legislative policy. Measures of facilitating service delivery via Intergovernmental Relations are impromptu and not clearly defined. The outcome is poor integration of service delivery at the local level, duplication of functions and programmes, mandates that are not budgeted for, and an overall inadequacy to build relations or to collaborate in joint action (Malan, 2005: 241).

It should not be omitted that South Africa is a country with a new democratic dispensation and a new government that inherited the dysfunctionalities of an imbalanced system and society. The values of intergovernmental relations are not fully realised or implemented. This is evidenced by a lack of skills and dually capable individuals to manage government institutions and departments at national-, provincial-, and local level for the executive authority to function properly. This dysfunction is mainly found at local level where cooperative governance should be succeeding, and services delivery is mainly implemented. Poor management and lack of proper integration of governmental relations in that level suggest that the executive authority and intergovernmental relations in South Africa are not highly valued. Although good policies and laws exist in South Africa, the implementation thereof leaves much to be desired.

A different approach to intergovernmental relations is needed between the three spheres of government. This approach should encompass the change in government relations and cooperation. It is almost inconceivable that, 25 years into the democratic government, South Africans are still faced with challenges of transformation and service delivery. The country needs a government that encourages participation of citizens in policy processes and governance and that makes efficient human capacity a priority in government structures, mainly at the local sphere of government comprising municipalities.

The national government is focused on formulating policies that will advance service delivery but omits the need to capacitate its implementing spheres. This type of government is not responsive, and transparency is likely to be compromised. The South African government must be cognisant of the challenges that hinder good service delivery and cooperation between government institutions. Failure to do so will result in a dysfunctional and unintegrated government, and the consequences thereof will be corruption, incompetence, the rise in poverty and inequality levels, and the poor functionality of municipalities. The ignorance displayed by government and South Africans at large is costly and will ultimately lead to a collapse of the municipal system.

CHAPTER 6

FINDINGS, RECOMMENDATIONS, CONTRIBUTION, AND CONCLUSION

6.1. Introduction

The aim of this study is to assess the workings and processes of intergovernmental relations at the local government level with the focus on the Sol Plaatje Local Municipality (SPLM). Chapter six of this research mini dissertation summarises what the study has attempted to find and what was garnered regarding intergovernmental relations and cooperative governance. One of the main objectives of this chapter is a restatement of the main research question, so as to indicate whether data has been supported or rejected. A brief summary of the data compiled in the first four chapters of the study, as well as an overview of the interpretation and evaluation chapter, is provided. By doing so, the aim is to reiterate the purpose of the study, the processes followed to collect and analyse the data, and the main findings of the study. This chapter is then an accurate reflection of the entire body of the research study (Mugenda & Mugenda, 2003: 151). Findings are an important part of the study, because they help the research study to reach its apex by providing responses to the research question.

Themes on intergovernmental relations in South Africa and in the SPLM are drawn together in chapter six. This serves to recapitulate the ideas of IGR at local government level and link these to the research problem and / or objectives to arrive at general conclusions. Everything considered, conclusions are reached based on evidence and reasoning from findings; thus, together with the findings, conclusions will either verify or refute the logic of the study's research problem (Mutai, 2001: 35). Good and acceptable conclusions are those that logically flow from the findings (Mutai, 2001: 35). The recommendations section will align the mini dissertation so that it does not become tangential as it nears its conclusion. Therefore, the recommendations section of the report will be constructive and practical. In this research study, recommendations are substantiated by findings, and said findings are communicated without limitation. Mutai (2001: 62) concurs that there should be an explanation and a relationship between findings and the research problem, as stated in the main

structure of the research, and a diversity of options emerging from the research study (Mutai, 2001: 62).

6.2. Presenting the Research Problem

This main objective of the study is to assess IGR process, establish and express the roles and functions of intergovernmental relations and cooperative government in the Sol Plaatje Local Municipality, and investigate the manifestation of intergovernmental relations in South Africa. The systems of intergovernmental relations and the legislative framework that guide the operations of IGR structures and forums are faced with challenges that disable the local government from functioning at its full capacity, thus hindering service delivery. Data emanating from reports about the municipality, and other sources from scholarly articles were evaluated and interpreted parallel to information received from secondary sources. This was done in order to respond to the research question, namely whether functional structures are in place to govern IGR processes and structures in the Sol Plaatje Local Municipality. A thorough comparison of intergovernmental relations and cooperation between the three spheres of government, as well as the relations between the provincial- and local government, provides a clearer understanding of the contrast in relations that led to the current state of relations between the SPLM and its IGR stakeholders.

The Sol Plaatje Local Municipality has, in recent years, been faced with challenges and issues affecting, amongst others, good governance and public participation. These challenges also significantly contributed to the poor service delivery protests witnessed in the area. Non-compliance with set policies and the public's perception regarding the high electricity tariffs also contributed to the SPLM being unable to record good municipal financial viability and management. The SPLM needs to improve on its implementation of strategies put in place to create incentives that will assist in the attraction of the necessary investments to improve its status. Instabilities in the municipality led to the question of whether conflict-mitigating strategies exist in the municipality. It also calls into question which legal structures and processes are in place to address those conflicts and instabilities. The municipality highlighted difficulties with its Integrated Development Process, thus raising the question whether

coordinating structures are in place in the event of the municipality being faced by stakeholder challenges in Intergovernmental Relations.

