

An analysis of Intergovernmental Relations with specific emphasis on the Northern
Cape Premier's Intergovernmental Forum?

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DECLARATION

I **Lorraine Janice Bitterbos** hereby declare that the mini-dissertation that I herewith submit for the Master of Arts 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. I also declare that all reference materials used for this study have been properly acknowledged.

.....

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Abstract

The study explores and analyses the effectiveness and efficiency of the Northern Cape Premier's Intergovernmental Forum (NC PIGF). An overview is provided on the configuration and the statutory framework which regulates the system of intergovernmental relations in South Africa. Chapter Three of the South African Constitution Act 108 of 1996, makes provision for cooperative governance amongst the three spheres of government; mandating these spheres to work together to enhance service delivery and development planning. The study further examines the effectiveness and efficiency of the NC PIGF with a focus on how the Forum is currently measured, and how it should be measured. The analysis of the NC PIGF brought to the fore that the Forum partially complies with Section 33 of the Intergovernmental Relations Framework Act 13 of 2005 (IGRFA). Section 33 of the IGRFA stipulates that forums should adopt rules that govern their operations. Thus, the research findings suggest that the NC PIGF partially comply with Section 33 of the IGRFA. The study, therefore, provides solutions on how to coordinate and strengthen the Forum.

This study follows a qualitative approach in order to achieve the objectives. The study concluded that to legitimize the NC PIGF, the forum should fully comply with statutes and other relevant legislative frameworks and prescripts. The study's findings could make a significant contribution to enhancing service delivery and promoting a culture of resource sharing, preventing duplication of efforts, and managing conflict through integrated planning and coordination amongst the three spheres of government.

Keywords: Intergovernmental Relations, Governance, Good Governance, Cooperative Governance, Efficiency and Effectiveness

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List of Abbreviations / Acronyms

AG	Auditor- General
APP	Annual Performance Plan
COGHSTA	Department of Cooperative Governance, Human Settlements and Traditional Affairs
DBSA	Development Bank of Southern Africa
DDM	District Development Model
DG	Director General
EXCO	Executive Council
FFC	Fiscal and Financial Commission
FMPPI	Framework for Managing Programme Performance Information
FOSAD	Forum for South African Directors-general
FSPAPP	Framework for Strategic and Annual Performance Plans
HOD	Heads of Department
IDASA	Institute for Democracy in South Africa
IEC	Independent Election Committee
IGR	Intergovernmental Relations
IGRFA	Intergovernmental Relations Framework Act
MDB	Municipal Demarcation Board
MINMEC's	Minister and Members of provincial Executive Councils
MTEF	Medium Term Expenditure Framework
NC	Northern Cape
NC IGRF	Northern Cape Premiers Intergovernmental Relations Framework
NC PIGF	Northern Cape Premier's Intergovernmental Forum
NCOTP	Northern Cape Office of the Premier
NDP	National Development Plan
OECD	Organisation for Economic Cooperation and Development
PCC	The President's Coordinating Council
PIGCSD	Provincial integrated governance coordination and service delivery Model

SALGA South African Local Government Association
TOR Terms of Reference

CHAPTER 1: INTRODUCTION AND ORIENTATION

1. MOTIVATION AND BACKGROUND

In the milieu of Intergovernmental Relations (IGR), proponents Van der Waldt, Khalo, Nealer, Phutiagae, van der Waldt, van Niekerk and Venter (2014:93) postulate that the transformation of the South African Government from an apartheid regime to a democratic system signalled major reform and reconfiguration of the State apparatus in 1994. This transition was vital for ensuring inclusiveness and levelling the playing field. Thornhill (2009:671) acknowledges that this transition happened due to the national democratic elections in which all ethnic groups were allowed to vote and enjoy equal services.

IGR plays out in a unitary state arrangement. Kahn, Kalema and Madue (2016:30) similarly point out that authority lies at the central level in a unitary state, whereas sub-national levels have less authority. Moreover, some characteristics of federalism are also pragmatic in the South African IGR system (Kahn et al., 2016:31; Van der Waldt, 2007:17; Haysom, 2001:43). De Villiers (2009:154) states that the Brazilian government adopted a federal cooperative system, which supports and complements the local government's performance. However, South Africa's Constitution 108 of 1996 stipulates that the state follows a quasi-federal model embedded in cooperative governance.

As per Chapter 3 of the Constitution, the South African Government adopted a decentralised cooperative and intergovernmental system constituted into three spheres namely, national, provincial and local. According to Section 40 (1) of the Constitution, emphasis is placed on the structures and delineates embedded principles on the exclusive and concurrent powers and functions that each sphere operates.

The decentralisation system entrenched by the Constitution articulates that each sphere is distinctive, has a reciprocal effect, and is interdependent and interrelated. The distinctive powers conferred to each sphere as per the prescripts of the Constitution allocates a certain degree of autonomy, whereby

provinces are conferred exclusive and legislative competencies in terms of the passing of specific laws following Section 156 (1)(b).

On the other hand, authors Painter (2001:139), and Harwood and Phillimore (2012:88-89) believe that IGR can be viewed as the sum total of diplomacy. This view suggests that one should not imply that all levels of government strive to attain joint policy objectives. Quebec in Canada and the resource-rich jurisdictions of Alberta or Western Australia are classic examples of where the IGR can be observed whereby continuous clashes with the central government and jurisdictions are evident. Depending on the social, economic, and cultural interests and circumstances, constituent units and sub-national governments can vary from one another. In turn, constituent units will value their policy and administrative autonomy over the national interest or ensure service delivery harmonisation throughout the country. Coetzee (2010:92-93) shares the same line of thinking, that in practice central Government tends to dominate the other two spheres, which do not share the same bargaining power. Particularly, policy-making processes and policy choices, in some instances, can create unintended tension amongst the Provincial and National Governments.

1.1 CONCEPTUALISATION

IGR, cooperative governance, governance and elements of good governance, namely effectiveness and efficiency, which are used throughout the study, is defined to enable the reader to understand and follow the arguments outlined.

1.1.1 Intergovernmental relations

Opeskin (1998:11) defines IGR as a reciprocal relationship among the three spheres (national, provincial and local) towards achieving a common goal. Furthermore, IGR also refers to a set of established relationships, either formal or informal, by the three spheres of Government. However, Coetzee (2010:87) states that IGR relates to formal or informal channels, structures, processes and institutional arrangements for horizontal and vertical integration and coordination among the three spheres of Government. Painter (2012:731)

postulates that IGR focuses on the nexus of formal structures in terms of financial arrangements between levels of Government.

1.1.2 Cooperative Governance

Chapter 3 of the Constitution provides that the three spheres should cooperatively conduct their business and respect each sphere by not encroaching on the geographical, functional or institutional integrity of one another. Kahn et al. (2011:65) point out that cooperative governance is unique in the South African governance system. Through these mechanisms, mutual trust and good faith among these spheres are vital.

1.1.3 Governance

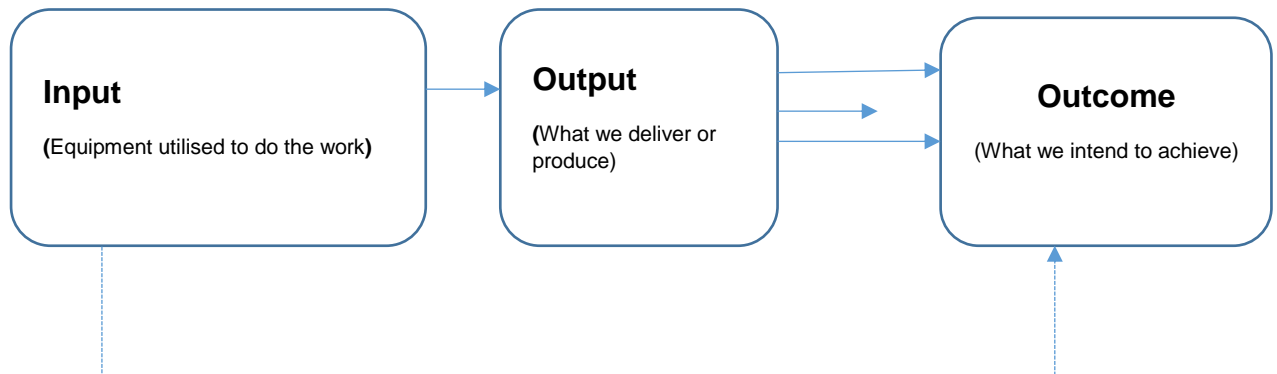
The word governance derives from the Greek verb *kubernao* (referring to direct). However, governance in a broader context refers to goal-orientated activities and the rule of law (Turner, 1998:36). Turner believes that governance seeks to attain a shared goal through formal, legal and administrative responsibilities. Sithole (2015:2) posits that policy-making should be coherent and embrace the professional ethos of the executive arm of accountability and transparency, social compact and participatory governance whereby all citizenry upholds the rule of law.

1.1.4 Good governance

Good governance is both a requirement and a highly valued term. Thus, it refers to decision-making processes and how decisions are implemented (UN-ESCAP, 2012). Good governance consists of eight significant characteristics, namely, consensus, accountability, transparency, oriented, equitable, inclusivity, the rule of law, efficiency and effectiveness.

The following figure depicts the conceptual framework of effectiveness and efficiency, as highlighted above.

Figure 1:



Source: *Measurable Performance and Accountable Delivery, The Presidency (2010:7)*.

1.1.5 Effectiveness

Druker (2001:147) posits that there is no efficiency without effectiveness. The word effectiveness derives its origins from Old French and Latin (*effectif* and *effectivus*). Efficiency refers to making things right and utilising resources sparingly without waste. Effectiveness relates to the input or the output we intend to achieve, that is, outcomes. For example, in the education system, to attain a 100 per cent pass rate of Matric results, a mix of inputs is required, such as committed teachers, books, committed learners, and infrastructure. Therefore, the output would be the results the school produces at the end of the academic year. The actual result will be the intended outcome. Goff (2013:1) asserts that both effectiveness and efficiency are not competing with each other. However, they make up a perfect pair and should be managed in the correct proportion.

1.1.6 Efficiency

Druker (2001:147) states that efficiency refers to doing things right. Moroka (2000:16) states that efficiency is central to the planning and

coordination, financing of personnel management; it determines how effective inputs were translated into outcomes.

Pinprayong and Sienthai (2012) suggest a difference between business efficiency and organisational efficiency. Business efficiency, amongst others, deals with the input and output ratio, whereas organisational efficiency relates to enhancing and improving organisational internal processes and structures.

Against this background, the study proposes to analyse measures to strengthen the Northern Cape Premier's Intergovernmental Forum (NC PIGF). This study is paramount to determine the institutional arrangement of the NC PIGF, explore the current challenges/problems, and examine what in relation to efficiency and effectiveness is lacking in terms of good governance principles. The importance of the study is to deepen the understanding of the role and purpose of the Intergovernmental Relations Framework (IGRF) through the integration and coordination of the three spheres of Government. The integration will promote a culture of resource sharing and prevent duplication and conflict through facilitated planning and integrated coordination of activities among the three spheres. Through the IGRF, members receive information on important, often sensitive issues; hence, the study is geared towards strengthening the NC PIGF in ensuring that it promotes accountability and impact on the betterment of the Northern Cape's citizenry. The study is essential for contributing to the body of knowledge and ensuring that collaborative and joint planning becomes a reality.

IGR plays a critical role in addressing socio-economic challenges (Gilder, 2015:585). The Intergovernmental Relations Framework Act (IGRFA), 13 of 2005, provides a broad framework for mechanisms, procedures and the establishment of intergovernmental structures or forums. However, the framework allows for flexibility in its application and is not static. Furthermore, the Act promotes effective IGR between the three spheres of Government. In terms of the provincial perspective, the following intergovernmental structures

were established as per the IGRFA: the Premier's Intergovernmental Forum, five District Forums and a Technical Steering Committee.

The Mini Report of the Northern Cape Premier's Intergovernmental Forum (2014:7) highlighted some of the challenges faced in the NC PIGF amongst others, for example, that no system is in place to track resolutions (also see Gaoretelelwe, 2016:160). Given that no system is in place to track resolutions, this then warrants one to investigate how resolutions are then managed. Thus the bone of contention is the effectiveness and efficiency of such a forum in making robust decisions in ensuring that service delivery is realised. As a result, if robust decision are made by the Forum it then requires one to analyse the implementation thereof. Therefore, this study intends to determine measures in strengthening the NC PIGF to ensure efficiency and effectiveness to bolster service delivery.

1.2 RESEARCH PROBLEM

Du Plooy-Cilliers et al. (2014:6) state that research is a structured way of finding the solution to phenomena. However, it can also be viewed as complex in nature. Keyton (2001:2) suggests that research is a basic form of asking questions and finding answers.

The 2005 IGRFA provides for establishing IGR forums in all spheres of Government. The NC PIGF was established in 2006, in accordance with the IGRF Act, to promote and coordinate IGR. However, Gaoretelelwe's (2017:103) findings avers that a shortcoming exists in the institutional arrangement of the Forum. Gaoretelelwe (2017:103) posits that the NC PIGF does not comply with Sections 33 and 33(1)(a) of the IGRF Act, which state that the Premier's Coordinating Forums should adopt articulate rules and procedures to govern its affairs. According to the IGRFA, there are about 80 intergovernmental forums, but some are formal, and some are non-statutory, according to Van der Waldt (2014:93).

Van Niekerk (2015:821) concurs with this view by stating that there are no legal penalties for non-compliance with the IGRF Act. Furthermore, the Mini Report

(2014:7) highlighted that some of the challenges in the NC PIGF relate to, amongst others, the tracking of resolutions (no system in place), based on compliance, which inhibits service delivery. The Forum deals particularly with matters emanating from reports and issues raised from presentations produced by municipalities. The province would then follow up on these resolutions; however, matters falling through the cracks might occur due to the non-tracking of the resolutions matrix. These are some of the challenges in the NC PIGF, which need to be addressed.

In light of the above, it can be deduced that the Intergovernmental Relations Forum is observed as a consultative and administrative body. One could argue that the arrangement of such fora will have a domino effect on service delivery since it is only consultative and decisions taken are not statutory. Against this background, it becomes imperative that the study explores measures to strengthen the NC PIGF.

The following research questions are addressed in the study:

- What are the current legislative statutes governing Intergovernmental Relations in South Africa?
- What are the challenges the NC PIGF faces?
- How efficient and effective is the NC PIGF?

1.3 **AIM AND OBJECTIVES OF THE STUDY**

This research/study aims to evaluate measures for strengthening the NC PIGF. The IGRF Act provides a statutory framework for promoting and facilitating intergovernmental disputes concerning cooperative governance and intergovernmental relations. Section 39 (1)(a) of the IGR Framework seeks to provide mechanisms and procedures to resolve intergovernmental disputes and provide for matters linked to it.

This study aims to explore and analyse the efficiency and effectiveness of the NC PIGF. This will be measured against good governance principles. Also, the

study analyses decision-making and how robust decision-making can lead to improved service delivery and impact.

The IGRF Act makes provision for the facilitation, mechanisms, structures and procedures. However, based on previous research by Gaoretelelwe (2017:103), he suggests that the NC PIGF does not comply with the prescripts of Section 33 of the IGRF Act, which explicitly spells out how Premiers' Coordinating Forums should be established. Furthermore, to concur with Gaoretelelwe's finding, the Gauteng Premier's Coordination Forum (2009) cautioned about the limitations in the IGRF Act, which relate amongst others to the following gaps: the Act does not make provision for penalties in the event of non-compliance, thus the Act is not mandatory. The forums are consultative bodies in promoting coordination amongst the three spheres of Government; as a result, decisions are not statutorily binding.

Since the latter findings suggest that the Act is silent on matters such as consequence management, this results in decision-making which is not binding, thus exacerbating service delivery. To get a deeper understanding of the study, the following objectives are explored:

- Analysing the legislative framework which administers intergovernmental relations in South Africa;
- Analyse effectiveness and efficiency in the NC PIGF
- Identify the current challenges faced by the NC PIGF

1.4 **METHODOLOGY**

According to Welman, Kruger and Mitche (2005:52), research design relates to a structured approach to obtaining participants and the collection of data. According to Bryman (2012:187), research design refers to the collection and analysis of data. Qualitative analysis often provides a researcher with plenty of statistics, but this may also be a drawback. The study's findings are beneficial in concluding after analysing a large amount of evidence.

Kumar (2014:132) posits that a researcher has the option to choose between quantitative and qualitative design. A qualitative research methodology is explored to gain an in-depth understanding of the institutional arrangement of the NC PIGF. The qualitative paradigm is used to attain a sound scientific conclusion since the analysis examines these phenomena in the real world. The Interpretivism paradigm is utilised for the study since it explores the complexity of social phenomena intending to gain insight. Collis and Hussey (2013:46) argue that interpretivism tries to understand and interpret everyday events, experiences and social structures, and the values people attach to these phenomena. Leedy and Ormrod (2015) explain epistemology as the method used to derive, elicit and analyse before the study looks at previous research conducted around IGR and cooperative governance. In terms of the ontological point of view, the researcher objectively focuses on how IGR is viewed and treated as such.

Kumar (2010:138) states that two main approaches can be explored in gathering information about a phenomenon or a situation. Data is, therefore, categorized into two approaches, namely primary and secondary data. Primary data refers to first-hand information, including one-on-one interviews, questionnaires and observations. Secondary data include published books, scholarly work, journals, online resources and the NC PIGF's Minutes and Reports, and published articles.

Bezuidenhout (2014:234) states that, qualitative analysis covert patterns and themes rooted in content analyses can be used in a particular text. The case study concept has various meanings. A case study provides a detailed description of real-life problems, for example, poverty, unemployment and inequality. However, it requires an in-depth understanding of particular situations and experiences (Strydom & Bezuidenhout, 2014:178-179). Case study research can be based on underlying philosophical assumptions such as positivist, interpretive or critical. Researchers generally use case studies to answer how and why questions.

This study follows a qualitative approach; a desktop study will be employed with no human participants; however, it will follow all requirements of ethical considerations. Data categorization and analysis are based on popular themes.

1.5 LITERATURE REVIEW

According to Booth, Papaopannou and Sutton (2012:1) cited in Fink (2005), a literature review is defined as a systematic process of synthesizing, analysing and evaluating previous research produced by scholars, researchers, and practitioners. This means that a systematic approach is vital, and a vast number of recorded works are available on any subject matter. Hence, the literature review focuses on a systematic approach that contributes to the study at hand. Mathebula (2004:61) follows a similar line of thought, stating that the literature review follows a systematic thought process around research themes, and these have evolved over the years.

The literature review concerning this study focuses on and makes use of various sources. The South African Government, over the years, have developed a plethora of documents and publications on cooperative governance and IGR. For this study, the focus is drawn mainly from the following sources: statutes, such as the South African Constitution, Acts of Parliament, Frameworks, Guidelines, government policies, relevant journals, possible studies that have empirical evidence, dissertations, and newspaper articles. Hughes (2010:9) states that policy frameworks need to be coherent in bringing about clarity and purpose to cooperative governance. Moreover, the study analyses Theories and Concepts which are related to IGR. The theories of good governance and its principles and elements relating to accountability, transparency, efficiency, effectiveness, and public participation will be highlighted. Mokgahla (2010:14) refers to good governance as how affairs are managed. The United Nations Development Programme (UNDP) further places emphasis on how authorities exercise and manage their affairs (political and administrative interface).

1.6 RESEARCH DESIGN / LAYOUT

Chapter 1 Introduction and Orientation

Chapter One focuses on the motivation for the research, the research statement or problem of the study, the aims and objectives and the methodology employed.

Chapter 2 Theoretical and Legal Framework

This chapter discusses the theoretical framework and legislative statutes governing IGR. Also, the chapter's focus is drawn from themes/concepts relevant to IGR. Components of governance and the principles of good governance will be expounded in an attempt to strengthen the NC Premier's Intergovernmental Forum.

In an effort to gain indepth insight, this chapter focuses on IGR Cooperative Governance and in relation to the evolution of IGR. The Chapter draws from the legislative framework which governs IGR, including among others the Constitution, the 2005 IGRFA, the Municipal Systems Act 32 of 2000, the Public Finance Management Act 1 of 1999, the Municipal Finance Management Act 56 of 2003, the District Development Model (DDM), Single Public Service, the National Development Plan Vision 2030, the Northern Cape's Provincial Growth and Development Plan Vision 2040, 25 Year Review, Local Government Turn-around strategy and the Guideline document on provincial and local IGR, and finally, the NC PIGF.