The local government policy has stressed the need for municipalities to develop a culture of stakeholder- and community participation and create effective mechanisms and processes to verse this development. The absence of these structures provides the impetus behind this investigation, as well as the aims and objectives of this research study. Writings and publications on intergovernmental relations and cooperative government emanating from international- and local sources were reviewed to obtain a better understanding of IGR in the SPLM. The literature was reviewed to enumerate, describe, and summarise the different interlinking aspects of the primary research question, and served as a background for contextualising the research. Interpretivist theory was used as a theoretical framework to present an analysis of the main objectives of the research study. The interpretivist tradition is ideally suited to the study, as the study aims to gain a deeper and more empathic understanding of aspects of Intergovernmental Relations in the local government sphere without predicting or controlling the outcomes of the research (Du Plooy et al., 2014: 65).

6.3. Overview of the Study

The aim of this chapter is to provide a brief discussion of the main points of the study. A systematic and sequential summary of all the chapters are now discussed for better understanding and tracing. Findings and concluding remarks as relating to each chapter is presented with the intention to revert to the main points of the research document to denote the main objective achieved by the research. The workings and processes of intergovernmental relations in South Africa, as well as an assessment thereof and of its structures in the Sol Plaatje Local Municipality as a local sphere of government, are recapitulated in this section. Recommendations will be presented to summarise chapter six with the intention to show the way forward.

The first chapter of the research document accords an introduction to the study and provides a synopsis of the direction the study will take. It also creates a clearer understanding of influences behind the study. The research has established and

clearly articulated the legislative and policy frameworks, and functions and process of intergovernmental relations in the Sol Plaatje Local Municipality as the main objective of the study. While summarising the findings, the importance of inter-chapter consistency will be considered.

For the purposes of this mini dissertation, the following applies:

- a) Chapter 1 presents the problem statement and explanation of the methodology;
- b) Theoretical perspectives, concepts, and the conceptualisation framework are depicted in Chapter 2;
- c) A holistic analysis of the practices of the topic is presented in Chapter 3;
- d) Chapter 4 offers a discussion and presentation of the topic; and
- e) The combination and interpretation of the data appears in Chapter 5.

In this chapter, the elements above are arranged in an orderly manner. The data from these chapters is summarised without additional information that will diverge the research (Mutai, 2001: 62). A summary of the main functions of intergovernmental relations systems and structures in the Sol Plaatje Local Municipality will form the main points of discussion.

The objective of the study is to assess IGR structures and processes in the SPLM in the Northern Cape Province of the Republic of South Africa. An in-depth, sequential overview of each chapter is given below.

6.3.1. Chapter One: An Introduction to Intergovernmental Relations Structures and Processes

This chapter presented the research proposal of the mini dissertation. The chapter outlined the structure of the research and featured most of the sources that were used throughout the study. Chapter 1 gave a brief background of the inception of the Constitution of the Republic of South Africa (1996) and gave a definition of what a governing body of state is. To give a better understanding of intergovernmental relations and cooperative governance, the chapter provided a synopsis of how IGR found relevance in the Constitution through the inception of the separation of powers.

The chapter also asserted how cooperative governance found relevance as a new idea that would resolve issues associated with intergovernmental relations with the aim of addressing IGR and cooperative government challenges. A summary of issues and challenges affecting the SPLM to be discussed was also presented in this chapter, with the aim to keep the study focused on the subject matter without deviating or presenting different challenges along the progress of the study. The research methodology was presented, and a structural outline presented the flow of and reasoning behind the study and its chosen structure.

6.3.2. Chapter Two: Theoretical Perspectives, Concepts and Conceptualisation

The second chapter comprised theoretical perspectives, the conceptual framework, and concepts associated with intergovernmental relations and cooperative governance. An in-depth discussion of the Constitution of the Republic of South Africa Act 108 of 1996 in the evolution of cooperative governance and intergovernmental relations was provided. This was done in order to refine the history of segregation in South Africa as well as its impetus behind the three spheres model of government in South Africa. Intergovernmental relations models in unitary- and federal states were also defined. The chapter further went on to discuss the role of the local government spheres in relation to service delivery, cooperative governance in municipalities, and the powers and functions of municipalities in the IGR value chain.

The processes of dispute settlements in Intergovernmental Relations are also discussed in Chapter 2, outlining the interventions, roles of the facilitator, the role of the Minister or Member of the Executive Committee for local government, and the judicial proceedings. The background of the policy and legislative frameworks on Intergovernmental Relations are also discussed, and comprise:

- a) The Intergovernmental Relations Framework Act 13 of 2005;
- b) The Organised Local Government Act 52 of 1997;
- c) The Municipal Structures Act 117 of 1998;
- d) The Municipal Systems Act 32 of 2000;
- e) The Municipal Finance Management Act 56 of 2003;
- f) The Public Finance Management Act 1 of 1999;

- g) The Financial Fiscal Commission Act 99 of 1997; and
- h) The Intergovernmental Fiscal Relations Act 97 of 1997.

These frameworks simplified the process of linking IGR practices and processes in the municipality to set standards of practice in South Africa, thus enabling the research study to clearly assess and evaluate whether they are in line with prescribed laws and regulations.

6.3.3. Chapter Three: The Working and Practices of Intergovernmental Relations in South Africa

It was important to trace the manifestation of intergovernmental relations in South Africa, which was presented in this chapter. Chapter 3 further aided in creating understanding of IGR workings and practices for a clearer view of the status quo between the three spheres of government, particularly in the local government sphere as the subject of the study. The chapter thus dealt with the composition of government in South Africa, the systems of managing IGR in South Africa, mandatory legislation in terms of the Constitution, transformation of the state and government in South Africa with an emphasis on cooperative governance, and the development of intergovernmental relations systems. Further points of discussion included the establishment of intergovernmental relations forums, current processes, procedures, and systems for the coordination of intergovernmental relations in South Africa, an overview of how government and organs of state implement joint work, projects, and programmes, basic challenges for intergovernmental relations coordination at national-, provincial-, and local spheres of government, and basic challenges for joint intergovernmental work and projects in intergovernmental relations.

This chapter cites the requirements for effective intergovernmental relations as a culture of cooperation, mutual understanding, and trust, with elements of capacitation amongst the three spheres of government in South Africa (Reddy, 2001: 23). Chapter 3 linked the local sphere of government to the national- and provincial spheres by advancing ideas that inculcate the culture of interaction between the spheres to avoid overlapping of functions. This linkage navigated the study to constructive findings and responses to the research problem. The chapter further served as an epitome of the

study and the judge of whether IGR practices in the Sol Plaatje Local Municipality adhere to national standards. It would have been futile to assess intergovernmental relations practices and structures in the Sol Plaatje Local Municipality without first consulting the legislative frameworks that govern IGR and linking them to current practices in the local municipality. Chapter 3 standardised IGR practices amongst the three spheres of government and the processes to follow when implementing joint work, thus providing responses to perceived ideas about practices in the SPLM.

6.3.4. Chapter Four: An Assessment of Intergovernmental Relations Structures and Processes in the Sol Plaatje Local Municipality

Chapter 4 assessed intergovernmental relations structures and processes in the SPLM as the main discussion of the research. The chapter outlined governance structures of the Sol Plaatje Local Municipality both politically and administratively. A summary of the Constitutional framework that governs intergovernmental relations processes and the Integrated Development Plan review process in the SPLM were also provided in Chapter 2. The Sol Plaatje Local Municipality's intergovernmental relations structures and forums, along with the composition of the Mayoral Intergovernmental Relations Forum structures in the municipality, were assessed. Policies that govern IGR between the district and the local municipality, including the roles and coordination thereof, were dealt with. Chapter 4 also contributed a thorough summary of existing IGR forums and structures in the SPLM to answer the research questions.

As mentioned in the overview, challenges and issues hindering service delivery were also dealt with. These challenges included, but were not limited to, good governance and public participation, municipal institutional development and transformation, the municipality's financial viability and management, basic and sustainable service delivery and infrastructure development, and strategic economic development and planning. The chapter's summary comprised intergovernmental relations systems, models, and strategies as important structures in the mitigation of challenges in the SPLM. The main aim of Chapter 4 was to respond to the research question. The findings in the chapter, linked with Chapter 3, shaped the outcomes of the entire research study by giving directives as to the acceptance or rejection of the practices

and processes of IGR in the Sol Plaatje Local Municipality. For the study to conclude on the processes and practices of IGR at the SPLM, Chapter 4 had to offer an inkling as to whether the municipality indeed followed generally accepted policy frameworks that governed the conduct of Intergovernmental Relations. A proper assessment and findings of IGR in the SPLM thus emanated from the data presented in the chapter.

6.3.5. Chapter Five: Interpretation and Evaluation of the Research

When the process of unpacking and articulating the data collected and the methodology used in the study was concluded, the process of interpreting, evaluating, and assessing it followed in Chapter 5. The main task of the chapter was to evaluate and interpret the data and explicate it in detail. Both primary- and secondary data were presented to highlight the roles and functions of intergovernmental relations and cooperative government in the Sol Plaatje Local Municipality. Policy documents served as the primary source to guide the interpretation and assessment of data that formed the study.

Chapter 5 presented the following, with particular emphasis on the SPLM:

- a) An interpretation and evaluation of the legislative framework and the Constitution in relation to intergovernmental relations;
- b) The role of intergovernmental relations, intergovernmental structures, and processes in the local sphere; and
- c) Challenges for intergovernmental relations.

6.4. Findings

The main purpose of this study was to assess intergovernmental relations and processes in the Sol Plaatje Local Municipality. A qualitative method was used to determine the effectiveness and efficiency of IGR structures, forums and processes, as well as the implementation of IGR forum outcomes for service delivery. An interpretation and assessment of the literature that included the manifestation of intergovernmental relations in South Africa, such as the Constitution of the Republic

of South Africa (1996) and the frameworks and Acts that govern IGR, were conducted. An in-depth reflection on the role of intergovernmental relation, governance structures, the Integrated Development Plan review process, and the Mayoral Intergovernmental Relations Forum structures in the SPLM was affected, and their findings will be now delivered.