Chapter 3 Northern Cape Premier's Intergovernmental Forum

This chapter focuses on the institutional arrangement of the NC PIGF: roles, functions, powers and responsibilities. The Premier's Intergovernmental Forum was established in 2006 as per the Intergovernmental Relations Framework Act. The NC PIGF is functional. District Intergovernmental Forums were also established within the five Districts, namely: Namakwa, John Taolo Gaetsewe, Pixley ka Seme, ZF Mgcawu and Frances Baardt.

Chapter 4 Analysis and Interpretation

This Chapter will be the assessment and evaluation of the main study. This Chapter focuses on evaluating whether the NC PIGF is efficient and effective or not. The Chapter also looks at critically analysing and measuring the extent to which the NC PIGF is effective and efficient. In light of the above a criteria will be used to evaluate the success of intergovernmental relations and the success and effectiveness thereof.

Chapter 5 Conclusion and recommendations

The final chapter provides the analysis, findings, recommendation and conclusion of the study.

CHAPTER 2: EVOLUTION OF INTERGOVERNMENTAL RELATIONS AND COOPERATIVE GOVERNMENT

2.1 Introduction

Intergovernmental relations (IGR) were pioneered as a result of Dutch and British administrative colonialism. The Dutch East India Company established an outpost at the Cape in 1652 to act as a refreshment station for ships travelling to and from Europe and Asia. By the end of the 18th century, the Cape outpost evolved into a community with minimal administrative systems in place (Spilhaus, 1966:1). During this era, the Dutch administered the Cape colony; however, this changed when the British acquired control in 1806. The discovery of diamonds and gold in the Transvaal Republic expedited the British conquests. The Anglo-Boer War, commonly known as the South African War, concluded in the 1902 Treaty of Vereeniging, which firmly placed the Boer Republics under the British Crown (Cloete, 2000:33). The Crown government's desire to unify the British colonies and the Boer republics was motivated by a desire to share railway and harbour infrastructure, have uniform policies for natives and other non-white groups, and acquire total control over the commodities (Cloete, 2000:10–27).

The British colonies of the Cape operated along the Westminster governance model. This model is comprised of a central and local elected municipality (Ismail, 1997:20). During the British and Dutch colonial periods in South Africa, the Central Government Parliament possessed the power and authority to formulate policy and implement it, leaving the lower levels to serve as the central government's execution arms (Tapscott, 1998). As a result, municipalities only had powers granted to them by the Central Government. Between 1902 (the end of the South African War) and 1910, this era could be characterised as a legislative vacuum, as the British Parliament passed most laws as per the advice of a resident Governor-General (Kahn et al., 2016:73).

The unification of the British colonies of the Cape and Natal and the establishment of the Boer Republic gave rise to the Union of South Africa in 1910, thus marking a significant turning point in the transition of IGR in South Africa (Mashele and Qobo, 2014:3). Mashele and Qobo (2014:47) further posit that it not only solidified

the Afrikaners' and English people's mutual interests but also hastened Africans' expectations for political and economic freedom. From the beginning, it was evident that the Union of South Africa would be led solely by whites (Mashele & Qobo, 2014:3).

The 1910 Constitution introduced a three-sphere government system, which substituted the Westminster governance model, which constituted four provinces, a central government, and a local government. According to Kahn et al. (2011:47), IGR was recognised due to the Union Government's faith in the province. The significance of coordination was recognised in the 1983 Constitution, and most powers were decentralised and devolved into subnational divisions of government during this period (Kahn et al., 2011:47).

Because the central government had alternative means of subjugating provinces, national laws overrode all provincial legislation. This was evident in the sphere of Education, where the central government exerted near-total control to apply apartheid policies across the country. By 1970, the Minister of Education no longer had jurisdiction over Education at the provincial level, and it was the obligation of Provincial Councils to seek counsel from Provincial Administrators. The provincial government was further weakened as a result of this arrangement. In contrast to the political realm, the administrative component of IGR before 1994 was substantial (Kahn et al., 2016:77).

South Africa went through a volatile period in the 1990s when pressure from both within and outside the country made it untenable to maintain the apartheid policy. The apartheid policy had failed to yield concrete outcomes. F. W. De Klerk, then-President of the Republic of South Africa, unbanned 33 opposition parties, including the African National Congress (ANC), on February 2, 1990, and negotiations for a new political dispensation, including a new IGR system, commenced (Worden, 1994:134). The ANC proposed a unitary system with powers vested in the central government, and protracted negotiations while the National Party pushed for a federal system leaning towards decentralisation (Welsh, 1999:493). A consensus and compromise were reached to establish the three spheres of government comprising national, provincial, and local spheres.

The inherent tensions in the constitutionally-defined form of the new state exhibited characteristics of federalism within a unitary system (Kahn et al., 2016:123).

One of the last Acts of the tricameral legislature was passed in 1994. This was the Interim Constitution Act 200 of 1994 of the Republic of South Africa (Adam & Moodley, 1994:23). Today, the IGR system in South Africa is based on the Interim Constitution of 1994 and the final Constitution. This study aims at strengthening IGR with specific emphasis on the Northern Cape Premier's Intergovernmental Forum (NC PIGF). This chapter will draw the readers to a meticulous discussion on the evolution of IGR and cooperative government in South Africa, particularly highlighting the transformational, operationalisation, and consolidation phases.

The study will also discuss the legislative milieu in which IGR occur. Various IGR structures will be named and discussed with regard to the role they play in promoting IGR. A distinction is made between statutory and non-statutory IGR structures. Structures such as the National Council of Provinces (NCOP), the South African Local Government Association (SALGA), the Budget Council, and the Budget Forum are identified as statutory structures which facilitate IGR. However, for this study, focus is only drawn on the Budget Council, whereas structures such as the Presidential Coordinating Council (PCC), Minister and the Members of the Executive Council (Minmec), the Forum for South African Director Generals (FOSAD), and the Premier's Coordinating Forums are identified as non-statutory structures which facilitate IGR with the promulgation of the Intergovernmental Relations Framework Act (IGRFA) 13 of 2005. All non-statutory structures have been formalised to function in terms of the IGRFA within a year of the inception of the Act. Statutory and non-statutory structures play a meaningful role in ensuring effective and efficient IGR and cooperative government amongst the three spheres of government in facilitating performance and service delivery.

2.2 The history of the Intergovernmental Relations system in South Africa

The history and adoption of IGR in South Africa were aided by legislative, planning, and budgetary mechanisms, regulatory frameworks, and formal and informal structures. The evolution process is divided into three phases, whereby the first phase is characterised as the transformational phase (1993-2000) macro organisation of the state machinery. The second phase is characterised as the operationalisation phase (2001- 2004) and, lastly, the final consolidation phase (2005 to date) (Department of Provincial and Local Government, 2008:7).

2.2.1 Transformational phase

Homelands, which were deemed the junctions and conduits of apartheid South Africa's distinct development, were the cornerstone of apartheid. The homeland system was brought about by racial segregation within ethnic groups. Four homelands existed: Transkei and Bophuthatswana, Venda and Ciskei, and more than six self-governing territories, namely, KwaZulu, Qwaqwa, Gazankulu, etc. KwaNdebele and Lebowa were collectively referred to as Bantustans. The consolidation and rationalisation during 1995 were crucial in overcoming fragmentation and necessitated transforming the 11 public services that the apartheid government created (Kahn et.al., 2016).

The transformational phase was focused on creating a public service that incorporated the previous homeland administrations, as well as creating nine provincial governments. Cabinet reforms such as the introduction of the cluster system, and the end of the transitional phase of local government transformation, culminated in the demarcation of 284 municipalities. Initially, the primary focus was on establishing specialized IGR forums and procedures, especially concerning concurrent functions. Where legislation addressed the settlement of IGR disputes, these were confined to particular contexts (Inaugural Report, 2005/06 – 2006/07).

The Interim Constitution of the Republic of South Africa, 200 of 1993, dismantled the apartheid government, including the Bantustans; this heralded and signalled

a new path of introducing the three spheres of government: national, provincial, and municipalities. However, De Villiers (2012:675-676) believes that the Interim Constitution was silent on the principles of cooperative government and hence tends to preserve the structural separation of development programmes and delivery of services. Moreover, De Villiers (2012:675-676) corroborates that abolishing the ingrained apartheid reform goals necessitated sophisticated policy development and implementation and regulatory frameworks.

2.2.2 Operationalisation phase (2001 – 2004)

The Constitution cements the fundamental significance of IGR in South Africa. The framework for the operationalisation of cooperative governance is laid out in Chapter 3 of the Constitution, with the success of IGR determining the efficacy of collaboration across the three domains of government. The operationalisation of IGR systems provides a detailed explanation of cooperative government principles. According to De Villiers (2012:678), during the second phase, however, few restrictions governed the implementation of IGR.

The IGR Inaugural Report (2005:12) highlights that during the second phase of operationalisation, a few non-statutory IGR forums were established, such as the PCC, the Forum for South Africa Director Generals (FOSAD) and the Provincial Intergovernmental Forum. This period also saw increased local government involvement in IGR as well as increased collaborative joint work, programmes, and projects across the three spheres.

According to the Report on the State of IGR in South Africa, the second phase marked the beginning of the involvement of local government entities in the IGR lifeblood.

2.2.3 Consolidation phase (2005 to date)

The consolidation of the IGR systems and concepts was the third and last phase of South Africa's IGR evolution. This phase is marked by legislating IGR under Section 41(2) of the Constitution. The major milestone for IGR during this phase

was the enactment of the 2005 IGRF Act, which sets out a broad framework for the implementation of IGR across the three spheres of government. The enactment of the IGRFA signalled the adoption of the constitutional and legal approach to implementing IGR. The IGRFA stipulates the protocols of IGR and make provision for the development of IGR forums and procedures on how to handle conflict. As the regulatory framework became more formalized, the focus shifted to intergovernmental tools that let IGR practitioners practice more effectively.

2.2 Models associated with intergovernmental relations

Harris (1983:87-88) and Haysom (2001:43) note that two types of governments are adopted globally, federal and unitary. A state constitution defines how it should be governed. Thus, the primary variable influencing the relationship between the various spheres is that government is manifested in a state's Constitution. This section expands on the two main types of governments.

2.2.1 Federal government

The federal government can be defined as a government system in which authority is decentralised to sub-national units, for example, states in the United States (US), cantons in Switzerland, Australian territories, and Bunderlanders in Germany. Du Toit et al. (1998:244) argue that the relationship between these states is characterised in unison. The basis of these mutual relationships between states is underpinned by five federal principles (Hattingh, 1998:113). The five federal principles amongst others consist of an identifiable geographical area that comprises several independent governments with common boundaries; each government is sovereign in its own right and is not subordinate to any of the other governments. These governments each appoint the necessary executive bodies to carry out the functions of government within their respective geographical area. In terms of international law, the united geographical area of all the individual governments' constitutes a federal government with its own executive bodies necessary for carrying out functions of the federal government. This type of federal

government is authorised to exercise limited authority over joint constituent governments. The federation consists of a geographical area that encompasses several independent governments with common boundaries. Each government is sovereign and is not subordinate to any of the other states. Each state within its geographical jurisdiction appoints an executive body to carry out the state's functions. The united geographical area in terms of international law constitutes a federal government. Such a state exercises limited authority over the joint constituent government. Thus, the division of power between individual and federal governments allows total control over the communities, whereas direct control over the community as a whole is vested in the executive bodies of the federal state.

According to Fenna and Hollander (2013:220), a federal government, in contrast to a unitary government system, is embedded in the principle of sovereignty. Federal governments are usually constituted of a division of sovereignty between two levels of government. However, Law (2012:542) follows this line of thinking that sovereignty is indivisible, therefore, cannot be shared or divided. Bolaji (2009:115-116) further asserts that federal states refer to the arrangements and how authority and functions are assigned to different regions. The golden thread concerning these definitions emphasizes the sharing of authority between different levels of government.

Riker (in Kriek et al., 1992:15) states that a federal state is one in which:

- There are at least two levels of authority that rule the country.
- Each level of authority is autonomous in at least one functional area;
- There is a guarantee that each authority can act independently within its domain of activity.

The distinct nature of a sub-national unit is guaranteed and protected, although the unity of the federal state is fundamental, and every state must work towards it and preserve this unity. As a result, sub-nationals assume and exercise sole executive authority and can make crucial policy decisions and legislate on topics that have been delegated to them. Federal states must, therefore, ensure that their

actions are properly coordinated and that cooperation between them is strengthened.

According to Elazar (1987:531), federal states have three essential characteristics: possessing written constitutions, non-centralisation, and lastly, a fundamental division of authority. A written constitution formalises the distribution of power of federal and other governments. The rights and authority of the federal and other governments are usually protected because of the rigid nature of the Constitution. The Constitution also makes provisions for the settling of disputes amongst the federal and constituent governments.

Moreover, Hattingh (1998:114) shares the same line of thinking that the distribution of power is enshrined in the Constitution and is interpreted and upheld by a judicial authority. The intensity level is far higher than usual owing to the authority of distribution between national, sub-national, and local spheres of government. Subsequently, the sub-national government enjoys full authority over their geographic areas concerning all matters not assigned to the federal government by the Constitution. Constitutional mechanisms are employed to solve and adjudicate constitutional disputes amongst the spheres of government. No relationship whatsoever or interaction exists between the federal and local spheres of government. The relationship between local and sub-national governments will be unitary in nature (Du Toit et al., 1998:244; Hattingh, 1998:114).

According to Happaerts et al. (2012:442-443), federal states are traditionally classified as dual or cooperative systems. In a dual federal state, authority is shared between the two levels while both can execute their functions autonomously from each other.

2.2.2 Unitary government

A Unitary government can be defined as a government system whereby authoritative power is exercised at a central (national) level, and little power or autonomy is assigned to the lower levels of government. Examples are seen in

the United Kingdom (UK) where the lower level is referred to as Countries; Provinces in the Netherlands; Countries in Sweden; and Departments in France. The supreme authority in a unitary government is vested in the central government, which enjoys unlimited indivisible power. No limits are set in the Constitution on the power of the central legislative authority unless it voluntarily gives consent to such limitation (Du Toit et al., 1998:244). The central legislative authority exercises supreme authority to amend, repeal and promulgate laws on any matter affecting the citizens or the state. The legislative authority for the proper performance of its functions may create as many executive bodies as it deems necessary and allocate financial resources to execute functions.

2.2.3 Difference between a unitary and a federal state

The following are the critical differences between unitary and federal states, according to Schultz (1961:179). A unitary state's supreme sovereign authority permits it to be more flexible than a federal state in terms of allocating and reallocating functions across governmental organisations, as well as changing geographical bodies. In unitary states, it is easier to establish uniform policies; however, a federal government's policy-making ability is confined to subjects entrusted to it by the Constitution.

In a federal state, sub-national and local governments are safeguarded by constitutional guarantees against a summary of centralisation of power. This promotes maximum community engagement, maximises democracy's value, and is necessary to develop meaningful intergovernmental and extra-governmental connections. A unitary government, on the other hand, provides less protection against the centralisation of power.

2.3 Legislative framework

2.3.1 Constitution of South Africa 108 of 1996

The Constitution of South Africa 108 of 1996 is the sovereign Law of the country. No law supersedes the provisions of the Constitution. Thus, any law which is contradictory to the Constitution is considered null and void. The Constitution defines how a state should be governed (Kahn et al., 2011:26). A plethora of

legislation exists to guide and inform IGR in South Africa (Haurovi, 2012:83). According to Feni (2010:86), the implementation of IGR is underpinned by the Constitution. Chapter Three of the Constitution's Section 40 sets out the principles of cooperative governance, also stipulating how each sphere ought to be related. Thus, the Constitution states that the three spheres of government (national, provincial, and local) are distinctive, interdependent, and interrelated.

Moreover, according to Mase (2010:77), each sphere of government is unique within its respective geographical areas of operation and must cooperate on matters of the common good and mutual trust. Edwards (2000:86) concurs with Nkwenzwane (2012:123), arguing that distinctiveness refers to the degree of executive and legislative autonomy as enshrined in Section 40 of the Constitution. The following outlines the characteristics of the three spheres of government.

Distinctive / Autonomous

Autonomy can be defined in that the three spheres of government are distinctive and has the power to decide within their respective jurisdictions (Malan, 2005:227). However, the Constitution makes provision for the distinctiveness of the three spheres of government. The distinctiveness of each sphere is the degree of legislative and executive autonomy as enshrined in the Constitution. Each sphere has specific functions and final decision-making powers. This means each sphere has distinctive legislative and executive competencies. As a result, the allocation of competencies is based on the assumption that there is a particular public interest which is best served by the respective sphere. Kahn et al. (2011:65) state that the Constitution does not advocate for exclusivity in service delivery; however, the principles of cooperative governance oblige all spheres to work together for the common good of the citizenry. In accordance with Section 154 (1) of the Constitution, national and provincial governments should support and fortify the capacity in the local sphere. All spheres and organs of the state must respect the constitutional status, powers, and functions and should not intrude on the geographical, institutional, or functional integrity of government in another sphere following Section 41(1) and (g) of the Constitution.

Interdependence

The interdependence of the spheres is the degree of legislative and dependence on one another in fulfilling their constitutional obligations. However, two schools of thought emerge about the concepts of interdependence. The first school of thought referred to realism, believing that interdependence is not beneficial. Realists view interdependence as dominance-dependency, whereby the dependent party is vulnerable to the decisions taken by the dominant party. They do not view interdependence as being equality but rather believe that one party's vulnerability influences the other party. According to Voitti and Kauppi (1987:55-56), interdependence is assumed to be a form of authority of one governmental institution over another. The term interdependent means that no sphere can function independently. As a result, all spheres should support one another, especially when it comes to helping municipal and provincial governments strengthen their capabilities. Thus, they should always be closely supervised and monitored to ensure that national priorities through effective oversight are attained (Ile, 2010:54). Thus, Realists believe that governmental institutions should strive to be less dependent on other bodies.

In contrast to Realists, Pluralists argue that interdependence advocates stability in the system and brings about a positive feature. They believe that a common effect exists amongst governmental institutions. This reciprocal effect leads to sensitivity to what is going on in or emerging from the other institutions. Pluralists, however, do not overlook the vulnerability issue but instead focus on channels connecting communities: intergovernmental and transgovernmental, and transnational relations (Viotti and Kauppi, 1987:210). According to Viotti and Kauppi (1987:594), interdependence should more likely be asymmetric (with effects varying from one unit to another).

Pluralists believe that good relations can be created amongst independent units, whether financially, through the transfer of technology, or via communication. In the ordinary course of events, any governmental institution depends on other governmental institutions for the resources needed to execute its functions. Managing such interdependent relations may require establishing sets of procedures and associated institutions to govern interactions in these issue areas. For example, to facilitate IGR, specific forums allow the various spheres to

communicate with one another (Viotti and Kauppi, 1987:210). For example, the Northern Cape Premier established the Premier's Intergovernmental Forum to promote and deliberate on common interest issues, such as provincial priorities and service delivery.

Interrelated

The interrelated concept relates to the degree the government ought to cooperate and execute their activities and intervene if circumstances permit. Interrelatedness promotes fostering of joint planning, friendly relations, and avoiding disputes. The Constitution makes provision for national and provincial institutions to play an oversight, supervisory, and monitoring role over the local sphere. Similarly, does the national sphere exercise a supervisory role over the provincial sphere? The Constitution further makes provision for support, monitoring, and intervention in the following areas.

Support

Section 155 (6) and 155 (7) of the Constitution states that national and provincial governments have a constitutional duty to extend support to municipalities. Section 139 of the Constitution stipulates that if a municipality fails to fulfil its executive duty, the provincial government may intervene.

Monitoring

The national and provincial spheres have a constitutional duty to monitor local government. In accordance with Section 155 (6)(a) of the Constitution, it states that provinces should monitor and support local government in their respective provinces. The Local Government Systems Act 32 of 2000 provides for national and provincial spheres to set norms and standards, and regulate, for example, establishing a framework for performance management at a municipal level. Thus, compelling municipalities to report on non-financial information such as service delivery outputs and outcomes. For instance, national and provincial treasuries play a pivotal role in assessing and monitoring municipal service delivery and budget implementation plans (SDBIPs) to ensure coherence and quality assurance alignment with integrated development plans (IDPs).