6.4.1. Cooperative Governance and Intergovernmental Structures and Processes Between the National- and Provincial Spheres and the SPLM

South Africa has a wide and diverse range of structures in place to support the spheres of government in the delivering of basic services to communities. These include, amongst others, the National Council of Provinces (NCOP), the Presidential Coordinating Council (PCC), the Financial and Fiscal Commission (FCC), the South African Local Government Association (SALGA), and the Ministers and Members of the Executive Council (MinMECs) at the national level (*cf.* Chapter 3). Section 3.3. of the study presents that, at the provincial- and local spheres, these structures include the Premier's Intergovernmental Forum and Mayoral Intergovernmental Forums. Section 3.3.3. also provided that the main aim for the establishment of IGR forums is to advance basic service delivery and build strong local structures for economic development. As presented in Chapter 4, Section 4.2.5., the focus of the Mayoral Intergovernmental Forum in the local sphere of government is to create stronger relations that will develop the municipality. Achieving viable financial systems for the municipality, improving on public participation and the systems of governance, and eliminating wastage in the municipality are other functions of these structures. The focus is on intergovernmental structures that support the municipality in efficient and authoritative decision-making, governance systems, and their functionality.

Section 4.7 notes that, with regards to IGR systems and strategies in mitigating challenges and advancing service delivery, the Sol Plaatje Local Municipality is found to be a beneficiary of the Presidential initiative that supports rural- and urban areas, with programmes such as the Sustainable Rural Development (ISRDP) and the Urban Renewal Programme (URP). The aim of the initiative is to focus on poverty alleviation in the identified municipality with Cabinet playing an overseeing role in monitoring the progress thereof. These programmes signify the existence of cooperation between the

SPLM and the national- and provincial sphere of government, as the programmes rely on inter-departmental and inter-sphere cooperation. The programmes also rely on sectoral departments and technical support teams for successes. Section 4.2.3. points out that, as a local government body, the SPLM is at the centre of integration and coordination for government programmes of the national- and provincial spheres of government. The municipality achieves this coordination through its Integrated Development Planning processes with the district municipality playing a leading role. The municipality's IDP adopts that of the district framework as a guideline and information on the national- and provincial priorities and plans.

A critical finding is the role of the Constitutional support, spearheaded by the national sphere of government and supported by the provincial sphere, as a foundation for the system of intergovernmental fiscal relations. In Chapter 3, Section 3.3. supports these findings by highlighting the evolution of cooperative governance in the transformation of the state and government in South Africa. As one of the characteristics of this evolution, the national government is responsible for the transfer of grants to enable provincial- and local government spheres to fulfil their mandated functions adequately. Cooperation is also found to exist where the national- and provincial spheres are duty-bound to assist with capacity building to enable the SPLM to discharge its functions and responsibilities. Where there are challenges of capacity in this municipality, the provincial government can provide hands-on support by means of provincial projects management, support structures, and other means possible to address the challenges. The SPLM is clearly dependent on these interventions to function effectively. Section 4.6.3. asserts this by noting municipal financial viability and management as one of the challenges facing this municipality.

It seems, however, that the SPLM has no original powers, and that most of their mandate is derived from the provincial government. This makes it difficult for the municipality to carry out activities and functions not defined by the provincial government. The limitation in powers thus reduces the municipality to the function of service provision instead of an equal sphere of government. The different nature in relations between the spheres can be regarded as the main source of recurring conflict (Levy & Tapscott, 2001: 4).

There seems to be a lack of coordination and understating of intergovernmental relations in the province by both administrators and the political structures, thus influencing local government. The Sol Plaatje Local Municipality highlights, as stated in Section 4.6.1., that its IDP processes is challenging. The participation of sector departments in the IDP process and the other strategic planning processes of the municipality is poor and need resuscitating. Nkhahle (2015: 19-22) highlights these inefficiencies in coordination by noting the inability to put the aim and purpose of the Intergovernmental Relations Forum Act into practice for effective coordination and an integrated approach to service delivery by the spheres of government (Nkhahle, 2015: 19-22). In its reports, the SPLM does not note the existence of a consultative forum that assists the municipality with intergovernmental dialogues and the implementation of strategy resolutions from Intergovernmental Relations Forums.

Section 4.2.1. of Chapter 4 states that the Mayoral forum of the Sol Plaatje Local Municipality has adopted a strategy of an open intergovernmental relations forum, where the forum is not only limited to the political structures of the municipality. The forum is made up of both the political- and administrative appointees. The municipal manager forms part of the structure to provide technical support to the forum. Although this is the case in the SPLM, attendance by other structures invited to the forum leaves much to be desired as a result of lack of commitment and understanding by forum members. This then concludes that the failure of IGR structures and processes is a result of the lack of commitment by government officials as well as a lack of thorough understanding of the importance and impact of intergovernmental relations by government and the local government. The local sphere of government might be at the bottom end of receiving intergovernmental relations in the country. This might be due to poor coordination of functions between the national- and provincial government. Hattingh (1998: 138) alleges that there are no mechanisms in place to coordinate functions at the national level of government, and that most committees and technical support teams established to advance intergovernmental relations are more focused on provincial- and national relations than on local government (Hattingh, 1998: 138).