2.3.2 Intergovernmental Fiscal Relations Act 97 of 1997

The Intergovernmental Fiscal Relations Act makes provision for the formalisation of the intergovernmental budget processes. It also encourages collaboration between the three branches of government on fiscal, budgetary, and financial issues. It also makes provision for the establishment of a budget council and a budget forum. The budget council comprises the Minister of Finance and the nine provincial Members of Executive Councils (MECs). The objective of the forum is to consult on processes of budgetary and fiscal matters. Intergovernmental fiscal relations' fundamental task, according to the Inaugural Report (2005/2006 – 2006/2007), is to ensure that finance structures in a state with one or more spheres of government are developed. This covers, among other things, the distribution of expenditure responsibility and taxing authority among the three spheres of government; furthermore, it ensures that institutional arrangements, monitoring, supervision, and interventions are implemented. Ismail (2001:59) concurs that an ideal Intergovernmental Fiscal Relations system should incorporate the following:

- Transparent and predictable service to specific intergovernmental transfers;
- Clear, sustainable, and expenditure assignment;
- Cost and services and performance of the sector;
- The capacity of the sub-national governments to deliver services;
- The extent of the private sector's involvement in the provision of public goods.

Section 214 of the Constitution provides each sphere of government a portion of the equitable division of revenue, which is collected nationally (Ismail, 2001:58). The enactment of the Intergovernmental Fiscal Relations came into effect to promote greater cooperation amongst the three spheres of government (Reddy, 2001:34).

2.3.3 Intergovernmental Relations Framework Act 13 of 2005

The IGRFA provides a broad framework for establishing intergovernmental structures in the three spheres of government and creates a platform for promoting and coordinating IGR. The Act also makes provision for the settlement of disputes amongst the three spheres of government. Per Section 5 of the Act, the three spheres of government must take steps in ensuring that:

- they have adequate institutional capacity; they must also ensure that they have adequate measures to consult, share information and cooperate among themselves
- they respond promptly to requests from other spheres of government and organs of state
- they participate in IGR structures to which they belong
- they exercise statutory power or functions or provide a service
- they have implemented protocols, which may be used where two or more state organs must coordinate their interactions to implement policy
- they set performance indicators and put measures in place to ensure that outcomes are achieved (Edward, 2000:69–70).

2.3.4 Municipal Finance Management Act 56 of 2003

Gildehuys (1997:197) posits that to understand the financial relations between the three spheres of government, it is important to understand the constitutional system within which local government operates. In this regard, Chapter 13 of the South African Constitution, provides a framework for the financial supervision of the local government by the National Treasury and Provincial Treasuries. This supervisory role is actualised by the Municipal Finance Management Act 56 of 2003 whose purpose is to secure sound and sustainable management of the financial affairs of municipalities and other institutions in the local sphere of government, to establish treasury norms and standards for the local sphere of government, and to provide for matters connected therewith. Sokhela (2006:73) argues that the supervisory role of the national treasury and provincial treasuries must take place within the framework of cooperative government as set out in Chapter 3 of the Constitution.

The National Treasury also has a responsibility to promote the objectives of the Municipal Finance Management Act, 2003 when coordinating intergovernmental financial and fiscal relations in terms of the Intergovernmental Fiscal Relations Act, 1997. The constitutional and legislative frameworks on intergovernmental fiscal relations do not necessarily guarantee effective and efficient financial relations in the local government sphere. Gildenhuys (1997:203-208) contends that to ensure equilibrium in financial relations among the three spheres of government, there should be an acceptable set of normative guidelines according to which these relations can be organised. These guidelines are national frameworks, financial accountability, right of existence of each sphere of government, integration of functions, coordination of functions, adequate revenue, equal adjudication in working out a formula for revenue sharing, adequate increase in revenue, security and certainty, and adaptability.

2.3.5 1998 White Paper on Local Government

The White Paper on Local Government (1998:37) clearly states that local government is a sphere in its own right and is no longer a function of the national or provincial government and as a result, the cooperative government assumes the integrity of each sphere of government which is distinctive, interdependent and interrelated. This means that the three spheres of government have original powers which are derived from the Constitution and no sphere of government is subordinate to the other sphere. Ismail et al. (1997: 139) argue that cooperative government is a new concept to resolve problems related to IGR and its endeavour to address the difficulties experienced by most large bureaucracies in coordinating their government functions and streamlining their administrative activities.

The developmental local government has interrelated characteristics, namely, maximising social development and economic development, integrating and coordinating democratising development, and leading and learning (White paper on local government, 1998:18). The White Paper (1998: 19) further stipulates that to achieve greater coordination and integration, integrated planning and

development is imperative since it provides a mechanism for municipalities to facilitate integrated and coordinated delivery within their locality. The researcher is of the view that integrated planning through IGR and cooperative governance at the local government will enhance service delivery.

2.3.6 National Development Plan Vision 2030,

The National Development Plan (NDP) is a long-term vision seeking to create new paths of prosperity. The NDP aims to eliminate poverty and unemployment, and reduce inequality through inclusive economic growth, building human capabilities, and active citizenship throughout society. The plan provides a broad strategic framework and proposes the need for holistic improvement of intergovernmental management. It further proposes the strengthening of IGR between the three spheres (NDP, 2012:46).

2.3.7 The Northern Cape Premier's Intergovernmental Relations Framework

The NC PIGF was established in 2006. The forum comprises the Premier (Chairperson), the Director-General, Members of the Executive Council (MECs), the Chairperson of SALGA, District Executive Mayors, Heads of Department, Municipal Managers, etc. In terms of Section 16 of the Constitution, the Premier must establish a Premier's Intergovernmental Forum in its respective province. This forum aims to consult and deliberate on matters of mutual interest. The Premier's Intergovernmental Forum is a consultative forum; as a result, decisions are not binding and, by implication do not formulate policy. The implication is that the Premier's Intergovernmental Forums have not (as yet) been able to play an effective role in fostering greater intergovernmental coordination (NC PIG RFramework, 2016).

2.4 Theoretical Approach

2.4.1 Democratic Approach

The main focus of the democratic approach makes provision for provincial and local governments to be autonomous. Hattingh (1998:13) argue that the emphasis

which the democratic approach place on governmental institutions on autonomy is too restrictive to create an adequately holistic view of IGR. Moreover, proponents of the democratic approach advocate for the devolution of authority to local and regional institutions. Practically, it would mean that local and regional authorities would be independent of any higher authority. This implies that the relationship between these institutions would take place based on the authority conferred on them. However, the merit of anti-centralisation beliefs is evident in the ongoing debate between local and central governments over the scope of authority assigned to provinces and local institutions. In a realistic world, such a situation would create complexity and hostility and might be chaotic in a democratic state.

Hattingh (1998:12), on the other hand, posits that the notion of autonomy is best understood as a measure of independence given by the central government to both provincial and local institutions.

2.4.2 Legal Approach

The Constitution and other legislative provisions are used as the starting point for the study of IGR in the constitutional/legal approach. The implementation of IGR in South Africa is underpinned in Section 41 of the Constitution, which advocates that the three spheres of government and all organs of state should preserve the national peace, and indivisibility of the Republic's citizenry, provide effective and efficient accountable coherence and transparent government for the Republic, cooperate in mutual trust and good faith amongst one another. The Constitution requires the three spheres of government to cooperate and foster mutual trust through joint planning and policy formulation and implementation. The challenge with the approach is that it assumes that the information in legislation is correct and unchangeable until new legislation is enacted. It also assumes that relationships between government institutions exist exclusively within the legal framework that allows them to exist. Hattingh (1998:111) notes that proponents of this approach often overlook the ongoing interaction between government bodies that are not always based on a legal clause.

2.4.3 Bureaucratic Approach

Aron (1994:550) argues that Max Weber's ideal-type bureaucratic model is the most effective approach. Its characteristics are based on hierarchy, professionalization, and appointments based on merit. This model emphasizes legal rationality and efficiency. The implementation of policies by administrative officials is an attribute of all bureaucratic organisations.

According to Mphaisa (2006:7), this approach is applicable in the study of IGR because it reflects and characterises today's public service. The three spheres of government each have a distinct role to play in the development of the country. This approach, however, does not go into detail on how these spheres of government should interact and how to mitigate cases of overlapping jurisdiction and cooperation, which is a crucial component of cooperative government.

2.5 Synopsis of the IGR

2.5.1 Presidential Coordinating Council

The Presidential Coordinating Council (PCC) came into being on October 15, 1999. The Council is chaired by the President, Co-chaired by the Deputy President and brings together the Premiers of the Nine Provinces, the Chairperson of SALGA, and the National Minister dealing with cross-cutting functions such as provincial and local government affairs, public service administration and finance. Other National Ministers are invited to participate as and when required.

The PCC is responsible for the coordination and alignment of priorities, objectives, and strategies across all spheres of government in terms of section 7(b) of the IGRFA, discussing performance in subsection (c) and considers reports in subsection (d). The Council serves as a coordinating structure for the three spheres of government to ensure that the Medium-Term Strategic Framework (MTSF) is implemented. The objective of the Council's meetings looks at measures on how to address challenges and share information on best practices. The PCC intends to assist premiers to fulfill their constitutional responsibilities, which include developing provincial policy, preparing and initiating legislation for

the provinces, and administering national legislation, as per Sections 4 and 5 of the Constitution, such as education, health, transport, and social development, etc. For example, the PPC meeting of February 28, 2020, notes that struggling municipalities should be restored and that the Council commits to ensure that all actions will be aligned in solving challenges.

The PCC aims to allow premiers to pursue a more strategic agenda and deal with significant challenges of provincial administration with the guidance and cooperation of the national Department of Provincial and Local Government and the Presidency. The PCC has been reengineered and transformed from the former setup, in which premiers mainly engaged informally and horizontally. The inaugural Premiers' Forum was chosen for the flexibility that the office of the premiers' requires. However, the focus, context, technological competence, and clout required to be effective were lacking.

2.5.2 Minister and Members of the Executive Council

The goal of the MinMECs is to enhance cooperation, coordination, and communication between national and provincial departments and facilitate the involvement of local government, notably District Municipalities and Metropolitan Councils, through SALGA. MinMECs address how government policies are implemented and how financial and other resources are distributed, allowing for discussions and debates on sector delivery and cross-cutting concerns. MinMECs are important IGR entities for reaching consensus on policy, planning, budget priorities, progress reports, and interface with parastatals. The 1998 Presidential Review Commission highlights the following core roles and responsibilities of the MinMECs:

- National norms and standards are the subjects of deliberation and discussion
- Intergovernmental policies and strategy integration
- The creation of cooperative initiatives and programmes
- Information from various sectors being shared.

MinMECs also provide a platform for provinces to discuss the uniqueness or distinctiveness of their circumstances. It also provides an opportunity for

engagement between the MECs and the national ministers. Advice is given, problems are identified, possible areas of conflict are anticipated, national policy is commented on, and MinMECs propose legislation. For example, because of the vast number of MinMECs, there are many meetings, which results in either low attendance or the attendance of low-ranking officials who are unable to make decisions. Again, the Minmec agendas have an excessive number of technical topics that the technical committees should handle. Despite the critics, MinMECs continue to be one of the essential mechanisms for promoting IGR; however, MinMECs do not have decision-making and executive authority. Some government agencies are addressing these restrictions and adopting a more multisectoral strategy to minimise policy fragmentation (Kahn 2011:76).

2.5.3 Technical MinMECs

Technical MinMECs is constituted by the Director-General and the provincial Heads of Departments. The function of MinMECs is to provide support to the Minister and the MECs. This includes ensuring that the MinMECs' resolutions are carried out effectively. The forum also deliberates on policy matters and performance within its sector (Kuye et al., 2002:122).

2.5.4 Budget Council

The Constitution provides an Act of Parliament to regulate Intergovernmental Relations in South Africa; however, this only came into effect 11 years after the dawn of democracy. When the IGRF Act came into being in 2005, there were only two statutory IGR instruments namely the Budget Council and the Council of Education Ministers. The two councils were established respectively under the Intergovernmental Fiscal Relations Act 97 of 1997 and the National Education and Policy Act 26 of 1996. The need to establish the Council of Education Minister was to regulate the complex transformation of the education sector. This Council aims to advise the minister, discuss legislation, and draft policy guidelines across the spheres of government. The institutionalisation of IGR in the education sector has assisted the Department of Education to achieve several objectives and ensure that services are delivered efficiently and effectively. However, neither statutory

bodies have any provision that binds provincial executive councils to decisions taken in these forums. In most cases, recommendations of these bodies are arrived at by negotiation before meetings or a consensus is reached during the sessions (Levy, 2001:101).

2.5.5 Premier's Coordinating Forum

The Premier's Coordinating Forum's composition is as follows: Premier (Chairperson), the Director-General, MECs, the Chairperson of SALGA, District Executive Mayors, Heads of Department, and Municipal Managers, etc. (Northern Cape Premier's Intergovernmental Relations Forum Framework, 2019:12). Per Steytler (2006:7) argue that the Premier's Coordinating Forum amongst others discusses matters of mutual interest such as implementing national and provincial policy at local level. The Forum must provide the Presidential Coordinating Council with a minimum of one annual report (IGRFA 2005 section 20(a)).

2.5.6 Forum of South African Director-Generals (FOSAD)

The FOSAD was established in June, 1998. The forum's purpose was primarily to coordinate policy and facilitate intergovernmental cooperation at the horizontal and vertical levels of government (Republic of South Africa, 1998:4). FOSAD is a platform that brings together director-generals at both national and provincial levels. This forum is thus chaired by the National Director-General in the Presidency. Meetings are convened quarterly, with the possibility of ad hoc meetings as and when required. A small group of director-generals, named the FOSAD management committee, was established to manage the operational matter and oversee the implementation of resolutions. These fora allow Director-Generals to deliberate on policy formulation and implementation. In doing so, ideas are exchanged; the process also fosters political and administrative interfaces. FOSAD has been influential in sharing insight about public management practices and furnishing the political head with insight into the architecture of sound government (Kahn, 2016:108-109).

2.5.7 District Mayoral Committee

Section 26 of the IGRFA makes provision for the establishment of District IGRs. These forums aim to facilitate and promote IGR between the district municipality and the local municipalities within the respective district. The forum is constituted by the district mayor, mayors of the local municipalities in the district, and in cases where a local municipality does not have a mayor, a designated councillor, and the administrator of any of those municipalities if a municipality is under administration in terms of Section 139 of the Constitution. The mayor of the district municipality or the administrator (if the municipality is under administration) would be chairing the meetings. The chairperson may extend an invitation to any person to form part of the meeting (Baatjies, 2008:18-20).

2.6 Concepts

2.6.1 Intensity of relations

Warsono (2011:959) argues that the relationship between the three spheres of government is anchored within the principles of collaboration and cooperation. This is a significant driver for the implementation of the IGRFA. However, Hattingh (1998:36) suggests that no two relationships can be the same, meaning an in-depth investigation should be explored when looking at IGR. IGR can be viewed in both formal and informal relations between the three spheres of government. Formal relations can be achieved within the legal prescripts amongst governmental bodies, depending on the type of relations which need to be established. According to Hattingh (1998:37), formal relations can also vary from commanding to a voluntary degree of formality amongst governmental bodies. For example, the MEC for Cooperative Government, Traditional Affairs and Human Settlement must ensure that municipalities perform within the legislative framework and deliver services to the communities Section 151 (4) of the Constitution. Therefore, the onus is on the Provincial sphere to develop procedures and monitoring mechanisms to regulate how municipalities execute their constitutional mandate.

In contrast to formal legal relations, informal relations are less rigid and not prescriptive. Hattingh (1998:38-39) posits that informal relations can differ from complete indifference to full participation—for example, a community participating in the affairs of the Council.

2.6.2 Power dependence

Power is a feature given to political agencies or individuals by legislation or other formal acts, which creates a hierarchy of power amongst governmental bodies at various levels. For example, in unitary states, the legislature establishes power relations between the central, provincial and local authorities, which implies that the central body exercises authority over the provincial and local bodies. Thus, mutual relations of influence are established amongst governmental bodies and the communities they serve (Hattingh, 1998:44).

In the context of IGR, power can be defined as a resource under the authority of another governmental entity that is required by other bodies, as well as the extent to which the governmental body in charge of that resource has a monopoly on that resource (Regan, 1982:55; Hattingh, 1998:45). The holding of power and the need for resources, on the other hand, do not constitute a one-way flow between the political entity in charge of the resource and the body in need of it. When one government agency requires resources that another provides, the former is reliant on the latter. This reliance, on the other hand, rarely exists in a single direction. These power linkages can thus be regarded as a continuous power dependency relationship between governmental bodies.

2.6.3 Bargaining power

Bargaining power goes beyond the parameters of labour relations, in the context of employee and employer, bargaining over primary conditions of employment. In terms of IGR, bargaining plays a pivotal role, particularly in a broad spectrum of issues. For example, government departments are in the game of competing for scarce resources. The one department with the greater bargaining power is more

likely to win the game because of its ability to manoeuvre for the best possible outcome. However, this process sometimes favours the possessor with the maximum bargaining strength (Regan,1982:52; Hattingh, 1998:165).

According to Hattingh (1998:165-166), bargaining power can be influenced by a higher-ranking governmental body or person who could generally have greater bargaining power than a lower-ranking person or body. Such a degree usually is determined by the governmental bodies' bargaining power. Bargaining power can also be influenced by behavioural action, such as persuasion, coercion, or manipulation. Regardless of these variables, legal provisions and regulatory statutes for specific circumstances will limit bargaining power. People play a critical role in IGR, as a result, drive the bargaining processes.

2.7 Governance

This section will focus on defining governance, and good governance, and elaborate on the elements of good governance.

2.7.1 Definition of governance

Governance is viewed as an increasingly “multi-actor phenomenon” according to Peters (2005:87). The same author observes that “if the perceived trustworthiness of government continues to decline, the part played by civil society in governance will become more important and collaboration may become the principal source of the policy capacity of government” (Peters, 2005:87). According to the Organisation for Economic Co-operation and Development (OECD) (2000:112), collaboration is experienced by both parties when they form a good relationship so that they can act as partners, and not as individuals. Carrington et al. (2008) share the same views of both the OECD and Peters by arguing that governance involves collective decision-making by all actors in addressing shared problems. Moreover, the processes and institutions that guide and restrain the collective activities should be made known publicly and should be able to be adopted by anyone, such as international organisations and their members or local organisations and their members (Carrington et al., 2008). The same authors

further argue that governance is more about the process through which decisions are made, rather than the substance (Carrington et al., 2008:2).

Bryson et al. (2014:450) note that governance is the node which brings together government, civil society, and the private sector in an efficient, effective, and meaningful decision-making context. In the same vein, it implies that a set of rules by the government is lifeless; governance is the enabler that enforces such rules. Governance emanates from policy issues which call for stakeholders to take evidence-based decisions on the nature of the problems and furnish tangible solutions (Levi-Faur, 2012:207).

Therefore, this study defines governance as the act of governing, guiding, or ruling within a system of accountability, and responsibility with the application of clear guidelines and shared common values, and building a strong partnership between government and communities (World Bank, 2008). It can, therefore, be deduced that governance requires structure and accountability that is provided by guiding and collective activities to function successfully. Moreover, governance is viewed as an interdependent set of relationships, because it depends on the quality of the effective functioning of the system as a whole (World Bank, 2008). In essence, governance cannot function without systems of accountability, responsibility, and clear guidelines within a shared partnership. Goede and Neuwirth (2014:554) posit that governance steers government institutions and agencies to meet the public's demands. In essence, governance is the principle of an effective and efficient public administration regarded by equal treatment of all citizens to adhere to the rule of law (Klijn and Koppenjan, 2016:5).

2.7.2 Good governance

According to Nkwenza (2012:2), governance refers to the technique or style in which government is carried out. People will not support governmental policy if it is dictatorial and not democratic. Good governance, according to Bang and Esmack (2013:1-2), is an empirically observable politico-administrative style of making, revising, and organizing public policy-making. Bang and Esmack (2013: 5-6) note that good administration entails political agendas. Traditionally, a political

agenda refers to a collection of policies and political issues that show a clear hierarchy of objectives and interventions in a simple format. Good governance, according to Coetzee (2010:89), comprises attempts to enhance government institutions, make government more responsible, open and transparent, more democratic and participative, and promote the rule of law. In the same vein, the United Nations (1997:5), Adeosun (2012:6) and Gisselquist (2012:8) posit that good governance comprises eight key components, which include: efficiency and effectiveness, rule of law, accountability, participation, responsive, consensus-oriented and transparency.

2.7.3 Elements of Good Governance

The diagram below depicts the elements of good governance



Figure 2
(Source: Researcher's own)

2.7.4 Public participation

According to Thejane (2010:36), public engagement is seen as the cornerstone of democracy and is at the heart of any democratic society. Public engagement helps

to foster a culture of good governance by increasing responsibility and achieving good governance. Public participation is an essential process for the legalization of government decisions and meeting the requirements of the community in general. Participation ensures accountability and transparency leading to good governance. Freedom of association between nations is further guaranteed by the Constitution and South Africa makes provision for non-governmental organizations like the Institute for Democracy in South Africa (IDASA, 2012). IDASA, amongst other things, was a political government programme which provided methods for public participation in the parliamentary government process (IDASA, 2012).

Municipalities must develop a culture of municipal governance that complements the formal representative government (elected leaders) with a system of participatory governance (community participation) to encourage and create conditions for the local community to participate in the municipality's local affairs, according to Section 16 (1) of the Municipal System Act of 32 of 2000.

2.7.5 Rule of law

According to Cloete (1995:68 in Nzimakwe, 2005:116), rule of law signifies a state of government and administration under which the executive functionaries do not have too wide and unchecked powers allowing them to act arbitrarily against the citizens. Nzimakwe (2005:116) argues that good governance requires fair legal frameworks that are enforced impartially. This legal framework should be based on the rule of law, independence of the judiciary to protect human rights, check against abuse of discretionary power and exploitation

2.7.6 Transparency

Rondinelli and Cheeman (2003:99-100 in Prinsloo, 2013:10) argue that transparency promotes the openness of the democratic process through reporting and feedback. Transparency is about the free flow of information; it means that enough information is provided to citizens easily and in understandable forms. On governance and sustainable development, the UNDP (2014: 6) notes that

transparency in government behaviour sends strong signals to citizens and investors, and evidence shows that the more information a government releases, the greater the investment and subsequent effect on growth. There is also evidence that transparency in budget, expenditure and procurement processes leads to increases in service delivery.

These elements protect against government errors, and wrongful allocation of funds and reduce corruption. Studies show that in poor developing countries, there is a devastating impact on the lives of poor people due to corruption. A bribe to a police officer is paid by a poor household and often means that a family cannot afford school fees. Corruption not only reduces the income of the poor but also destroys the development programmes that were implemented to achieve their basic needs such as sanitation, education, and poverty reduction. The study “*The effectiveness of Intergovernmental Relations in the Northern Cape Provincial Government, with focus on the Premier’s Intergovernmental Forum*” by Gaoretelelwe (2017:68) states that the NC PIGF efficacy must be the cornerstone of attaining a caring government by ensuring that the Northern Cape government is transparent in its delivery of services to the communities it serves.

2.7.7 Accountability

Accountability is the pillar of democracy and good governance. This forces the state, private sector, and civil society to focus on results and to monitor and report on performance. In a democracy, the representatives should be answerable for their governmental behaviours through regular elections and legitimize the exercise of political power. These representatives should be accountable to the large sections of society from whom they derive their authority (Schillemans & Busuioc, 2014:3). In this study, accountability refers to both politicians and government personnel being held accountable to all of the people they serve through the processes established by Parliament and the representative legislatures. This can be accomplished by placing people in positions of responsibility who have the necessary skills and knowledge.

2.7.8 Efficiency and Effectiveness

The promotion of efficiency, according to Moroka (2000:16 in Gaoretelelwe, 2017:68), is centred on financing, personnel management, person power use, planning, and coordination. These concerns are particularly important when using administrative tools to rationalize decision-making. It means that the processes and institutions that are responsible for administration should make optimum use of the available resources to improve the well-being of society at large.

2.7.9 Responsiveness

Good governance requires that the institutions and process should aim to serve stakeholders within a reasonable time frame (OECD, 2009:12), for example, the imbizos where the Executive Councils meet with the citizens to get a sense of issues on the ground. The Executive Council must provide feedback on issues raised during the imbizos within a reasonable time frame. This implies that government should be flexible and respond timeously to societal challenges.

2.7.10 Consensus-oriented

The objective of good governance should be to arrive at a broad consensus through mediation between interests that are different, which is in the best interest of the whole community and sustainable human development. Adeosun (2012:8) argues that participation by the government, civil society, and community organisations can benefit from consensus-oriented decision-making.

2.7.11 Equity

Equity implies that everyone, has opportunities to improve or maintain their well-being (Gisselquist, 2012:10). The vulnerable and less privileged should not feel that they are excluded from the mainstream of society (European Union, 2001:11). The Premier's Intergovernmental Forum must promote inclusivity to enhance service delivery.

2.8 Conclusion

This chapter focused on the evolution of IGR in South Africa. Various IGR structures were discussed concerning their compositions and roles in the facilitation of IGR amongst the three spheres of government. Besides the Constitution, other policy reforms and statutes on IGR and cooperative governance were analysed and discussed. The chapter also considers cooperative governance to comprehend why different levels of government must work together for the sake of the people. Good governance also aims to ensure that all levels of government are aware of the benefits.

Transparency, accountability, public engagement, efficiency and effectiveness, rule of law, consensus-oriented, and responsiveness were also discussed in the preceding section, as well as how these components will improve both good governance and IGR.

CHAPTER 3: ANALYSIS OF THE NORTHERN CAPE PREMIER'S INTERGOVERNMENTAL FORUM

3. Introduction

Chapter Two is devoted to expounding on the evolution of Intergovernmental Relations and Cooperative Government in South Africa. The advent of the Intergovernmental Relations Framework Act (IGRFA) 13 of 2005 aims to fulfil a constitutional requirement of Section 42(1), which stipulates a need to pass an Act of Parliament to this effect. This legislative evolution of IGR from 1994 to 2005 and beyond indicates the significance of continuously tightening efforts for efficient and effective cooperative government and IGR. In particular, the Act sought to establish mechanisms for dispute resolutions on IGR matters, which is imperative since stand-off among institutions can delay progress in delivering services considerably. The three spheres cannot act arbitrarily against one another. As such, there is a need to recognise each other's interdependence, distinctive character and interrelatedness in one sovereign country (Du Toit, 2007:17; Craythorne, 2006:15-16).

Given the above, Chapter Three is devoted to analysing the Northern Cape Province's IGR. This is done to gain insight into the broader institutional context and environment within which IGR and cooperative government occurs in the province. This chapter also deliberates on decision-making, decision-making types and theories of decision-making. However, the bone of contention of this chapter is paramount to the study since it seeks to strengthen the Northern Cape Premier's Intergovernmental Forum (NC PIGF).

3.1 National perspective on IGR structure

A plethora of both formal and informal forums are at the heart of the IGR system in South Africa. Intergovernmental forums are consultative platforms where executives of different spheres of government come together to deliberate on matters of common interest. The Synthesis report (2014:1) notes that the 2005 IGRFA institutionalised establishing the IGR governance structure. The goal of the intergovernmental

structures was “to assess and accelerate service delivery and promote cooperative governance between the three spheres of government.”

The Ministers and Members of the Executive Councils (MinMECs) play a pivotal role in allowing provincial counterparts to share their challenges and achievements and interact with their respective national counterparts. The core objective of MinMECs includes, amongst others, the improvement of coordination of activities within all spheres of government and aligning activities within specific sectors. Each MinMEC focuses on a specific field such as human settlements, education, health, welfare, agriculture or the development of local government and enables the Provincial Councils to interact with the relevant ministers (Edwards, 2008:71). Thus, the MinMECs are constitutional bodies that regularly promote coordination between the three government spheres by bringing ministers and their provincial counterparts together. MinMECs play a significant role in implementing policies (Dickovick, 2011:48).

According to the Synthesis report (2014:1), 17 national intergovernmental forums exist, such as the Transport Minmec, Human Settlement Minmec, Environment Minmec, Public Works Minmec, National Health Council, and the Local Government Budget Forum. All provinces have established Premier Coordinating Forums and all 46 District IGR Forums. However, some of these structures were established by sectorial legislation, and others were established before enacting the IGRFA.

The Local Government Budget Forum was established with the enactment of the Intergovernmental Fiscal Relations Act 97 of 1997 and is one of four MinMECs established under their own legislation. The National Health Council was founded by the National Health Act 61 of 2003, and the Civilian Secretariat for Police Act 2 of 2011 established the Ministerial Executive Committee.

However, according to the Synthesis report (2014:17), two of the above structures were established before the IGRFA, while the Ministerial Executive Committee was established after the 2005 IGRFA was promulgated.

The City of Tshwane Intergovernmental Framework (2014:1) also points out that despite the provisions of the IGRFA, the Act is inaudible on the Metro Municipalities’ structural arrangements. Van Niekerk (2015:851) concurs with this view by stating that

the Act does not provide inter-metropolitan, municipal forums, meaning the Act provides institutional arrangements for both District and Local municipalities.

3.1.1 Composition of National IGR structure

According to the IGRFA, MinMECs are standing intergovernmental bodies. Each MinMEC consists of at least one Cabinet member. The members of the Executive Council are responsible for functional areas similar to those of Cabinet members. The Executive Council consists of ministerial forums, committees of ministers and members of the provincial executive councils and SALGA. Thus, the MinMECs are sectoral policy forums composed of national ministers responsible for concurrent functions and their provincial counterparts. Joint MinMECs sectoral meetings are often held between the MinMECs of a selected sector and the budget council (Pillay in McLennan and Munslow, 2009:138; 151). Kahn et al. (2011:76-77) concur with this notion that the MinMECs bring together both national ministers and the members of Executive Councils tasked with concurrent functions. The Presidency (2012:26) highlighted that MinMECs are specifically created to deal with concurrent functions. Kahn et al. (2011:76-77) corroborate that MinMECs are vital drivers that promote consultation, communication, cooperation, coordination, and collaboration between the national departments and their provincial and local counterparts. They also serve as critical instruments that promote cooperative government and IGR by bringing together different sectoral role players. Ministerial clusters were also created to improve service delivery.

The Terms of Reference and guide for Cooperative Government and Traditional Affairs MinMEC (2012:4) opines that the Cogta MinMEC constitutes 19 permanent members. Membership includes, amongst others, the Minister of Cooperative Governance and Traditional Affairs, Deputy Minister of Cooperative Governance and Traditional Affairs, Provincial MECs responsible for cooperative governance in their respective provinces, the Chairperson and Deputy Chairperson of Organised Local Government, the Chairperson of the Select Committee on Governance and Administration, and the Chairperson of

the Portfolio Committee on Cooperative Governance and Traditional Affairs. According to the Terms of Reference and guide for Cogta MinMEC (2012:5), the Minister, as per his/her discretion, extend an invitation to the following board chairpersons:

- Independent Electoral Commission (IEC)
- Municipal Demarcation Board (MDB)
- Fiscal and Financial Commission (FFC)
- Development Bank of Southern Africa (DBSA)
- Commission of Traditional Leadership Disputes and Claims
- An official from National Treasury
- and the Deputy Chairperson of the Commission for the promotion and protection of the Cultural, Religious and Linguistic Communities.

3.1.2 Modus operandi

MinMECs are sectorial platforms, which are chaired by the respective Cabinet member. The chairperson may also invite any person to attend the forum (IGRFA 13, 2005). According to Motingoe (2012:60), MinMECs are essentially sectoral forums where representatives discuss policy and strategic matters, get clarity on complicated areas of legislation, shape policy, and share expertise. Cogta MinMEC is a statutory consultative forum established in terms of Section 11 of the Intergovernmental Framework Act 13 of 2005. The Minister of Cogta convenes MinMECs to discuss initiatives and facilitate inputs from Provinces and organised local government to improve and align the coordination of planning priorities across the three spheres of government. These forums also serve as a platform where provinces, sector departments and the institution of traditional leadership are consulted on the development and implementation of national programmes, policies and legislation impacting local government, such as the District Development Model (DDM). The DDM fosters a practical IGR mechanism for planning, budgeting, monitoring and evaluation. The Plan is embedded in maximising the impact and alignment of plans and resources through developing "**One District, One Plan and One Budget**" (Statement on the Cabinet meeting of 18 September, 2019).

The Chairperson of the Cogta MinMEC may refer any matter which has an implication on the national budget to the Budget Council and Budget Forum. The Chairperson of the MinMEC may only cancel forum meetings in the event of exceptional circumstances. Cogta MinMEC agenda items must be supported by submission in a standard template of not more than one page. All supporting documents which serve at the Cogta MinMEC should comply with the format of a one-page submission, and PowerPoint presentations should not exceed ten slides. The circulation of Cogta MinMEC documentation during meetings is prohibited (Terms of Reference and guide for Cogta MinMEC, 2012:6-7).

3.1.3 *Frequency of meetings*

According to the **Synthesis report** “*An assessment of the functionality of the national and provincial intergovernmental structures constituted in terms of the Intergovernmental Relations Framework Act 13 of 2005*” (2014:19–20), since 1996, MinMECs have existed along the sectoral lines consisting of national ministers and their provincial counterparts. The National Health Council, Local Government Budget Council and the Ministerial Executive Committee differ in terms of the frequency of meetings. Concerning the National Health Council, meetings commence every second month, while the Local Government Budget Council meets at least once a year. Meetings are held twice a year for the Ministerial Executive Committee (Synthesis report, 2014:19-20).

The IGRFA is not descriptive regarding the frequency of meetings. Both the Cogta MinMECs and Technical MinMECs commence four times annually. The secretariat is responsible for finalising the schedule containing dates for MinMEC meetings for the next financial year to be submitted to MinMEC members to diarise accordingly. These meetings must commence as scheduled; only the chairperson has the prerogative to postpone or cancel a meeting in exceptional circumstances (Terms of Reference and guide for Cogta MinMEC, 2012:8).

3.1.4 *Agenda-setting*

According to the IGRFA, the Cabinet member responsible for the functional portfolio determines the agenda for the forum. An opportunity is also provided for the submission of suggestions to be infused into the agenda in terms of a framework determined by that Cabinet member.

The secretariat plays the role of preparing draft agendas and is also responsible for soliciting inputs and comments from Cogta MinMEC members. The Secretariat is also responsible for ensuring the timeous flow and distribution of documentation for the Cogta Technical MinMEC. Cogta Technical MinMEC and the MinMEC agenda and documentation should be finalised seven days before meetings and distributed at least five days before the Technical MinMEC and MinMEC meetings. Cogta MinMEC adopted the following criteria for the implementation of the fora's resolutions. The Secretariat will draft Cogta MinMEC Action Minutes within seven days after the meeting and submit them to members for comments and implementation of resolutions. After that, members should provide progress on the implementation of resolutions which should be submitted to the secretariat for inclusion in the Action Minutes at least ten days before the next Technical MinMEC (Terms of Reference and guide for Cogta MinMEC, 2012:8-9).

3.2 Northern Cape at a glance

3.2.1 Introduction and background of Northern Cape Province

The vast and arid Northern Cape is South Africa's largest province in terms of land area, with 372,889 km², but it is also the least populous of the country's provinces. It is bordered by Namibia and Botswana to the north and also by the North West, Free State, Eastern Cape and Western Cape provinces. The cold Atlantic Ocean forms the province's western boundary. The capital of the Northern Cape is Kimberley. The Northern Cape is divided into five district municipalities and further subdivided into 26 local municipalities (Statistics SA CS, 2016:13). The Northern Cape Province is divided into five districts, namely, Frances Baard, Namakwa, Kgalagadi

(John Taolo Gaetsewe, Karoo (Pixley ka Seme) and Siyanda (Z F Mgcawu) (Pauw, 2005:2). The province was formed on 27 April 1994 after the split from the Cape Province.

3.2.2 Map of the Northern Cape Province

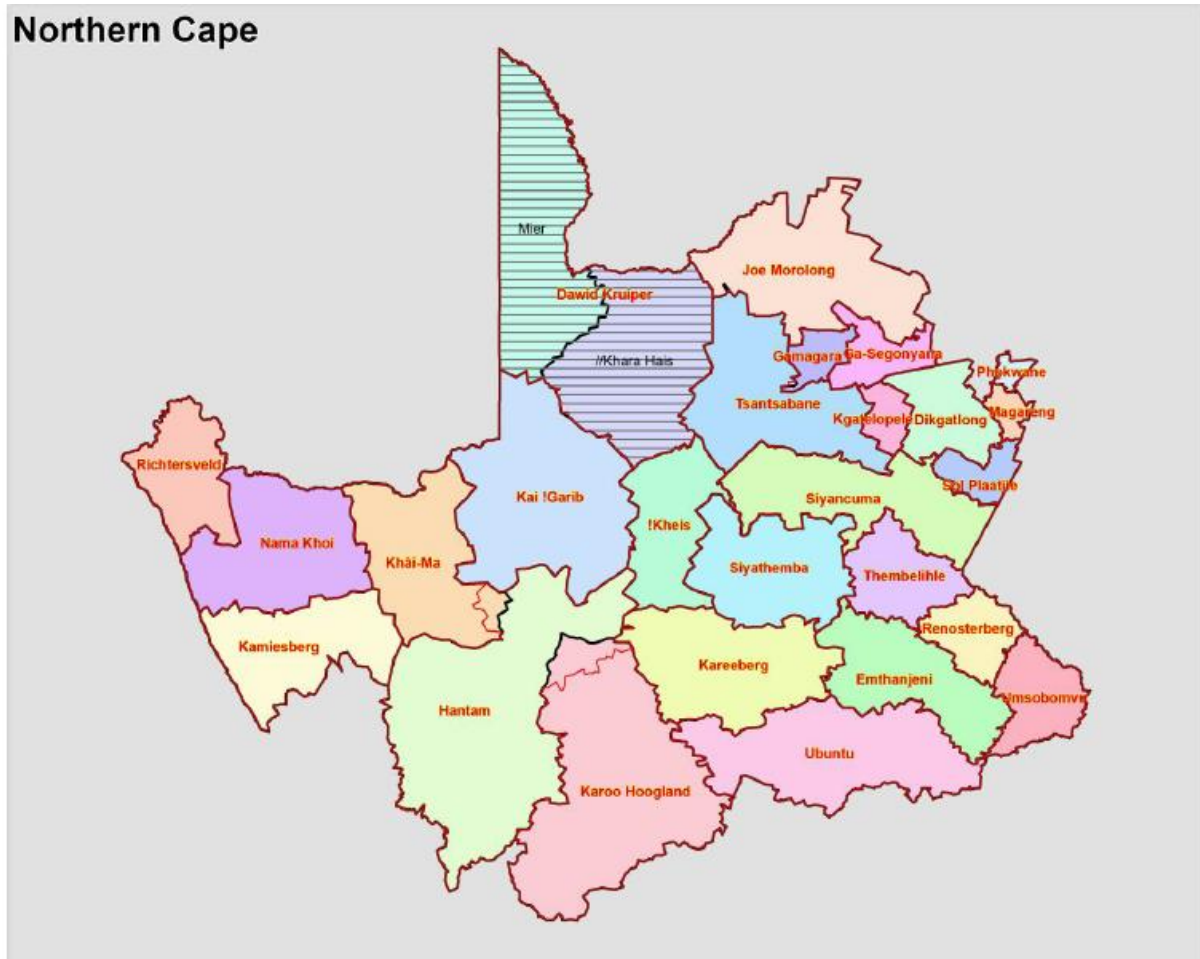
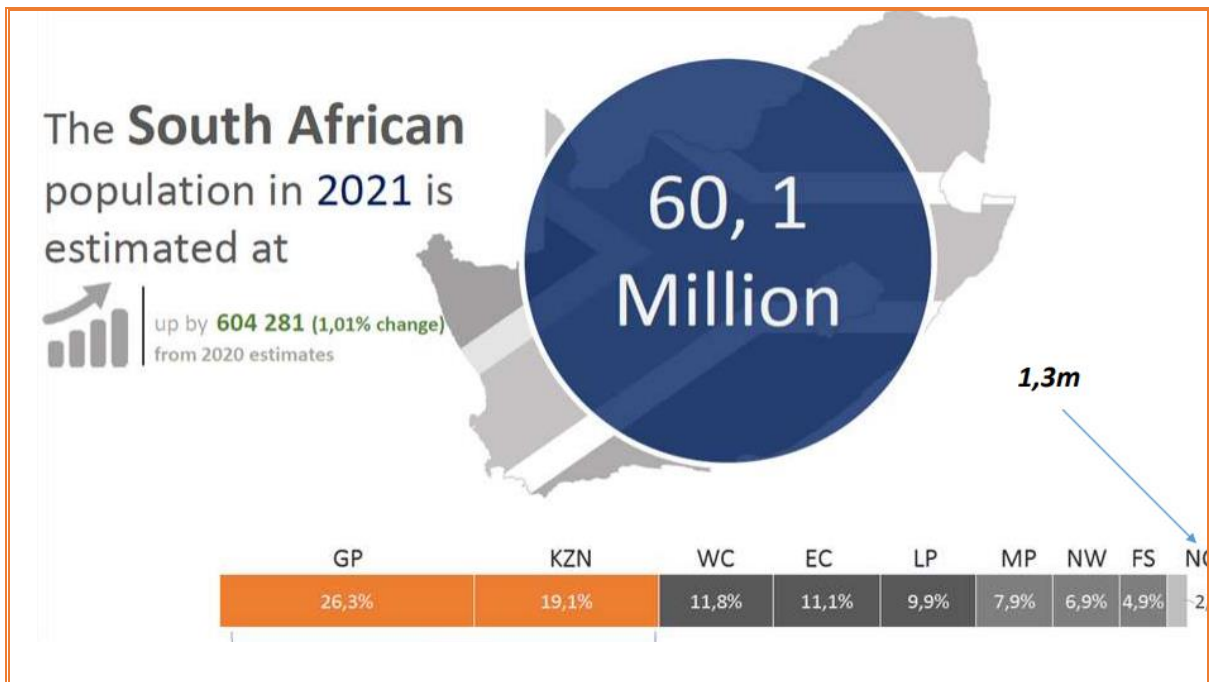


Figure 3.2.2 Source: Stats SA



Graph 3.2.3 Source: Stats SA mid-year population estimates 2020

The population of South Africa has increased annually, as shown in Graph 3.2.3. Increased fertility, decreased mortality, and migration is variables that might contribute to population growth. The population estimates for the country are shown in Graph 3.2.3. The Northern Cape Province has a population of 1.3 million people.