6.4.1.1. Intergovernmental Relations Frameworks and the Constitution of the Republic of South Africa of 1996 (Act, 108 of 1996)

The research study aimed to assess IGR structures and processes in the Sol Plaatje Local Municipality and determine whether the effectiveness and efficiency of these structures in relation to service delivery do indeed exist. An investigation into the existence of cooperation and synergies between the municipality and its intergovernmental stakeholders was aligned with Constitutional frameworks and legislation on IGR to arrive at findings. Section 2.11.2. of the study notes that the Constitution of the Republic of South Africa Act 108 of 1996 makes enough provision for legislative frameworks to address integration between the three spheres of government for effective and efficient coordination. However, few policy frameworks were put in place to oversee that IGR partners do indeed adhere to those set policies.

As evidence of measures taken by the Constitution to make IGR and cooperative government a reality, Section 2.11. provides the policy and legislative frameworks on Intergovernmental Relations. In order to make compelling linkages, Chapter 2 analyses the Constitution of the Republic of South Africa and all other legislative frameworks that govern intergovernmental relations. A background of the policy and legislative frameworks includes:

- a) The Constitution of the Republic of South Africa Act 108 of 1996;
- b) The Intergovernmental Relations Framework Act 13 of 2005;
- c) The Organised Local Government Act 52 of 1997;
- d) The Municipal Structures Act 117 of 1998;
- e) The Municipal Systems Act 32 of 2000;
- f) The Municipal Finance Management Act 56 of 2003;
- g) The Public Finance Management Act 1 of 1999;
- h) The Financial Fiscal Commission Act 99 of 1997; and
- i) The Intergovernmental Fiscal Relations Act 97 of 1997.

These serve as evidence for the study to conclude that IGR can be effective and functional if all stakeholders adhere to legislation. These legislative frameworks should enable the articulation and implementation of intergovernmental relations between the three spheres of government and link it to the local sphere of government, particularly in terms of the provision of services by municipalities.

Although these frameworks and structures exist, there are loopholes that problematise effective cooperation between the spheres of government and other organs of state. Better refined and clearly articulated frameworks will address the challenges faced by the spheres of government, particularly by the local sphere as the centrepiece for service delivery. The frameworks do not eloquently articulate stringent measures to deal with and mitigate challenges between the spheres, as existing measures are too broad and lack legal binding. In Chapter 2, Section 2.10.4. indicates the lack of statutory binding powers to enforce rulings, as too much power and authority are vested in a single sphere of government over the others. The role of IGR forums and structures were, at times, ambivalent, and gave municipalities little to be hopeful about. The scope and significance of cooperative government and intergovernmental relations between the three spheres of government, their legal obligations, and their virtues are vague and short of legal clout.

6.4.2. Intergovernmental Relation Forums and Public Participation in the Integrated Development Plan Review Process in the Sol Plaatje Local Municipality

Chapter 3, Section 3.3.3., indicates the existence of a variety of legislative frameworks to, firstly, govern the relation of government and, secondly, interlink the three spheres of government for the implementation of intergovernmental relations. The legislative frameworks also serve as guidelines for the conduct of structures erected to serve as intergovernmental forums and support structures for government. How forums and structures coordinate their functions, how members conduct their operations relating to reporting lines, and the coordination of other matters that affect the wellbeing of the forum and service delivery, are some of the guidelines for Intergovernmental Relations Forums and structures.

Behaviour contrary to what is prescribed by the intergovernmental legislative frameworks may result in challenges for the forums and IGR structures. In relation to the intergovernmental relations structures and processes in the Sol Plaatje Local Municipality, Section 4.2. provides an assessment of the Premier's Intergovernmental Forum, the district municipality's intergovernmental forum, the SPLM's Mayoral forum, as well as public- and stakeholder participation in the Integrated Development Plan process of the municipality. This assessment serves as evidence that legislatively

unprescribed conduct is harmful to effective and efficient intergovernmental relations and cooperative government.

6.4.2.1. The Provincial Intergovernmental Forum

In Section 4.2., Chapter 4, it is noted that the Sol Plaatje Local Municipality forms part of the Provincial Intergovernmental Relations Committee chaired by the Premier of the province. The South African Local Government Association (SALGA) also represents the local municipality in the Working Committee of Finance and Local Economic Development. Decisions and resolutions made in the forum are not binding, making it difficult for the municipality to prioritise forum outcomes. In its annual reports, the SPLM does not include a comprehensive report on decisions and decision-trackers from the Provincial Intergovernmental Forum, thus raising the question whether the municipality does fully implement recommendations from the committee. The municipality's annual reports and other secondary sources do not give a sense of the municipality's participation on the provincial forum. These sources also do not clarify whether participation is effective for service delivery and whether there are measures in place to deal with non-compliance.