Total Population by District in the Northern Cape, 2019

	Number	Share (%)
<i>Namakwa</i>	139 381	10.4
<i>Pixley ka Seme</i>	220 842	16.4
<i>ZF Mgcawu</i>	284 391	21.1
<i>Frances Baard</i>	438 901	32.6
<i>John Taolo Gaetsewe</i>	261 363	19.4

Table 3: Source: IHS Markit, 2021 [Regional eXplorer, Version 2070 (2.6p)]
 Table 3 depicts the total number of people per district. The largest population size is recorded in the Frances Baard district. In 2019, the Frances Baard district represented 32.6 per cent of the total population provincially, followed by ZF Mgcawu accounting

for 21.1 per cent. The Namakwa district represented the smallest population size accounting for 10.4 per cent.

The total number of households by province; Census 1996, 2001 and 2011, respectively.

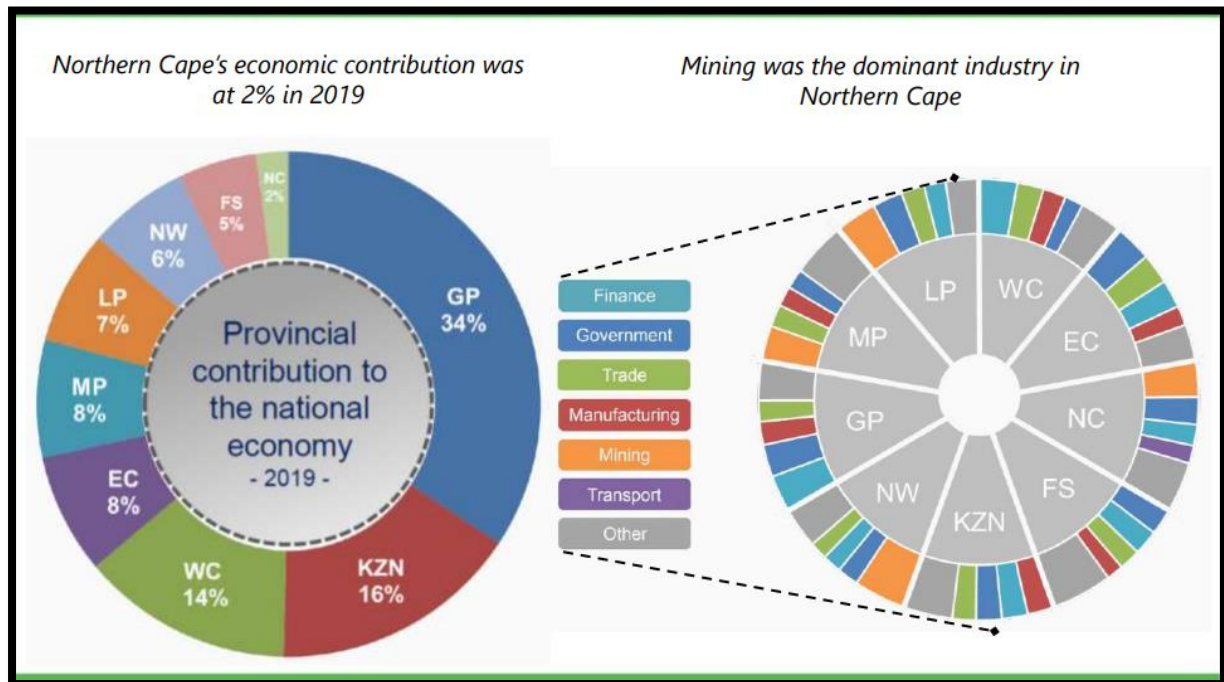
Province	Census 1996		Census 2001		Census 2011	
	Households	%	Households	%	Households	%
Western Cape	983 015	10,9	1 173 304	10,5	1 634 000	11,3
Eastern Cape	1 303 287	14,4	1 481 640	13,2	1 687 385	11,7
Northern Cape	218 339	2,4	245 086	2,2	301 405	2,1
Free State	625 011	6,9	733 302	6,5	823 316	5,7
KwaZulu Natal	1 689 995	18,7	2 117 274	18,9	2 539 429	17,6
North West	591 240	6,5	816 643	7,3	1 062 015	7,3
Gauteng	2 069 512	22,8	2 735 168	24,4	3 909 022	27,1
Mpumalanga	669 801	7,4	785 433	7,0	1 075 488	7,4
Limpopo	909 371	10,0	1 117 855	10,0	1 418 102	9,8
South Africa	9 059 571	100	11 205 705	100	14 450 161	100

Table 3.1 Source: Stats SA, Census 1996, 2001 and 2011

Table 3.1 depicts the percentage distribution of households in South Africa by Province in 1996, 2001 and 2011. It tabularizes that: the number of households in South Africa increased over the years 1996, 2001, and 2011 from 9, 059 571 in 1996 to 11, 205 705 in 2001, and 14, 450 161 in 2011. For the Northern Cape, households have increased over 2016, 2001 and 2011, respectively. The Northern Cape recorded 218,339 households in 1996, 245,086 in 2001 and 301,405 in 2011. In comparison to the other Provinces, the Northern Cape Province has recorded the lowest number of households.

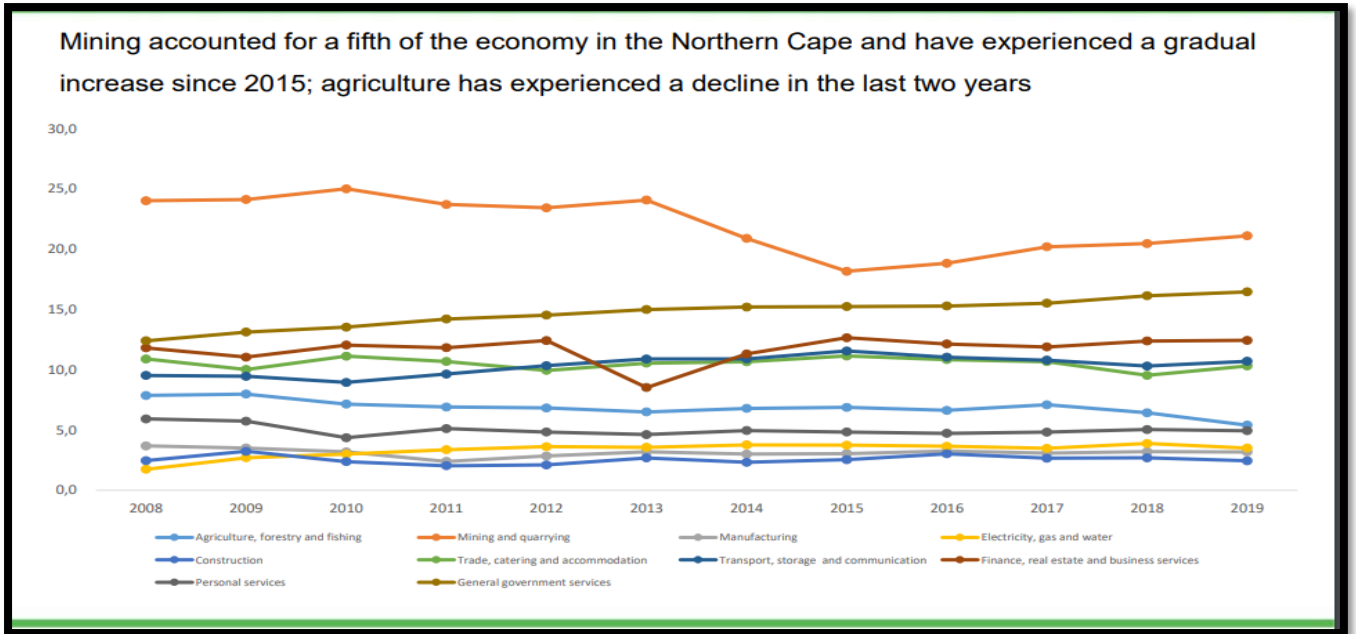
Agriculture and mining are the pillars of the provincial economy, despite the fluctuating iron prices and periodic droughts. Both sectors continue to contribute and are showing potential to expand to greater heights (Northern Cape Business, 2021/22:10).

Provincial contribution to the National economy



Graph 3.2.4 Source: Stats SA GDP 2019

Graph 3.2.4 depicts that the Northern Cape economy contracted by 0,6 per cent in 2019; contributing 2 per cent to the national economy. Mining was dominant, recording the highest contributor to the Northern Cape economy at 21 per cent. The Northern Cape's economy grew by 3,2 per cent however, the rate of growth slowed down in 2018 and 2019 respectively.



Graph 3.2.5. Source: Stats SA GDP 2019

Graph 3.2.5 depicts the industries in the Northern Cape from 2009 to 2019. It further highlights that the economy of the Northern Cape has recorded a gradual increase since 2015 and the agricultural sector has seen a decline for two consecutive years, namely, 2018 and 2019 (Stats SA GDP, 2019).

3.3 Provincial Intergovernmental Structure

The Premier’s Coordinating Forum plays itself out in the public administration space. Hanyane (2011:26) posits that public administration as a field of study is concerned with the implementation of government policies enabling the state to function effectively and efficiently. As articulated by the Constitution, the core function of the provincial government is to develop, capacitate, and support the local sphere.

The Premiers’ Coordinating Forums were promulgated by Section 16 of the IGRFA which mandates Premier’s intergovernmental forums to promote and facilitate the IGR between the provincial and local governments in each province. The Act also makes provision for the Premier to establish provincial intergovernmental forums for any specific functional area to promote and facilitate efficient and effective IGR between the province and local governments in the province concerning a functional area. The

Act also allows the Premiers of two or more Provinces to establish an interprovincial forum to promote and facilitate IGR between those provinces.

In practice, the Northern Cape Premier's Intergovernmental Forum, as it is referred to is an active forum and its undertakings, are coordinated by the Stakeholder Directorate in the Office of the Premier.

3.3.1 Objectives of the NC PIGF

Concerning the Intergovernmental Forum Framework (2019:11) of the Northern Cape Premier, the forum aims to:

- Support and nurture integrated planning between the province and local governments
- Support and promote collaboration across departments, as well as between the provincial and local sphere
- Ascertain policy coherence between the provincial and local sphere
- Resolve intergovernmental disparities, and
- Implement the provincial framework for municipal oversight and assistance.

3.3.2 Composition of the NC PIGF

A broad framework for establishing the Premier's Coordinating Forum is set out in Chapter 3 of the IGRFA, however, it should be noted that each province modifies the structure according to its own needs. The provincial intergovernmental forum comprises the Premier; a Member of the Executive Council responsible for local government and any other Member of the Executive designated by the Premier; the Mayors of the five districts, and an administrator of any of those municipalities which have failed to fulfil its obligation. As a result, such municipalities will be subjected to an intervention by the relevant provincial executive Section 139 of the Constitution of South Africa, a municipal councillor appointed by organised local government, and any person the Premier deems relevant. This composition of the Premier's Coordinating Forum is provided for in Section 17 of this Act. The Northern Cape

Premier's Intergovernmental Forum Framework (2019:12) states that the forum is composed of the Executing Officer of the Northern Cape, Members of the Executive Council, the Chairperson of SALGA, District Executive Mayors, Local Mayors of the Secondary Cities, The Director General, Heads of Departments, and Regional Heads of National Departments. In practice, the NC PIGF members have gone beyond what the legislative framework prescribes. For the following consecutive years 2015/16, 2019/20 and 2021/22 the attendance registers concur that representation spans more than 60 dignitaries. Furthermore, the forum is constituted by the Premier (as the chairperson), all MECs in the Province, the Director General (DG), Heads of Departments (HODs), Executive Mayors and Municipal Managers of all municipalities (district and local municipalities), Provincial Chairperson of SALGA, a large pool of officials from National Departments and Sector Departments. In the majority of meetings, mayors are accompanied by senior officials from their local municipalities.

Section 18 of this Act also provides for the roles of these forums, namely, (a) serving as consultative forums for the Premiers and local governments to discuss and consult on: (i) the implementation of national policies and legislation affecting local government's interests, (ii) the drafting of national policies and legislation affecting local government's interests, (iii) the development of provincial policies and legislation relating to the implementation of national policies and legislation affecting local government's interests, (iv) the implementation of provincial policies and legislation relating to the implementation of national policies and legislation affecting local government's interests, (v) addressing matters arising from the PCC and other national intergovernmental forums and affecting local government's interests, (vi) the coordination and alignment of the strategic and performance plans, priorities, objectives and strategies of the provincial and local governments, (vii) the coordination of provincial and municipal development planning in order to facilitate coherent planning and (viii) any other strategic matters that affect the interests of local government.

Section 19 of this Act mandates the Premier to convene the meetings, provide administrative and support services, determine items on the agenda and

receive any suggestions for these agenda items. Section 20 of this Act requires this forum to report annually to the PCC on progress with the implementation of national policy and legislation or any matter of national interest emerging from the forum. Section 22 of this Act mandates two or more Premiers to establish intergovernmental forums and tasks these intergovernmental forums with the responsibility of promoting and facilitating IGR between the provinces involved. The composition, roles and functions of these forums must be agreed upon by the provinces involved. Section 23 of this Act requires the interprovincial forums to discuss and consult on: (a) sharing information, best practices and capacity building, (b) cooperating on provincial developmental challenges affecting more than one province and (c) any important strategic matter that affects the interests of the provinces involved.

3.3.3 Modus Operandi of the NC PIGF

According to the Northern Cape Premiers Intergovernmental Relations Framework (NC PIGRF, 2019:12), the Premier coordinates and convenes the forums. The forum is also co-chaired by the Chairperson of SALGA and the MEC of Cooperative Government and Traditional Affairs. It should be noted that the Premier has not missed a single meeting over the period under review 2015/16, 2019/20 and 2021/22. This has also been the case for the majority of members attending the meetings. Occasionally in the case that members are absent, written apologies will be provided; however, alternate representatives will be sent to forum meetings. This shows that consistency and commitment are important.

3.3.4 Powers and functions in enhancing service delivery

Service delivery through IGR, according to Zubane (2011:28), is centred on public partners or shared service delivery, which occurs as a result of partnerships between the national, provincial, and municipal spheres, anchored on the ethos of a constitutional mechanism of cooperative governance

principles. To implement the IGRFA, all state institutions must collaborate in the development of service delivery programmes.

The Northern Cape Premier serves as the forum's chairperson (NC PIGF, 2019:12). The Mini Report: Northern Cape Intergovernmental Relations Forum (2014:2) also notes that the Premier is the official chairperson of the forum. The forum is also co-chaired by the Chairperson of SALGA and the MEC of Cooperative Government and Traditional Affairs. However, the framework does not clearly articulate the powers and functions of the chairperson.

In an attempt to enhance the relationship between the three spheres of government, the EXCO, in its deliberations on 28 October, 2020, adopted the Provincial Integrated Governance, Coordination and Service Delivery (IGCSD) Model. The institutionalisation of the model seeks to strengthen coordination between the three spheres of government and enhance the alignment between research, planning, budgeting and monitoring and evaluation. The model also seeks to move away from the sectorial silo fiefdoms; towards a more integrated approach. This shift is envisaged to move towards a participatory social compact, with the view of addressing matters from a bottom-up approach.

3.3.5 Functions of the chairperson

The function of the chairperson is not clearly articulated in the NC PIGF. However, according to the Framework (2019:12) the Premier serves as the chairperson of the forum. The forum is co-chaired by the Chairperson of SALGA and the MEC of Cooperative Government and Traditional Affairs (Northern Cape Intergovernmental Relations Framework, 2019:12).

3.3.6 Secretariat

Following the NC IGRF (2019:14), the Stakeholder Management Unit in the Office of the Premier is responsible for providing secretariat services to both the Intergovernmental Forum and the Technical Support structures. This secretariat role is in essence administrative in nature, which entails sending out notices for forum meetings, and taking and drafting forum minutes. In practice,

in the Northern Cape Premier's Intergovernmental Forum, the secretariat's role relates to disseminating information and recording deliberations of the forum.

3.3.7 Agenda-setting

The IGRFA confirms that the Premier of a Province convenes and determines the agenda for the Provincial Coordinating Forums. The NC PIGF (2019:14) also highlights that members should participate in the process of agenda setting, however, such points should be specific matters. This type of participation is vital in preventing the Premier's Coordinating Forum from becoming an array of provincial presentations to the municipalities. Agenda items for a meeting may be submitted for the consideration of the Premier (Northern Cape Intergovernmental Relations Framework, 2019:14). Furthermore, the 2005 IGRFA does not specify the essential issues the Premier's Coordinating Forum should consider while determining the agenda. In reality, the following standing strategic agenda issues are among the discussion themes from the Northern Cape Premier's Intergovernmental Forum: Progress report: Back to Basics – implementation in the Northern Cape; Municipal revenue collection and cash flow analysis; Outcome 9: responsive, accountable, effective and efficient development local government system; state of local government finances and non-financial census in municipalities; and any other pressing matter. The Northern Cape Premier's Intergovernmental Forum meeting and agenda focus on engaging on national priorities and legislation that affects local government, developing provincial legislation, and discussing key issues of interest to the province and its municipalities, which is the intergovernmental structure's core objective.

In practice, the Department of Cooperative Government and Traditional Affairs has been delegated the responsibility to coordinate the Technical structure. In its endeavour to coordinate IGR within the Northern Cape Province, the technical forum is functional to provide the necessary support to the Premier's Intergovernmental Forum. The technical PIGF forums are established in terms of Section 30 of the IGRFA as technical support and feed into the Premier's

Intergovernmental Forum. Two technical forums were convened for the 2019/20 financial year: 26 November, 2019 and 3 March, 2020 respectively.

3.3.8 Frequency of meetings

The legislative framework of the IGRFA affords Provinces room to determine the required number of meetings to be held; however, it does not stipulate the critical points that the Premier’s Coordinating Forum should infuse in agenda-setting. Concerning the NC PIGF (2019:15), four meetings are held per annum and one meeting per quarter. The framework also highlights that a schedule with meeting dates will be determined and circulated to members at the beginning of each financial year. However, the expectation is that such a forum frequently meets to meet its statutory obligation. In the Northern Cape, as per the Terms of Reference, meetings are convened every quarter. The number of meetings held on an annual basis varies from year to year. What transpired in practice as compared to the regularity of meetings is however different. The table below depicts the number of Premier’s Intergovernmental Forum Meetings held in the 2015/16 financial year.

Meeting	Date convened
PIGF	31 March 2015 30 September 2015 31 March 2016
Extended PIGF	02 December 2015
Technical PIGF	20 May 2015 (resolved that the Department of Cooperative Government and Traditional Affairs take over the responsibility of the technical work stream.

Table 3.2 Source:
Researcher’s own

Table 3.2 depicts that three Premier’s Intergovernmental Forums were convened for the 2015/16 financial year; and one extended PIGF meeting commenced on 2

December, 2015. The responsibility lies with the DG to sensitize the Premier's Intergovernmental Forum member's formal notice of PIGF Meetings.

In the 2019/20 financial year, two inter-provincial IGR forum meetings were convened on 7 June, 2019 and between 6-7 February, 2020, and two technical meetings were held on 26 November, 2019 and 3 March, 2020. For the 2021/22 financial year, two meetings were convened; one in the first quarter and one in the last quarter. It is also important to note that the State of the Province address falls in the last quarter of the year. This might be a justification for the scheduling of meetings. Thus, the regularity of meetings has been consistent with an average of two and a half meetings for the financial years 2015/16 and 2020/21. This is, however, another classical example of the disconnect between what internal rules prescribe and what happens in practice. The Terms of Reference state that four forum meetings will be held annually, however, it should be noted that for both financial years 2015/16 and 2020/21 on two meetings commenced.

3.3.9 Quorum of the meetings

According to the IGRFA, Section 33(1) makes provision for every structure to adopt its own rules and internal procedure. The Northern Cape Premier's Intergovernmental Relations structure partially complies with the 2005 IGRFA. Therefore, Gaoretelelwe (2017:102) posits that no quorum is required for meetings of the NC PIGF. Even in the absence of the framework, articulating the set number of representatives to form a quorum, the Mini Report: Premier's Intergovernmental Forum (2014:3) asserts that the forum is well attended and effectively achieves a quorum. In practice, a high percentage of MECs, Executive Mayors and Municipal Managers from District Municipalities, SALGA, HODs, and officials from National and Sector Departments attend Forum meetings according to the attendance registers obtained for the Premier's Intergovernmental Forums. Furthermore, as per the 2015/16 financial year, the Premier never missed a single meeting. The same can be stated for the Premier's Intergovernmental Forum Members and invited guests attending the meetings. In cases where members cannot attend Forum Meetings, written apologies were forwarded to the Secretariat for noting. There are several

officials from national departments attending the Forum meetings or invited to the forum. This is, however, primarily influenced by the discussions deliberated for the specific meeting.

3.4 Decision-making and implementation

The NC IGRF (2019:14) states that the secretariat should prepare an action list with clear time frames and an implementation matrix of resolutions. The framework also notes that resolutions should be monitored regularly to ensure implementation and accountability.

IGR structures are forums of consultation and discussions (Intergovernmental Relations Framework Act 13 of 2005). As a result, it is clear that such forums are not executive decision-making bodies; however, they may pass resolutions or make recommendations per the procedures agreed upon. However, these recommendations are further circulated for the approval of the Provincial Executive Council (Synthesis Report, 2014:62).

3.4.1 Reporting to the Presidential Coordinating Council

According to the IGRFA, the Premier's Coordinating Forum must report to the PCC at least annually on progress in the implementation of national policy and legislation. Premiers' Coordinating Forums may also report on matters of national interest which have arisen in the forum. In practice, the Northern Cape Intergovernmental Forum elevate issues of importance to the PCC concerning provincial interest. The Forum also disseminates information and provides feedback from PCC to all municipalities in the Province.

The issues that arise from the PCC find expression in the Premier's Intergovernmental Forum. In one of the PIGF meetings held in 2019, the Northern Cape Premier surmised that the PCC adopt the new district development model, which seeks to synchronise planning by all spheres and further level the playing field for public participation in government planning

(PIGF Speech, 2019:4). The Premier reiterated the importance of various spheres focusing on economic development and job creation to deliver services for the citizens at the local level. The Premier also highlighted that the Auditor General's opinion raised on the audit findings where only one municipality obtained a clean audit, ten unqualified audit opinions with findings, 11 qualified audit opinions, six disclaimers and two municipalities which have not submitted their Audited Financial Statements for the 2017/18 financial year. Resolutions noted that the Director-General establish a committee to support municipalities in order to improve their audit outcomes (PIGF Speech, 2019:4). It is, therefore, clear that resolutions are actioned and implemented accordingly.

3.4.2 *Dispute resolution*

The IGRFA, Section 39 (1)(a), provides for the settlement of intergovernmental disputes for which other national legislation provides resolution methods or procedures. Section 39(1)(b) also provides for a dispute concerning intervention in terms of section 100 or 139 of the Constitution. It should be noted that the NC PIGF has no dispute resolution procedure in place. Gaoretelelwe (2017:147) concurs with this notion by stating that from the interviews conducted and the literature analysed, no dispute settlement procedure exists in the NC PIGF. According to his study, respondents suggested that disputes were handled as they arose in the Premier's Intergovernmental Forum. Thus, the non-existence of settlement of dispute procedures poses a growing concern because it places the forum's legitimacy at risk. The Eastern Cape IGR Strategy (2022:35) states that for a dispute to fall within the ambit of the IGR Framework it must meet four basic requirements. Thus, the dispute must:

- Involve a specific disparity over a matter of fact, policy or legislation in which one party's claim is met with another party's refusal, counter-claim or denial,
- The matter must be based on legal grounds for the matter to be referred to court proceedings,
- It must be intergovernmental in the sense that it involves multiple state organs and originates from the exercise of authorities or tasks delegated

by the Constitution, a statute, or an agreement entered into pursuant to the Constitution or a statute,

- Not be subjected to any of the previously enumerated exceptions.

The preceding explicitly articulated in terms of the IGRFA, that conflicts should be addressed either based on an Act of Parliament that is more directly related to the subject matter of the particular issue or by measures that are agreed upon by parties, such as in an implementation protocol (Eastern Cape IGR Strategy, 2022:35).

3.4.3 Compliance with Section 33 of the IGRFA

Internal procedures of intergovernmental structures are outlined in Section 33 of the IGRFA. Furthermore, Section 33(1) further articulates how such internal procedures should be crafted. However, it should be noted that the NC PIGF partially comply with Section 33, though the following key aspects are omitted:

- (a) The functions of the chairperson;
- (b) Procedures for appointing someone to preside over a meeting when the chairman is unavailable;
- (c) Procedure for resolving intergovernmental disparities;
- (d) Procedure for the amendment of its internal rules.

3.5 Cooperative governance in the Northern Cape Province

The NC PIGF, which resonances with Chapter 3 of the Constitution, formalises the relationships between and within the three spheres of government. It encourages better coordination to improve the efficient delivery of services that necessitate coordinated effort to ensure that the legislative goal is realised (Northern Cape Premier's Intergovernmental Forum Framework Document, 2013: 2).

3.5.1 Technical structure

Section 30 of the Intergovernmental Relations Framework Act 13 of 2005, makes provision for the establishment of a technical support structure, that is if there is a need for formal technical support to the forum. The technical support

structure should comprise officials representing the government or organs of state to provide technical advice and support to the Premier's Intergovernmental Forum. The Act further posits that the role of the technical structure is to address the operational issues and elevate strategic matters to the Premier's Intergovernmental Forum for decision-making purposes. In practice, the Technical Structure is attended by all Heads of Departments and Municipal Managers of all municipalities in the Province. The technical structure consolidates and evaluates reports before presenting them at political meetings (Northern Cape Intergovernmental Relations Framework, 2019:15).

In practice, the Department of Cooperative Government and Traditional Affairs has been delegated the responsibility to coordinate the Technical structure. In its endeavour to coordinate IGR within the Northern Cape Province, the technical forum is functional to provide the necessary support to the Premier's Intergovernmental Forum. The technical PIGF forums are established in terms of Section 30 of the IGRFA as technical support and feed into the Premier's Intergovernmental Forum. Two technical forums were convened for the 2019/20 financial year; 26 November, 2019 and 3 March, 2020 respectively. For the 2020/21 financial year, two Technical IGR Committee Meetings were convened; one in the first quarter and one in the second quarter. These technical IGR committee meetings were held a month before the PIGF. In the meeting held on 20 May, 2021, the DG highlighted that the committee shall also guide and implement PIGF resolutions. The two structures above are further examples of disconnect because resolutions noted that the Department of Cooperative Government and Traditional Affairs will take over the responsibility of coordinating the activities of the Technical Committee. Therefore, this might leave room for duplication and diary fatigue which is increasingly becoming a serious contributing factor to the decline in the effectiveness, efficiency and optimal functionality of the IGR structures.

3.5.2 Objective of the technical structure

The key objective of the technical structures is to provide technical support and advice to the Northern Cape Premier's Intergovernmental Forum (Northern Cape Intergovernmental Relations Framework, 2019:16). The framework also

states that the technical structure ensures provincial and local government development planning coordination through the forum.

3.5.3 Powers and functions

The technical structure evaluates and consolidates reports before it is presented at political structures such as the Premier's Intergovernmental Forum and the PCC (Northern Cape Intergovernmental Relations Framework, 2019:15). The technical structure is also responsible for complementing the work of the secretariat.

3.5.4 District IGR structure

Section 24 of the IGRFA establishes district intergovernmental forums to facilitate IGR between the district and local governments. According to the NC IGRF (2019:17), all five districts have established a District Intergovernmental Relations Forum. A district intergovernmental forum comprises the mayor of the district, the mayors of the local municipalities in the district, a councillor, in the event the municipality does not have a mayor, and the administrator if a municipality is subjected to an intervention in terms of Section 139 of the Constitution. In practice, the role of a district intergovernmental forum is to serve as a consultative forum for the district and its local municipalities. The Executive Mayor coordinates district forums. The District structure is constituted by the Mayor of the District, Mayors and Municipal Managers of the local municipalities in the district. Discussions relate to matters arising from the Premier's IGF affecting the District and others of strategic importance which affects the interest of the municipalities in the District (Northern Cape Intergovernmental Relations Framework, 2019:17).

3.5.4.1 Objective of the district structure

According to Section 26(1) of the IGRFA, the goal of the district intergovernmental forums is to serve as a consultative forum for the district municipality and the local municipality in the district to discuss and deliberate on matters of mutual interest.

3.5.4.2 Powers and functions

The role of a District intergovernmental forum is to serve as a consultative forum for the district municipality and the local municipalities in the district to discuss and consult each other on matters of mutual interest, including drafting national and provincial policies and legislation relating to matters of mutual interest (Intergovernmental Relations Framework Act 13 of 2005). The Act further highlights that district forums create a platform where a district municipality and its local municipalities can meet to ensure integrated and coordinated planning to eliminate duplication of effort and ensure effective and efficient service delivery to the community.

3.6 Decision-Making

The thrust of the study relies on strengthening the Premier's Intergovernmental Forum with specific reference to the NC PIGF; thus it is crucial to outline decision-making in the study, mainly to gain insight into how these decisions impact the forum.

Starling (2002:231) asserts that decision-making involves selecting one course of action from various alternatives. Public managers are confronted continuously with the responsibility to implement decisions taken at intergovernmental forums, be it at Provincial or District IGR Forums. However, the question one is wrestling with is the impact of such decisions. To answer this question, this section is devoted to discussing decision-making, types of decision-making, and decision-making theories.

Decision-making can be regarded as an integral part of planning in that fundamental decisions have to be taken throughout the planning process. Decision-making can be defined as "the selection of a course of action from among alternatives" (Daft 2013:478). In this sense, decision-making is at the heart of planning: for plans to be formulated and implemented, decisions on specific courses of action have to be taken. Decision-making can be viewed as the most fundamental managerial activity of all. Organisations make hundreds of decisions each day to fulfil their operational requirements. Some of these decisions are small and can be completed quickly, for example, the approval of a leave form. Others are more complicated and far-reaching and require more detailed analysis, such as whether to enforce members of the NC

PIGF to account for the priorities set. Decision-making is, therefore, a central component of managerial roles and core functions and takes place at all levels of the organisation (Gbande and Akuhwa, 2015:356).

Obi and Agwu (2017:1-2) posits that decision-making is critical in an organisation because it concerns the future of an organisation. It also involves a procedure of weighing competing alternatives to solve a problem. Decision-making involves a process of making choices amongst various alternatives (March, 2010:2).

Decision-making is a process that relies on the different aspects of a specific environment. These aspects include, inter alia, the personality of the decision-maker, perceptions and attitudes of the recipients, political power, and time constraints. Since decision-making is a process that depends on human beings, it is bound to be influenced by the personal value system of a person involved in such a process. Thus, every decision made is based on the morality and virtues of the communities and influenced by the perceptions, attitudes, and prejudices held by the decision-makers (Doyle, 2002:356). Silva (in Marchisoti et al., 2018:6) corroborates that decision-making is not a rational process only; however, it also involves the personality and value of the decision-maker and the leader's awareness of the impact of his/her decision.

According to Van Der Walddt, van Niekerk, Doyle, Knipe and Du Toit, (2001:241), decision-making entails identifying and selecting an action plan to address a specific problem. Fikizolo (2005:9) follows the same line of thinking, believing that decision-making is a process of selecting the most advantageous course of action from a set of alternatives. Decision-making, according to Kumar and Gautam (2018:84), is one of the fundamental—if not the most essential functions of all management activities. It can be argued that decision-making is a process whereby the decision-maker would survey various alternatives before settling for the optimal option.

Trueman (2015:1) opines that decision-making is at the heart of government and governance operations. Particularly, how decisions are made and if the entire problem of decision-making is perceived as jeopardising recognised political standards. People have been criticising the South African government's decision-making process in recent years, particularly who has a say in final choices.

Organisational decision-making is defined by Jones (2013:334) as the process of responding to a problem by seeking a course of action and selecting a solution that will have bigger aftermath on the institution. Similarly, Daft (2013:478) describes organisational decision-making as recognising and resolving challenges within an organisation. Daft (2013:478) postulates that two decision-making processes exist: problem identification and solution. Information about the external and internal environmental factors is monitored during the problem identification stage to determine if the organisational performance is satisfactory and to analyse the reason for any problems. When alternative courses of action are evaluated, the optimal option is chosen and implemented at the problem-solution stage.

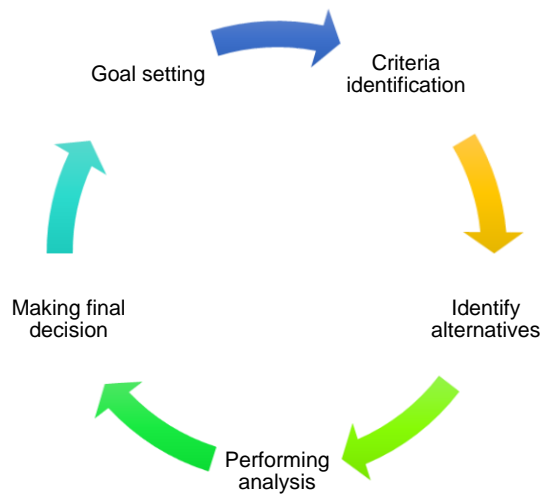
3.6.1 Decision-making theories

Decision-making is at the heart of every organisation; thus no organisation can survive without taking decisions. Decision-making is a key component of every organisation's operation. Organisations have to decide which reforms should be implemented, which goods and services should be procured, and so forth. However, no predetermined procedure is followed when making decisions. There are several theories which explain how organisations make a decision; the rational model, the administrative model and the political model of decision-making.

Rational model

Boundless (2017:369-8376) postulates that rational modelling of decision-making follows a step-by-step procedure of making choices between alternatives. This model is based on a sequential logic of optimal choices. As a result, this model advocates for the selection of choices which yield maximum value for the organisation (Chad, 2017:25658).

Leovanu (2013:43-55) suggests the following stages for the Rational model.



Graph 3.2.6

Source: Researcher's own

According to Profiroiu (2006:161-162), rational decision-making theory is derived from a single actor's thinking that strives to maximise the outcome using the tools available to him/her. In other words, a single actor has preferences, sets goals, assigns a value to them, and decides on their utility. The next step is to look for viable options to fix the problem that has been well inventoried and whose impacts are worth investigating. The viable options will then be sorted using a criterion, and the most appropriate solution to solve the problem will then be explored (Profiroiu, 2006:161-162).

According to Oliveira (2007:12), the rationalist model is a decision-making model that is most likely to be used in higher-level decision-making for significant concerns. These are the kinds of decisions that managers and leaders have to discharge in their day-to-day operations. Managers and leaders will frequently use a series of analytical stages to analyse pertinent facts, observations, and potential outcomes before deciding on a course of action in a rational decision-making process. The final course of action would be the one with the most likely outcome and the best likelihood of accomplishing it (Oliveira, 2007:12-17).

Administrative model

According to Chand (2017: 25658), the administrative decision-making model does not try to optimise value for their organisation, however, tries to look at how managers

make decisions in difficult circumstances and uncertainty. The main drawback of this model is of course a lowered quality of the final decision.

Political model

Decision-makers using the political decision-making model do not follow a rational procedure in the event of taking decisions, instead, they make use of small analytical incremental processes. Their decision-making relies on their intuition, experience, and knowledge to derive the solution. According to this theory, the best method to make a decision is to come up with short-term solutions to a problem and then continuously review it in light of current events, resulting in better decisions (Griffin, 2007:38). The best part of this decision-making approach is that it is anchored on flexibility, as a result, it allows adaptability and has been hailed less risky (Natisha, 2017:743).

Data-driven decision-making

McElharen and Brynjolfsson (2016:133-136) argue that data-driven decision-makers allow decision-makers to collect, and analyse different types of data from different sources to guide them in the processes of decision-making. This approach differs from the conventional way of decision-making. In the traditional way of making decisions, managers would use their intuition. However, data-driven decision-making emphasises the utilisation of relevant, credible and accurate data to make decisions in organisations. According to Macfee and Brynjolfsson (2012:63-64), data-driven decision-making is gaining momentum in organisations.

The data-driven decision-making approach fits hand in glove with the evidence-based decision-making approach. The National Institute for Correction (2017:1) highlights that Evidence-Based Decision-Making is a strategic and deliberate method of considering empirical knowledge derived from methodologically sound research. The nexus between data-driven decision-making and evidence-based decision-making is that both require the decision-maker to explore the use of evidence and research to solve problems. This means the evidence-based decision-making process follows a comprehensive approach that employs research to drive decisions at all levels yielding greater returns (National Institute for Correction, 2017:5).

3.6.2 *Group decision-making*

According to the World Health Organisation manual for guideline development, group decision-making is a cognitive, collaborative process that involves specialists with various experiences, expertise, and viewpoints (2014:202). According to Hirokawa and Gouran (2006:249), the Functional Perspective of Decision-Making refers to the communication theory that deals with group decision-making. The core focal point of the Functional Perspective of Decision-Making is that groups increase the likelihood of making good decisions, which will have a greater impact on the organisations (Hirokawa and Gouran, 2006:249).

Organisations, as systems, require communicative action, and they exist in a world of communicative rationality. Mykkanen and Tampere (2014:132) citing Habermas (1998) argues that inside organisations, decision-making is a strategic action geared toward successful problem-solving. Organisations are goal-orientated systems (Mykkanen, 2010:3). Wehmeier and Winkler (2013:280-290) opine that organisations are made up of more than only decisions.

3.6.3 *Interest groups*

According to Dur and Bievre (2007:1), interest groups are a channel through which citizens can convey their thought and opinions to decision-makers. Their involvement in policy-making has the potential to improve decision-making processes by supporting policies that are in accordance with citizen preferences and obstructing policies that exclusively serve the interests of the ruling class (Dur and Bievre, 2007:1).

Interest groups are alliances of persons or organisations with the goal of influencing public policy in their favour by lobbying government members based on one or more shared issues. The influence of interest groups on policy-making is not a corrupt or immoral action in and of itself, but rather a necessary part of the decision-making process. On the other hand, disproportionate and opaque interest group influence can lead to administrative corruption, undue influence, and state capture, favouring particular interest groups at the expense of the public good. Transparency is,

therefore, essential to ensure that policy-makers do not favour specific interest groups. Lobbying, conflict of interest, asset disclosure, competition, and freedom of information are just a few of the many policies that governments around the world have implemented to decision-making should be more transparent and accountable (Martini, 2012:2).

3.6.4 Collective participation

According to Elele and Fields (2010:368-392), Participative Decision-Making is a management initiative based on the “theory Y,” which states that employees are more dedicated and perform effectively when managers value their input in making decisions that alter the nature of work. Employees and employers may both benefit from the various possibilities to participate in decision-making. Boxall et al. (2014:1737-1752) argue that the Participative Decision-Making theory boosts employee morale, and commitment and enhances job satisfaction. Somech (2010:174-209) defines participatory decision-making as a structural intervention in that management must create a platform to allow employees to discourse over and make decisions on critical topics that are relevant to them.

3.6.5 Public choice theory

The theory of public choice came into being during the early 1950s through the study of taxation and public spending. Public choice gained momentum in the 1980s. The term Public Choice Theory is normally described as the school of economics. It is, in fact, a political science approach; it does not attempt to explain how the economy functions. Rather, Public Choice use economic methods and instruments to investigate how politics and government operate (Butler, 2021:21).

Shaw (2002:1) posits that the Public Choice Theory follows the same economic principles to analyse people’s spending patterns in the market and apply them to collective decision-making.

Butler (2012:21) notes that the Public Choice Theory uses economic approaches to figure out how government and politics function, but it does not try to figure out how the economy works. This strategy generates unexpected insights by questioning the legitimacy of political processes.

3.6.6 *Transaction cost theory*

Transaction Cost Theorists, according to Tisdell (2004:2), are concerned with explaining organisational mechanisms as rational replies to the presence of transactional costs, which may or may not always occur in this manner. Transactional costs can occur in the absence of bounded transactional costs. Bounded rationality and transaction costs are interdependent and are crucial at the same time (Tisdell, 2004:2).