6.4.2.2. The District Intergovernmental Forum

Chapter 4, Section 4.3.2., indicates that the Frances Baard District Intergovernmental Forum serves as link between the local municipality, the provincial government, and the national government, with the assistance of the District Technical Intergovernmental Relations Structure. The structure is one of the few structures that includes administrative support to form part of the forum with the aim to handle issues of sectoral departments. In its annual report, the Sol Plaatje Local Municipality mentions its participation in and attendance to the district forum. In this forum, strategic engagements between the district and its local municipalities are addressed, and activities of the district and the local municipality are integrated. The SPLM also reports on matters arising from the district forum and reports to the forum on a quarterly basis.

6.4.2.3. The Sol Plaatje Local Municipality Mayoral Intergovernmental Forum

In Chapter 4, Section 4.2.5. indicates the composition of the forum, which includes political-, administrative-, and community segments. Decisions taken at the forum are reported to the municipal council and the district intergovernmental forum. The Mayoral Intergovernmental Forum is headed by the municipal Mayor, and it convenes council meetings and oversees council committees. The forum is effective as the operational engine for the municipal council with many critical decisions and resolutions taken at the forum. Section 4.2.5. further notes that the Speaker of the municipality, as per forum resolutions, regularly holds community engagements with community council resolutions and for community engagement feedback. In Chapter 4, Section 4.7., note is made that the SPLM mentions all the systems, models, and strategies put in place to mitigate and deal with challenges. The municipality does, however, not make mention of dispute resolution mechanisms which are in place to mitigate or avoid litigation between the municipality and other spheres of government.

6.4.2.4. The Integrated Development Plan (IDP) Review Process

The IDP serves as a guiding document for development within the jurisdiction of the municipality and is endorsed and adopted by the municipal council. Section 4.2.3 mentions that the SPLM states that it is faced with the challenge of stakeholder- and public participation in its IDP review processes. It can then be concluded that government departments in the province show little interest and community members do not know the significance of participating in the IDP process, thus posing a challenge for the municipality. Section 4.2.3. attests that the Sol Plaatje Local Municipality has made significant attempts to include stakeholders in its IDP review processes. This is mainly done by dividing functions and activities for the preparation of the IDP review between different organisations, ascribing different responsibilities to each. Section 4.2.3 of Chapter 4 further highlights the municipality's adherence to legislative requirements, which include the Local Government Municipal Planning and Performance Management Regulations of 2001. These serve as IGR consultation requirements when developing Integrated Development Plans during IDP review processes. This also signifies the inclusion of stakeholders, as the regulations

enforces the municipality to consult the provincial treasury and other provincial departments, other organs of state, and other municipalities that may be affected by the budget.

6.5. Recommendations

The challenges with intergovernmental relations structures and processes, both in the Sol Plaatje Local Municipality and nationally, is a lack of clarity in the execution of roles and functions for stakeholders. In instances where functions and roles are clearly defined, there is a lack of interest and participation that hinders adequate functioning of structures and processes. In evaluating the structures and processes of intergovernmental relations in the SPLM, it emerged that there should be recommendations that accompany the evaluated data. Recommendations relating to cooperative governance and intergovernmental relation between the three spheres of government, and recommendations relating to the subject matter, are given below.

6.5.1. Recommendations Relating to the Subject Matter

For intergovernmental relations structures and processes to be effective and efficient, the three spheres of government need to facilitate the implementation of functional structures and adequate human capacity to serve on intergovernmental forums at all levels of government. Effective channels of communication are necessary to improve success in terms of intergovernmental relations. Government needs to advance transparent approaches to break barriers that prevent effective Intergovernmental Relations between the spheres of government and organs of state. The main recommendations of this study is that considerable changes to current processes and approaches need to be made. The SPLM also needs to change strategic approaches to intergovernmental relations for improved structures and processes. The municipality must:

- a) Change their current approach and set up new strategies that involve a broader range of government structures with the capacity of people who understand

and are supportive of the idea of cooperative government and intergovernmental relations. This includes embarking on stringent IGR education- and communication programmes, particularly for the IDP review process;

- b) Prioritise the provision of precise information on intergovernmental relations, with clear specifics to the envisaged targeted audience. The lack of public participation in the IDP review process may be a result of the lack of information regarding the significance of the process and what it implies for service delivery;
- c) The municipality should jointly share the responsibilities of IDP review processes with the Office of the Premier and the Department of Cooperative Governance and Traditional Affairs. Clearly defined roles and responsibilities should be outlined, and all stakeholders should own their part in the processes;
- d) The community loses confidence in government processes when they are perceived to be one-sided or not responsive to their needs. The municipality must ensure that it accurately commits to its public and to service delivery responsibilities. Giving constant feedback on processes, progress, and / or challenges will keep the communication on par with municipal structures and processes, thus drawing the desired interest;
- e) The municipality needs to create rapport with the community and establish trust between itself and its IGR structures;
- f) More emphasis should be placed on reporting processes from stakeholders to the forum; effective monitoring of the IGR structures and forums should be ensured;
- g) The municipality's Mayoral Intergovernmental Forum should develop proper and functional dispute mitigation and settlement procedures that are in line with the legislative framework and the Constitution; and
- h) The municipal Mayoral Intergovernmental forum cannot operate on an *ad hoc* basis. Clear terms of reference should be outlined, and the forum must decide what constitutes the forum to quorate.

6.5.2. Recommendations Relating to Cooperative Governance and Intergovernmental Relation Between the Three Spheres of Government

Challenges facing intergovernmental relation in the South Africa are a result of inequalities in the distribution of powers and authority amongst the three spheres of government. To address these challenges and improve relations and cooperation between the spheres, the following apply:

- a) Inadequacies in the execution of IGR functions must be eliminated;
- b) Capacitation of government structures at national-, provincial-, and local government should be prioritised;
- c) Human capital and understanding the aims and objectives of structures they serve in, is an investment for cooperation and integration;
- d) The provincial and local spheres of government should be equally empowered and capacitated, as the national sphere is tasked with mitigating overstepping and the abuse of power;
- e) The Constitution should give intergovernmental relations structures and forums enough clout to deal with inefficiencies and non-compliance by member departments and institutions;
- f) Relations where departments and institutions speak a different language are bound to fail, and the Constitution should set clear terms of reference for cooperation and align relations according to their functions and legislative mandates for better synergy, joint work, and integration; and
- g) The level and system of government of the Republic of South Africa should be clearly defined; it should be clarified whether South Africa is a federal- or unitary system for better distribution of functions and authority amongst the spheres of government.

6.5.3. Recommendations for Intergovernmental Relations Structures, Processes and Forums in the Sol Plaatje Local Municipality

From the study, the following recommendations are made:

- a) The first step in addressing challenges faced by IGR forums and creating functional and effective structures would be to clearly outline the objectives of the forums and those eligible to form part of the forum. This will create much-needed levels of certainty and result in stable forums that address what they are set up to address;
- b) Intergovernmental relations forums do not have clear ground rules of operation, resulting in improper functioning with low standards. The relationship between the three spheres of government and other organs of the state should be defined and their functions allocated accordingly. Each sphere and IGR stakeholders in the forums should know their status and responsibility should be standardised;
- c) Decisions taken at IGR forums, as well as structures, should be binding; if not, IGR forums will be reduced to talk shows that have no eligible function. Accounting principles should form part of IGR forum, and agenda items should be aligned with the strategic plans of the national-, provincial-, and local government to avoid deviation;
- d) IGR forum support structures should have their functions aligned with governmental plans and strategies. IGR forums should avoid assigning responsibilities to technical structures that are not funded by government and the municipality. These support structures should serve as advising bodies of IGR forums and structures with the authority to recommend deviations to upper structures of government and municipal councils to call IGR forums to order;
- e) Provincial-, district-, and local municipal IGR forums should have a common goal aligned with the provincial- and district growth development plans. These forums should not operate abruptly or without clear direction. The Premier's forum should receive progress reports from all forums in the province for consolidations and updates; and
- f) Local government and the SPLM's structures must form part of provincial IGR forums and be represented at national level.

6.5.4. Recommendations for Challenges of Intergovernmental Relations in the Sol Plaatje Local Municipality

To address IGR challenges specific to the SPLM, the following recommendations are made:

- a) To address IGR challenges faced by the local sphere of government, a relaxation of legal regulations governing the system of Intergovernmental Relations should occur. IGR structures are mainly headed by political office bearers in the local sphere of government; thus, administrative regulations may hinder proactive resolutions;
- b) It is critical to differentiate the role of the administrative body of government to that of political structures, as IGR structures are political and should be informal in nature. Some IGR challenges occur as a result of a clash between the administration and the political office. IGR structures should be clear on which structures have more dominance over the others to mitigate conflict;
- c) Another challenge is brought about by the limited functions given to the local sphere of government in IGR structures and forums. The local government sphere should be escalated to a more senior position of responsibility in the IGR system as the body that oversees the implementation of service delivery;
- d) The aim of IGR is cooperation between the spheres of government with the aim of aligning functions and objectives for a common outcome. The spheres of government should be held to the principles and objectives of IGR and cooperation. An assessment model of each IGR partnership should be implemented, with each stakeholder reporting on their contribution and participations. This will also lead to spheres in the IGR process being given their Key Performance Areas (KPA's) as part of tracking their contribution and participation;
- e) Constant consultation plays a critical role in the creation and maintenance of good relations between stakeholders, the spheres should consult on a regular basis. They should submit their individual strategies to the IGR structures for consolidation of planning processes to avoid spheres implementing the same project and programmes, which might cause conflict and challenges; and

- f) The Sol Plaatje Local Municipality should develop a culture of community participation mechanisms, processes, and structures to address the challenge of stakeholder participation in its IDP reviews processes.