According to Tisdell (2004:8) in the case of private enterprises, transactional cost theory suggests that market transactional cost influences the optimal size of public bodies. All of the government's activities could be easily leased out in the absence of market transaction costs, and the only public entity needed would be to settle financial transactions. However, the economic effectiveness of utilising outside markets has its limits, which must be investigated further in connection to the ideal size of public entities (Tisdell, 2004:8).

Baumol and Quandt (1964:23-46) argue that even if perfect knowledge is conceivable, transaction cost theory (like bounded rationality theory) recognises that it is unlikely to be economically optimal to achieve it. The extra cost of additional information must be evaluated against its extra advantages.

According to Tisdell (2004:4), transaction costs can arise in the absence of limited rationality, such as public taxes levied on products sold in marketplaces. However, bounded rationality and transaction costs are frequently essential at the same time and exhibit some relationship.

3.7 Types of decision-making

Various types of decision-making exist; these can be distinguished based on the decision-maker's cognitive ability. Decision-making is much more than the final moment of choice, however, it is a complex process which requires reflection, analysis and research. The following types of decision-making are identified: impulsive, intuitive, programmed and un-programmed. These types are not mutually exclusive as

one kind of decision-making is perceived to supplement the other, for instance, impulsive decision-making and intuitive decision-making, as well as programmed decision-making and un-programmed decision-making.

3.7.1 *Impulsive decision-making*

The impulsive type can be referred to as irrational decision-making, where the process of making decisions is haphazard and without any discretion and value judgement. Fikizolo (2005:71) argues that impulsive decision-making occurs when different alternatives or value judgments are not considered. This type of decision-making is usually characterised as irrational decision-making (Fikizolo, 2005:71).

Merriam Webster's online dictionary defines an impulse as something which arouses action or activity. The feeling of knowing, which emerges from internalised experiences and manifests as intuition as a basis for successful decision-making, is one type of impulse. According to Mercier and Sperber (2011:57-111), the sensation of knowing can also be caused by an innate confirmation bias, which manifests itself as a desire to perform a specific action.

3.7.2 *Intuitive decision-making*

The word intuition is derived from the Latin word *inituito*, and it is related to appropriation, without empirical experience or reflection, with immediate capture of the essence of reality (Barros & Moreira, 2017:78-98). The intuitive type relates to decision-making where the process commands rationality and decisions are primarily based on the experience and instinctive knowledge of the decision-maker and not on the facts and scientific evidence provided (Brynard, 1997:123-124). According to Kruglanski and Gigerenzer (2011:97-109), intuitive judgments develop naturally and swiftly in the consciousness of the decision-maker, frequently without reference to any ongoing or unconscious event, how they are created, or where they come from.

Gosar and Solomon (2019:5) cite Gore and Sadler-Smith (2011), stating that intuition is multidimensional. More specifically, intuition is a subconscious, sophisticated, and rapid type of decision-making. It is not based on emotion, is not biased, and is not used in all situations (Khatri and Ng, 2000 in Gosar & Solomon, 2019:5).

3.7.3 *Un-programmed decisions*

Un-programmed decisions are decisions which demand a lot of discretion and creativity, and they are usually made for a specific reason (Cloete & Winssink, 2000:155). In support of this viewpoint, Fikizolo (2005:72) reasons that un-programmed decisions are unique and require judgement and intuition. These decisions should be adequately identified because they can result in a significant amount of resources being dedicated to remedying a phenomenon.

Non-programmed decisions, on the other hand, are distinct in that they are not routine in nature. They have to do with some unusual circumstances for which there are no well-established solutions (Panpatte & Takale, 2019:74).

Unlike programmed decisions, which are made under definite conditions, uncertainty is characterised by a high level of ambiguity, in which non-programmed decisions that are quite distinctive and novel are frequently made. The likelihood of making mistakes and making bad decisions is particularly high due to the unique character of decisions that do not involve familiar elements (Griffin, 2011 in Riaz et al., 2021:202). Decision-makers are required to make non-programmed decisions for organisations in such emergencies (Riaz *et al.*, 2021:202-203).

3.7.4 *Programmed decisions*

Programmed decisions are more likely to be predicted by certainty, whereas non-programmed decisions are more likely to be predicted by uncertainty. Griffin in Riaz, Iqbal and Murtaza (2021:202), argues that decisions are made in organisations in one of two extreme situations: complete information

availability characterised by certainty or complete information absence characterised by uncertainty. In moments of certainty, when there is little ambiguity, programmed decisions are made, with minimal risk of making a mistake and routine-based and repetitious decisions (Griffin in Riaz et al., 2021:202). Well-informed rational judgments are required for programmed decisions that are made with certainty and are defined by comprehensive information availability. As a result, decision-makers make sensible choices while making programmed decisions. The process of collecting and analysing data in order to make optimum decisions is known as rational decision-making (Scott and Bruce in Riaz et al., 2021:202).

3.7.5 Application of the decision-making process to the NC PIGF

The Premier's Intergovernmental Forum is not spared from taking evidence-based decisions. One of the fundamental aims of the Premier's Intergovernmental Forum is to leverage involvement among national, provincial, and municipal governments in order to ensure that decisions are cascaded from top to bottom and bottom to top and that there is a constant feedback channel. In practice, however, decision-making is at the top of the NC PIGF's agenda. The decision to have the **Back-to-Basics** (B2B) programme as a priority on the PIGF agenda was taken on 30 June 2015, after the National Launch of the Programme. The B2B programme was adopted in 2014 by the former President, Jacob Zuma. The B2B approach for local government was formulated as the government's plan of action to revitalize the local sphere. The B2B programme's main objective was "to improve municipalities operations in serve communities better by getting the basics right and empowering citizens to hold government accountable" (LGSETA Back2Basics research report, 2019:i). As per the report municipalities would be required to report monthly and quarterly in terms of the B2B programme performance (LGSETA Back2Basics research report, 2019:i). Moreover, records indicate that consolidated district B2B reports were also presented at the following PIGF meetings on 30 September, 2015; 26 September, 2019; and 28 September, 2021 respectively.

3.7.5.1 Decision on municipal debt owed to Eskom and Water Boards

In the PIGF meeting held on 30 June, 2015 a presentation was made by the Department of Cooperative Government, Human Settlement and Traditional Affairs which focused on debt owed to Eskom and Water Boards. Resolutions noted that municipalities should honour the payment arrangements made and that the Department of Cooperative Government, Human Settlement and Traditional Affairs was to lead an engagement between Municipalities and the Department of Water and Sanitation with regards to the utilisation of Municipal Infrastructure Grant (MIG) as top-up funding.

3.7.5.2 Decision on the implementation of the District Development Model

As per the PIGF minutes of 26 September, 2019, a presentation was made on the DDM. The DDM is an integrated model institutionalising an integrated district-based approach aimed at fast-tracking service delivery and ensuring that municipalities work together and supported each other in carrying out their mandates. The meeting resolved that the province should develop district profiles. On 10 June, 2021, a presentation was made on a milestone in relation to the DDM. It was reported that the district profiles were finalised in 2020. The presentation also highlighted that the draft one plans would be published for public comment.

3.7.5.3 Covid-19 epidemiology and vaccine roll-out programme

With the advent of the Covid-19 pandemic, the state was forced to adopt new ways of making decisions and plans for an uncertain future. Data was at the core of every decision taken at the PIGF, particularly during the Covid-19 pandemic. The Head of the Department of Health presented the Covid-19

epidemiology and vaccine roll-out programme of the Province at the PIGF meeting held on 28 September, 2021. The presentation highlighted hospital admissions, mortality rate, hot spots, the need for recruitment of specialised nurses and the vaccine roll-out, amongst others. The meeting resolved that the Department needed to relook at the statistics, particularly on the recovery rate of the province.

3.7.5.4 Agenda items which were sponsored by sector departments

This section highlights various presentations sponsored by the Northern Cape Premier's Intergovernmental Forum:

- On 30 June, 2015 the Human Rights Commission presented the Promotion of Access to Information Act;
- On 26 September, 2019, the Department of Economic Development and Tourism presented the Kimberley Diamond Cup and the Bloodhound Supersonic World Land Speed Record Attempt Project;
- On 10 June, 2021 the Department of Social Development presented the Provincial Anti-poverty Strategy;
- On 28 September, 2021, the Department of Agriculture, Environment Affairs, Rural Development and Land Reform presented the Non-compliance of municipalities towards pollution and waste management;
- The Economic recovery plan was presented by the Department of Economic Development and Tourism as per the minutes dated 28 September, 2021;
- The Office of the Premier also made a presentation on the Implementation of the Integrated Governance and Service Delivery Model in accordance with the minutes.

Based on the analysis, great strides have been made in taking evidence-based decisions at the NC PIGF. However, some of the discussion points which are

tabled at the PIGF are sponsored by sector departments or institutions. As a result, the chances of sponsored agenda items reappearing on the NC PIGF are limited to none. The key task of an IGR Forum is a platform where the constituent organs of the state consult one another, share information as well as coordinate and align activities (Eastern Cape Provincial IGR Strategy, 2022:38).

The study also discovered that there is a disconnect between what internal rules prescribe and what happens in practice. Dlanjwa (2013:35) conducted a case study in the Western Cape that supports the idea that what happens in practice versus the stipulated norms is completely different.

3.8 Conclusion

In this chapter, a comprehensive analysis was deliberated on, particularly on the salient characteristics of the Northern Cape Province, the population size and the economic outlook of the area. The study also mirrored the Premier's Intergovernmental Forum against the national forum to gain an in-depth understanding of the institutionalisation and functionality of such fora.

In the same vein, it can be deduced that the current structural configuration of the provincial Premier's Intergovernmental Forum stems from the constitutional and legislative architecture. Premier's Intergovernmental Forums, also known as Premier's Coordinating Forums, are established under Section 16 of the IGRFA. (Synthesis Report, 2014:47). Cooperative government and IGR mechanisms such as collaboration, communication, consultation, coordination, and decision-making are pivotal. Williams (2012:95) postulates that managers are continuously involved in some way or the other to collaborate, consult and coordinate with other sector departments, organs of state, academia and the private sector in order to jointly achieve societal challenges or departmental priorities. Hence, it is incumbent on the government of the day to be informed about the citizenry's interests and challenges and pursue these interests efficiently and effectively (Jensen, 2011:5).

The IGRFA, which the South African government promulgated, was a step in the right direction in ensuring that all three spheres of government realise Cooperative

Government. Experts in the field and those who find themselves in the space applauded the government of the day for putting in place new mechanisms as an enabler for the realisation of service delivery. Governance and a synopsis of the IGR structures were discussed, in an attempt to gain insight into both aspects. This was done in the context of the study's goal of determining whether the NC PIGF performs per the governance principles.

The current chapter dealt with analysing the NC PIGF. This is done to gain insight into the broader institutional context and the environment within which IGR and cooperative government occur in the province. To do justice to this chapter, an in-depth analysis was conducted, which, sought to focus on issues of compliance with the IGRFA, administrative support and decision-making were dealt with in the main. The vexing question one is grappling with is how these decisions are taken and the implementation thereof, specifically at the level of the NC PIGF.

The NC PIGF should be an ideal platform where district and local municipalities' coordination and matters of key importance are achieved. The core function of the provincial government, as articulated in the Constitution, relates to capacitating, overseeing and supporting the local sphere. It is against this backdrop that the efficiency and effectiveness of the NC PIGF were analysed. The involvement of key role players is critical in the sense of achieving coordinated and integrated governance mechanisms to attain IGR. The core of the IGRFA is in essence designated to steer engagements progressively. It is, therefore, up to the different role players' commitment and obligation to determine and pursue methods to ensure that intergovernmental structures are effective and efficient while functioning within the IGRFA's prescripts.

The study also notes that notwithstanding the provisions of the IGRFA, the Northern Cape Intergovernmental Framework is silent on matters pertaining to Section 33 of the Framework Act. Therefore, the following chapter investigates what is lacking in terms of effectiveness and efficiency.

CHAPTER 4: EVALUATION AND ASSESSMENT

4.1 Introduction

The Provincial Intergovernmental Forum's mandate, as previously stated, is to facilitate efficient and effective cooperative governance between the two spheres of government. The Premier's Coordinating Forum's core aim is to enhance integrated and development planning.

The Northern Cape Premier's Intergovernmental Forum (NC PIGF) ought to be the ideal venue for coordinating and fusing the efforts of the provincial administration with those of the local government. According to the Constitution, the Province's top priority and most important role is to increase its ability to support and oversee the local government. In light of this, this Chapter assesses the NC PIGF's effectiveness and efficiency. In expounding on the effectiveness and efficiency of the NC PIGF, this Chapter also looks at the following evaluation questions:

- (a) How is effective and efficient defined?
- (b) How effective and efficient is the NC PIGF?
- (c) How should the NC PIGF effectiveness and efficiency be measured?
- (d) Is the NC PIGF effective and efficient?

This Chapter focuses on evaluating whether the NC PIGF is efficient and effective or not. If the results depict a dim image, workable solutions must be discovered to ensure the efficiency and efficacy of the NC PIGF.

4.1.1 Evaluation purpose and scope

This Chapter's objective is to evaluate the NC PIGF in order to enhance its efficacy and effectiveness. The thrust of this Chapter is on the NC PIGF.

Two of the most crucial good governance principles are effectiveness and efficiency in the intergovernmental system. Sound IGR between the three spheres of government requires efficiency and effectiveness. In providing a synopsis of the above-mentioned questions, this study assists in guiding the NC PIGF towards playing

a meaning full role and enhancing service delivery and integrated development planning.

4.1.2 Definition of efficiency and effectiveness

These concepts of efficiency and effectiveness are used interchangeably but are not the same. Effectiveness, as mentioned in Chapter 1, has to do with carrying out the right activity or operation; however, effectiveness raises important queries regarding what the organization ought to be doing in the first place.

Efficiency describes how well an activity or operation is performed. Efficiency is how well an organisation does what it does. Efficiency is a measure of how funds, time, equipment and expertise (economic resources) are converted into results (Pinprayong & Sienthai, 2012:31).

The OECD defines effectiveness as the degree to which the intervention's goals were attained or are anticipated to be attained. Contrarily, efficiency measures how economic resources/inputs (funds, expertise, time and equipment) are translated into outcomes (OECD, 2019:9-10).

Cooperative governance is essential, according to the IGRFA Preamble, and the three spheres should make sure that effective, efficient, transparent, responsible, and cogent government is at the core of its operations (IGRFA 2005:2). In reality, this implies that managers of programmes and authorities in charge of managing public funds are accountable for carrying out their duties and offering services to the general public in an effective, efficient, and cost-effective manner (Burger, 2001:68-69).

4.1.3 How are efficiency and effectiveness currently measured in the NC PIGF?

Malan (2005:226) corroborates that the IGR system is an essential philosophy, particularly for developing policies as well as for planning and carrying out projects and programmes. This is undertaken through the creation of setting up and acting in line with the institutional frameworks for intergovernmental cooperation and the effective operation of these institutions. It is envisaged that the three spheres of

government namely National, Provincial and Local will cooperate continually in good faith and mutual respect as stipulated by the IGRFA.

The Framework for Strategic and Annual Performance Plans (FSPAPP) regulates departmental performance management in South Africa. This Framework seeks to ensure a level of uniformity and also serves as a guideline for planning, monitoring and evaluation. The Framework is relevant to public bodies, constitutional organisations, and national and provincial agencies (FSPAPP, 2010:7).

According to the Framework for Managing Programme Performance Information (2007:7), the public sector offers services essential to the welfare and development of the nation. To achieve the most efficient and successful delivery of public services, all governmental bodies must create strategic plans, allocate resources to their execution, monitor the results, and report them. Public institutions' performance can be compared to their budgets and service delivery plans so that the general public and monitoring authorities can assess if they are getting their money's worth. Performance data is also essential for alerting management to areas that require improvement (FMPPI, 2007:7).

Additionally, the use of performance data to assess service delivery and budget allocations is crucial. In other words, the information has to be correct, timely, and appropriate. The benefit of measuring performance is that what is measured is accomplished. If an institution is aware that its performance is being monitored, it will be more likely to execute the necessary tasks - and do them appropriately. Additionally, having access to performance data enables managers to use techniques that focus on results, like performance contracts, risk management, benchmarking, and market testing (FMPPI, 2007:2).

The Framework for managing programme performance information sponsors the Results Based concepts used by the government, which must inform government institutions' planning processes. Graph 4.1 depicts the relationship and connection between the results-based concept (FMPPI, 2007:6).



Graph 4.1 Source: Managing Programme Performance Information (2007:6)

The process by which government agencies evaluate performance is shown in Graph 4.1. The concepts are defined as follows:

- a) **Inputs:** resources which contribute to goods and services (outputs). Inputs are “what we use to execute our tasks.” They include employees, equipment, structures, and financial resources (budget).
- b) **Activities:** the procedures or acts that combine a variety of inputs to create the intended results. Activities essentially explain “what we do.”
- c) **Outputs:** the delivered goods and services, or finished products. The term “what we generate or provide” can be used to define outputs.
- d) **Outcomes:** The results that will be seen over the next few years by a particular beneficiary after a certain set of outputs have been met. The outcomes should be directly related to the plans’ strategic goals and objectives. Outcomes are “what we desire to accomplish.”

e) Impacts: the outcomes of attaining particular goals, such as lowering poverty and generating employment (FMPPI, 2007:6).

The above discussion reiterated the South African government's planning process. The question remains as to how is efficiency and effectiveness measured and monitored in the Northern Cape Premier's Intergovernmental Forum. This section attempts to shed light on this regard. The Premier's Intergovernmental activities are coordinated by the Stakeholder Management Directorate, a sub-programme under Programme 1 Administration. As previously alluded to, internal planning, as legislated, is a time-bound process that starts with developing a five-year plan (Strategic Plan). The Annual Performance Plan (APP) based on the Medium Term Expenditure Framework (MTEF) results from the five-year strategic plan. The APP sets out sub-programme-specific strategic objectives, indicators and targets for the MTEF period, which is a breakdown of what the department will do to implement the strategic plan. The plan seeks to provide tangible and measurable answers to how the Directorate (Stakeholder Management) will execute its function during the financial year to realise medium-term strategic goals (Annual Report NCOTP, 2021/22:23-30).

Regarding the verification process in the Northern Cape Office of the Premier, the Provincial Performance Monitoring and Evaluation Chief Directorate is tasked with scrutinising and quality assurance performance information during planning and in-year reporting, augmented with an Internal Audit. Moreover, Internal Auditors are also tasked to test reliability, compliance with the regulatory frameworks and the usefulness of departmental performance internal controls, and guiding the department's risk management profile. Such inventions are beneficial because it alerts managers of early warning signs for underperformance and adverse audit findings. All of these actions serve to prepare for the annual external auditing of financial and performance data undertaken by the external Auditor-General (AG) (Herman, 2019:95-96). In accordance with the Public Audit Act section 20(2)(c), the AG is mandated to conduct annual audits on non-financial data. An annual audit is conducted by comparing reported actual performance to predetermined objectives in the audit of predetermined objectives. This is carried out as a crucial component of the yearly regularity audits, which confirm the relevance and veracity of the stated performance data provided in the annual reports of government entities (Performance Information Handbook, 2011:59). The legislature also plays a critical oversight role, whereby departments are

required to account. This means departments will be audited based on planned predetermined objectives as per the Annual Performance Plan against actual outputs, which will be reflected in the Annual Reports (Herman, 2019:96).

4.1.4 How should the effectiveness and efficiency of the NC PIGF be measured?

Discussions about cooperative governance and IGR are impossible without mentioning good governance and its guiding principles. According to Mhone and Edigheji (2004:3–4), good governance is defined as how the government carries out its constitutional duties within a democracy and complies with the standards for participation and consultation with its citizens. In answering the above question, this section will focus on the following:

- a) The NC PIGF's compliance with Section 33 of the IGRFA
- b) Functioning by IGR structures
- c) Composition of the Premier's Intergovernmental Forum structure
- d) Technical structure: composition, functioning (meeting and attendance, linkages and political forum
- e) Beyond informative discussion
- f) Resolutions and their implementation
- g) Reporting and monitoring decisions of the Premier's coordinating Forum

4.1.4.1. The NC PIGF's compliance with Section 33 of the IGRFA

Chapter 3 of the Constitution of the Republic of South Africa, Act 108 of 1996, recognizes the fundamental principles and objectives of cooperative governance, and necessitates collaboration across the three spheres of government to accomplish integrated service delivery (NC IGRF 2015:3). However, Chapter Three of the Constitution does not provide details regarding cooperative governance, asserts Coetzee (2005:156). This is because intergovernmental connections are not fully understood, which leads to a negotiable and flexible relationship than what the initial statute intended. Coetzee (2010:90) argues cogently that cooperation may not take

place if the powers and roles of several realms are not clearly understood. Malan (2009:1145) supports this viewpoint by pointing out that the mere existence of structures and processes for IGR and cooperative government may not ensure that the principles for cooperative governance would be followed. The dedication to fostering a cooperative mindset and the effective and efficient operation of these organizations may support healthy IGR.