6.6. Contribution and Conclusion

The research systematically linked the IGR legislative frameworks and primary data, with the intention of providing clarity and distinctly articulating the role of intergovernmental relations in the Sol Plaatje Local Municipality. Data on the effectiveness of IGR structures and process, with regard to decision-making processes, regulatory measures, and functioning of the forums, was analysed to obtain a clearer picture of their benefits to the municipality and service delivery at large. For this study to respond to the analysed data, an assessment of manifestation of intergovernmental relations in South Africa, theoretical perspectives, and concepts of intergovernmental relation and cooperative governance was conducted. A thorough investigation of challenges, principles, models, networks, and measurements for dealing with intergovernmental conflicts enables the study to respond to its aims and objectives.

The primary data on the structures and processes of IGR in the Sol Plaatje Local Municipality brings about the conclusion that intergovernmental relations plays a limited role in the local sphere of government, including the Sol Plaatje Local Municipality, when it comes to the implementation of programmes that affect service delivery and cooperation in the province. The Department of Cooperative Governance, Human Settlement and Traditional Affairs, as well as the National Energy Regulator of South Africa's failure to guide the municipality with the saga surrounding the inception of the electricity hikes, and the provincial government's failure in handling the council issues at the municipality, signify failures in intergovernmental relations structures and forums.

The fact that the local sphere of government is highly dependent of the national sphere for financial stability poses a challenge. This is the sphere that plays a central role in service delivery, while not having an adequate financial budget. The Sol Plaatje Local Municipality indicates that it receives grants and its share of the equitable budget from

treasury; this, however, does not assure victory in terms of the alleviation of poverty and the provision of adequate social services. The functions and responsibilities of the local sphere of government are hindered by a lack of access to adequate resources, both in terms of financial- and human resource capacity. The municipality is currently facing a challenge of its internal structures attaching more financial responsibility than what is deemed viable.

The research question of the study places government at the centre of service delivery in South Africa amid all the issues and challenges facing the local government sphere. The objective of the study is to address these challenges; it is found that intergovernmental relations policies are in place to govern the relationship between the Sol Plaatje Local Municipality and the provincial government, but without adequate implementation mechanisms. The challenges facing the SPLM with regards to service delivery were identified as good governance, stakeholders and public participation, municipal institutional development and transformation, municipal financial viability and management, basic and sustainable service delivery and infrastructure development, and strategic economic development and planning. Through intergovernmental relations there are, however, mitigation mechanisms in place to deal with these challenges.

Although the municipality has not, to the satisfaction of the study, demonstrated that it does have mechanisms in place to deal with intergovernmental relations conflicts, the Constitution of the Republic of South Africa Act 108 of 1996 does have structures in place to mitigate and deal with conflicts that arise between the spheres of government. Section 44(2), Section 100, and Section 139 of the Constitution give each sphere a role and responsibility to deal with conflicts (Thornhill, 2009: 673). The study also reveals that the conflict between the spheres may be the result of the unequal assignment of powers and authority amongst the three spheres of government. This finding is pertinent to concerns raised in the research question.

Although the Constitution assigns roles and responsibilities to each of the three spheres of government, the study shows that some of these roles are difficult to execute. Therefore, IGR challenges exist in the Sol Plaatje Local Municipality and at the provincial sphere of government. This also signifies the misalignment that exists between the spheres of government and legislative requirements. It can, however, be

advocated that the municipality has tried to link some of its programmes with national strategies that are set up to deal with and mitigate service delivery challenges. These include the Local Government Management Improvement Model, Sustainable Development Goal, Africa Union Agenda, National Development Plan, Back to Basics Programme, Integrated Urban Development Framework, as well as provincial- and district strategies. The Constitution of the Republic of South Africa enables structures and laws that facilitate coordination and integration between the three spheres of government and other organs of the state. The Sol Plaatje Local Municipality likewise takes strides to establish functional structures; however, but its IGR stakeholders do not create an enabling environment for effective functional structures and processes.

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APPENDIX A

DECLARATION OF PROOFREADING



henningjg@ufs.ac.za
082 448 2726

Hanta Henning
BA Hons (Eng) § MA (Eng Ling) NWU

- Vertaling
- Proefleeswerk
- Taalversorging
- Teksuitleg
- Translation
- Proof reading
- Language editing
- Text layout

DECLARATION: 24 JUNE 2020

Hereby I, Johanna Gertruida (Hanta) Henning, declare that I carried out content editing¹ as well as reference editing² on the research dissertation titled *An Assessment of Intergovernmental Relations Structure and Processes in the Sol Plaatje Local Municipality* by Buhle Ntsenge, submitted in fulfilment of the requirements in respect of the Master's Degree qualification in Governance and Political Transformation in the Department of Governance and Political Studies in the Faculty of the Humanities at the University of the Free State.

Based on the nature of the services performed, the editor cannot be held liable for any of the following:

- i. The accuracy of the material contained in the thesis;
- ii. The accuracy of material as gathered from sources contained in the thesis;
- iii. Any plagiarism that may be present in the thesis;
- iv. Any factual errors that may occur in the thesis; and / or
- v. Any changes made by the candidate after editing was completed.

A full report of the edited document can be provided upon request.



HANTA HENNING
henningjg@ufs.ac.za
082 448 2726

¹ Proofreading as well as reorganisation of sentences and paragraphs for clarity, cohesion, and coherence.

² Ensuring that all references and citations adhere to the prescribed method, i.e. Harvard, APA, etc.