A framework for creating provincial intergovernmental forums, particularly those for provincial-municipal relations, is provided in Part 3 of the Intergovernmental Relations Framework. Steytler and Fessha (2006:8) contend that the intergovernmental bodies established before the promulgation of the Act are required to adhere to subsection 33(1) of the Act and adopt internal procedural rules within a year unless an Act of Parliament was passed under the terms of which it was created specifically to regulate the rules of such an intergovernmental body. As mentioned in the previous Chapter, the NC PIGF partially complies with section 33(1) of the IGRFA. The NC PIGF must comply completely with Section 33. According to Chapter 4 of the NC PGIF, failure to abide by the statutes could jeopardize the credibility of the forum.

4.1.4.2 The functionality of the IGR structures

According to Nkwenzane (2012:3), the IGR structure is the vertical arrangement of positions and bureaucratic pattern of power, accountability, relationships and areas of responsibility intended to coordinate the organization's activities among the three spheres of government. Intergovernmental connections are promoted and made easier by the structures used by the government to carry out its duties. Nkwenzane (2012:3) further posits that several different structures were created to ensure successful intergovernmental cooperation among the three spheres of government.

4.1.4.3 Configuration of structures such as the Premier's Intergovernmental Forum.

The IGRFA Section 17(1) offers instructions on how the Provincial Forum and the Premier's Intergovernmental Relations should be established. The Executive Council Members of all provincial departments which are led by their respective Premiers, district mayors, and national departments encompass the NC PIGF. The Director-

General, Heads of Departments, and District Municipal Managers attend the Premier's Intergovernmental Forum's two meetings each financial year in addition to their principals to provide advice, but the mayors of the local municipalities were not regular attendees. According to Fessha and Steytler (2006:12), some provincial structures invite private corporations and non-intergovernmental organisations to meetings. They further alluded that Mpumalanga and Limpopo invited Eskom to their PIGF. In the Free State, the PIGF invite is extended to Traditional Leaders.

4.1.4.4 Consulting and discussing matters of mutual interest

The Provincial Iting and discussing matters of mutual interest

Coordinating Forum (PCF) acts as a conduit between the central, provincial, and municipal spheres. The PCF is a consultative forum for the Premier and the local government in the Province to discuss and consult on issues of mutual concern, and challenges and craft mechanisms to mitigate those challenges per Section 18 of the IGRFA. The fundamental objective is to implement the national policy and legislation which affects local government interests in the Province, deal with issues brought up at the Presidential Coordinating Council (PCC) and other national policy and national IGR forums, and draft national policy and legislation affecting local government interests in the Province are just a few examples (Synthesis Report, 2014:56-57).

The issue of the minimal role that is being played by the Premier Intergovernmental Forum in consulting on the development and implementation of national, and provincial policy and legislation affecting local government interests in the Province is brought up in the report of the Northern Cape Intergovernmental Forum (2014:4). The aforementioned statement implies that there is no public participation. According to Napier (2008: 166), public participation takes place when knowledge is given and when involvement influences decision-making. The report also notes that the forum gave district municipalities little consideration when it came to provincial and national reporting. Local government and sector departments are alerted immediately through the cabinet cluster rather than the Premier's Intergovernmental Forum if there is a requirement for reporting. The provincial intergovernmental Forum is not used to coordinate the development planning by the provincial and local governments, according to the Mini Report of the Northern Cape Intergovernmental Forum (2014:4). Reports to the Premier's Intergovernmental Forum solely discuss the integrated development plans in terms of compliance. As a result, the structure's influence on the

provision of services has been minimal to non-existent. Retrospectively, poor coordination has a detrimental impact on the execution of national and provincial programmes and has a definite negative impact on service delivery. To improve service delivery, contact and conversations between the two spheres of government are ideal. Good dialogue and communication between the provincial and local realms are essential to achieving coordination and cooperation.

4.1.4.5 Technical structure

A technical support structure for an intergovernmental forum's operation may be established under the Intergovernmental Relations Act 13 of 2005, as was hinted at in the preceding chapter. The technical support must consist of officials representing the government or organs of the state participating in the intergovernmental forum. For example, Municipal Managers and Heads of Departments attend technical forums. The technical forum compiles and assesses reports before submitting them to the Political forum. As discussed in the previous Chapter, the Department of Cooperative Governance, Human Settlements and Traditional Affairs (COGHSTA) was tasked with coordinating the IGR technical structure in the Province. In 2021, during the IGR meeting, the Director-General informed the meeting that the Technical IGR committee would be responsible for guiding and implementing the PIGF resolutions. Based on the above, there are clear overlapping roles and functions between COGHSTA and IGR Committee. Duplication of roles and duties or poor service performance may result from uncertainty. The question then arises: Who should be held accountable for implementing the resolutions of the PIGF?

4.1.4.6 Linkages with political forums

The technical and political forums' structural connections will make collaboration between the two forums considerably simpler. According to Feesha and Steytler (2006:22), the technical structures in Gauteng and the Eastern Cape are adequately linked with the political forum. Additionally, they noted that since each forum meeting precedes the political forum, cooperation between politicians and technocrats is made possible. The technical IGR meetings in the Northern Cape take place one month prior to the PIGF (see section 3.5.1).

Minimal parastatal service providers participate in the NC PIGF. The inclusion of these entities in the technical framework is not a requirement of the Act. However, there is good evidence to suggest that including these organizations, which are directly involved in service delivery, in a structure that is primarily focused on implementation issues greatly facilitates the goals of intergovernmental structures. For example, state-owned entities such as Eskom, and the inclusion of this parastatal in the Intergovernmental Relations Forum, will assist in aligning and monitoring policies between the different levels of government. Issues such as Municipal debt owned to Eskom will be deliberated on and measures will be crafted to mitigate non-payment as well as risk management for future purposes (Steyley and Fessha, 2006:23).

4.1.4.7 Beyond informative discussions

Intergovernmental structures typically have informative conversations. The effectiveness of the organization is not necessarily diminished by this, as information sharing is a crucial goal of IGR. The practice of sharing information among the forum's member units has the benefit of facilitating support and assistance. For example, most forums require district municipalities to submit progress reports, which allows provinces to assess the strengths and weaknesses of the municipalities and determine where support and assistance from the provinces are required. The Frances Baard District made a presentation in 2014 whereby they raised their concerns about the cost implication of the AG and further accounted for progress Outcomes 8 and 9 (Meeting 31 March, 2015). The presentation of such progress reports to the PIGF demonstrates how information sharing can assist in identifying areas that require support and assistance.

The PIGF has expanded beyond information exchange to act as a forum for dialogue between the two branches of government over a variety of developmental challenges. It is heartening to observe that the developmental issues highlighted frequently call for collaboration between the two sectors of government and, by their very nature, have crucial intergovernmental dimensions. For instance, the District Development Model, which is crucial to intergovernmental interactions, is on the agenda of the PIGF (see section 3.7.5.2).

4.1.4.8 Management of resolutions and decision-making

With a focus on the Premier's Intergovernmental Forum, this study evaluates the efficacy of the NC PIGF interactions. As a result, the focus is drawn on how the NC PIGF makes decisions.

Government decision-making, according to Aucion (2005:2), is a process in which knowledge gained through rigorous research and real-world experience interacts with different philosophies, interests, ideologies, institutions, and people. Thus, decision-making is crucial in government and governance. How those decisions are made is crucial, especially if it is thought that the issue could compromise the accepted political standard. According to Trueman (2015:1), people are currently questioning how the South African government makes decisions, particularly about who has a say in those decisions.

Given that some people are questioning the decision-making procedures of government, it makes a strong case for the NC PIGF to give the District and Municipalities the required room and space to develop their decision-making and implementation of strategies with the critical objective to ensure that they do with little or no meddling from the Province. There are no decision-making processes devised, accepted, and approved by the Premier's intergovernmental forum, according to the Mini Report of the Northern Cape Intergovernmental Forum (2014: 7).

Giving the necessary space and support to district municipalities will improve the working relationship between the three spheres of government and ensure that local service delivery needs are taken into account in National and Provincial decision-making. This will help each sphere understand its roles and responsibilities in driving the national development agenda. The NC PIGF must set procedures for passing resolutions that represent the Northern Cape's developmental priorities and guaranteeing their implementation (Gaoretelelwe, 2017:160).

4.1.4.9 Reporting and monitoring resolutions and decisions of the Premier's Intergovernmental Forum

According to IGRFA, IGR structures serve as avenues for intergovernmental dialogues and consultations. The structures may approve resolutions or offer suggestions about established procedures but they do not have executive decision-making authority. The

Premier and the mayors are required to deliver the PIGF recommendations to the Provincial Executive Council for adoption or confirmation at their respective council meetings, according to the Synthesis report (2014:62).

The Intergovernmental Relations Unit's capacity issues are the reason given in the Mini Report (2014: 7) for the NC PIGF's lack of a structure for following through on decisions made during the forum. It seems like the forum is run in a way where making decisions is quite difficult. The Mini Report claims that this is the result of the forum's excessive emphasis on hearing reports rather than having conversations regarding the concerns identified by the reports. District reports are presented and questioned, and the Province or municipalities should make requests to track challenges that are raised, although resolutions are rarely taken (Mini Report, 2014:7).

4.1.5 Is the NC PIGF efficient and effective?

The South African democratic system adopted a cooperative government model as enshrined in the Constitution and provides a platform for IGR and cooperative government (Levy and Tapscott, 2001:1-21). Chapter 2 of the South African Constitution makes provision for the three spheres of government, comprising of national, provincial and local spheres, which are interrelated, distinctive and interdependent. It is envisaged that all spheres of government will strive towards working together in mutual trust and good faith through the establishment of various institutional arrangements for IGR and the successful operation of these structures. However, Coetzee (2010:102) argues that even though structures, principles and values, processes and instruments exist, the challenges do not necessarily stem within the system but from the implementation and manifestation interpretation of the system. Agranoff (2004) corroborates this view; noting that the ineffectiveness of IGR and coordination is regarded as being due to management and capacity problems as opposed to the structure and procedures. Also, see the National Development Plan (2030) in this respect. Numerous efforts, concerning establishing structures, frameworks, guidelines, and procedures, have been initiated by the state; however, it is pertinent to mention that such efforts are sufficient in ensuring effective IGR in the three government spheres (Thornhill, 2011:4).

IGR should be understood from a premise of voluntary relations, thus the effectiveness and efficiency are primarily built on the level of commitment, cooperation, coordination, and attitudes of individuals within the system. For a relationship to be beneficial vital ingredients are necessary, such as information sharing (best practice), willingness to learn from one another and commitment; this, too, is required for optimal intergovernmental relations forums (Koopra, 2016:74).

In light of these arguments, scholars note that processes, structures, and procedures exist; however, the capacity to implement effective and efficient IGR still bubbles to the surface. A few administrative indicators will be examined to test the effectiveness and efficiency of the Northern Cape Intergovernmental Forum. The focus will be drawn on the following: internal rules to govern the forum, sharing of information, handling of disputes, implementation of resolutions, and procedure for the amendment of the NC PIGF internal rules.

(i) Internal rules

The IGRFA mandates intergovernmental structures to adopt its internal governing proceedings (Section 33 (1)(a)). An approved framework governs the Northern Cape Intergovernmental Forum. The Framework was endorsed in 2005. The Framework includes clauses name of the structure, stipulates the objective of the structure, composition of the structure, agenda setting and schedule of meetings etc. However, the framework's content differs from the provisions as per the Intergovernmental Relations Framework Act. The Framework is silent on role clarification. The Framework does not articulate the functions of the chairperson. Secondly, no provision is made for the designated person to preside in the chairperson's absence. Also see Mini-report: NC PIGF (2014:5) and Gaoretelewe (2017:104). A study by Dlanjwa (2013:32) corroborates this view stating that each Premier's Forum should adopt its own internal rules.

(ii) Information sharing

The majority of interactions in intergovernmental forums are instructive. This does not necessarily limit the structure's ability to effectively share information, as this is a crucial goal. The advantage of sharing information is that it facilitates support amongst forum members. As it is standard practice that progress reports from district

municipalities are discussed, create a platform for the forum to identify strengths and weaknesses of the municipality and decide on areas where support and guidance would be channelled (also see Steyler and Fessha 2006:25).

The District Development Model's (DDM) presentation had this effect (see section 3.7.5.2.). The progress report revealed that Districts are mandated to develop One Plans. In that meeting, the Premier emphasised the importance of the DDM and instructed officials from the Policy and Planning Chief Directorate to assist the Department of COGHSTA to this effect.

Laws, executive orders, legislation, and processes relevant to the management and access to information are the primary topics of discussion when it comes to information sharing between branches of government (Schwella et al., 1996:183). If implemented properly, computerized information systems and systems technology can improve IGR between different spheres of government in addition to serving as crucial communication tools. The computerized information system may comprise the following, "personal or microcomputers, intelligent terminals, work stations, networking, word processing, telecommunication, and huge mainframes" (Stevens and McGowan, 1985:3). For formal frameworks for IGR to function properly, the computer may become a crucial tool for information sharing and dialogue. The sharing of information has been progressive, particularly during the advent of Covid-19, where new ways of conducting government business were explored. Virtual meetings are still prevalent in the NC PIGF. This innovation cuts costs and saves the government on travel expenses. Due to the vastness of the Province, less time is spent on the roads. The NC PIGF has been effective in achieving this objective (Technical IGR Committee Meeting Minutes, 20 May 2021).

(iii) Handling of disputes

Agranoff (2004) posits that no formal structures exist to facilitate intergovernmental disputes. As the principle of cooperative government dictates, a negotiated, rather than a conflict approach, should be used when dealing with disputes. Chapter 3 of the Constitution (as amended) stipulates that the national government should establish dispute-resolution mechanisms to decrease the need for litigation between state organs. The Department of Provincial and Local Government has recommended several tools for resolving disputes in intergovernmental relationships (DPLG,

1999:56). Additionally, it is advised that provincial and local governments put into place dispute resolution processes that follow the national processes. At all costs, litigation should be avoided, and an alternative should be an administrative court system. The IGRFA's (2005) Chapter 4 defines guidelines for resolving intergovernmental conflicts as well as the function of mediators and the minister or executive council member in resolving local government issues. In light of the Intergovernmental Relations Framework Act with the key focus of Section 39(1)(a), it is clear from the analysis (Chapter 3) that no dispute resolution mechanism exists in the NC PIGF. Gaoretelelwe (2017:147) corroborates this view (also, see Tsako 2018:24).

(iv) Implementation of resolutions

The Northern Cape Intergovernmental Relations Framework (2019:14) states that the secretariat should prepare an action list with clear time frames and an implementation matrix of resolutions. The Framework notes that resolutions should be monitored regularly to ensure implementation and accountability. In light of this indicator, it was, however, challenging to measure the implementation of meetings. No clear indication is provided based on the analysis. Based on a study conducted by Gaoretelelwe (2017:152), which focused on the effectiveness of the NC PIGF, he claimed that it is unclear how resolutions are communicated. He corroborates the view that it is unclear how minutes are distributed and communicated, further noting that it is unclear whether decisions are communicated to role-players through a decision matrix.

(v) Procedure for the amendment of the NC PIGF

The approved Northern Cape Premier's Intergovernmental Relations Framework has not infused a clause for the review and procedure for the amendment of the Framework.

4.2 Conclusion

Taking the focus on the effectiveness of the NC PIGF into consideration, the thrust of this Chapter expanded on an evaluation to test the extent to which the NC PIGF is efficient and effective or not. Through the evaluation, it became clear that for each sphere to attain good governance in executing its core mandates and responsibilities, effective decision-making and some fundamentals for the benefit of the citizenry are

the life support of such a sphere. Thus, fundamentals which should be taken into consideration relate to cooperative governance and elements of good governance, effectiveness and efficiency. IGR should, therefore, not be seen as bound by routine compliance with the regulatory framework but instead, as an effective tool to facilitate authentic commitment to, and interest in, service delivery in achieving the developmental outcomes of the capable state in the future (Kanyane, 2016). Sound intergovernmental relationships across the three spheres of government are pivotal in enhancing integrated and development planning.

Chapter 5: Findings, Recommendations and Conclusion

5.1 Introduction

The summary, findings and conclusion of the study are presented in this review Chapter. This study aimed to evaluate measures to strengthen the NC PIGF. The research problem, goals, and objectives are concluded in this Chapter, which is a condensed form of the study's description. The research problem elaborated on the effectiveness and efficiency of the NC PIGF. This final chapter will focus on providing findings, recommendations and conclusions.

This study aimed to understand the legislative framework regulating IGR and cooperative governance. The specific objectives were:

- a) Analyzing the South African legislative framework which administers IGR;
- b) Analyze the effectiveness and efficiency of the NC PIGF;
- c) Identify the current challenges faced by the NC PIGF.

The findings and recommendations confirm that the study successfully addressed its aims and objectives.

A chronological summary is presented in this Chapter; followed by recommendations.

5.2 Overview of the Study

A chronological overview includes a chapter-by-chapter presentation.

5.2.1 Chapter 1: Actuality of the study

This chapter served as a road map on what the study sought to investigate and created a structure and scientific study which flows chronologically. A research statement was provided to describe the research problem and explain why more investigation is necessary. This was followed by research questions, aims and objectives, and the methodology the researcher envisaged in addressing the research problem. The researcher believed it would be desirable to describe components relevant to the study in order to promote easy flow and understanding.

5.2.2 Chapter 2: Evolution of Intergovernmental Relations, Cooperative Government and Good Governance

This chapter provided a thorough literature review relevant to the study, which was reviewed concerning cooperative governance and IGR evolution in the South African context. This chapter also looked at the legislative framework which served in the constitutional context of IGR and cooperative governance in South Africa. Various policies and statutes were consulted and analyzed on IGR and cooperative governance in South Africa to gain an in-depth understanding. Chapter 3 of the Constitution provides that the three spheres should cooperate and conduct their business in mutual trust. From the beginning of this chapter, it brought to the fore that the legislative framework is the cornerstone of IGR in the country. The study also unpacked relevant structures of Government unitary and federal systems to gain insight into how it relates to IGR. The chapter goes above and beyond to paint a picture of governance, good governance, and the guiding principles of good governance. Reviewing the above fundamentals was necessary for gaining a holistic view of IGR and cooperative Government.

5.2.3 Chapter 3: Analysis of the NC PIGF

This chapter commenced with a holistic perspective on the institutional arrangements, functions and structures pertinent to IGR. The analysis provided a critical discussion of the governance structures, and an in-depth of the national MinMEC forum came to the fore. This was followed by a comprehensive analysis of IGR pertaining to the NC PIGF. This chapter outlined structural, institutional and functional areas and highlighted decision-making theories and types.

5.2.4 Chapter 4: Evaluation of the NC PIGF

This Chapter was devoted to critical analysis on measuring the extent to how efficient and effective the NC PIGF is or not. Part 3 of the Intergovernmental Relations Framework provides a framework for the establishment of provincial intergovernmental forums, particularly those relationships between provincial-and municipalities. According to Steytler and Fessha (2006:8), the intergovernmental organizations created before the Act was promulgated are required to follow subsection 33(1) of the Act and implement internal procedural rules within a year, or

unless a Parliamentary Act was passed explicitly to govern the rules of such an intergovernmental entity, the terms under which it was established. The study discovered that the NC PIGF partially complies with section 33(1) of the IGRFA. The NC PIGF must comply completely with section 33(1). Failure to abide by the statutes could jeopardize the forum's credibility.

5.2.5 Chapter 5: Conclusion, Findings and Recommendation

Chapter 5 presents the conclusion, research findings and recommendations of the study.

5.3 Assessment

It is important to note that IGR varies from country to country. IGR and cooperative governance are viewed by proponents in the field as complex and global phenomena. In the South African context, the legal instruments and mechanisms are a firm foundation of the IGR system. The concept of IGR encapsulated by Coetzee (2010:87) opines that it relates to formal or informal systems, structures, and processes for horizontal and vertical coordination among the three spheres of Government. Furthermore, Painter (2012:731) states that IGR focuses on the nexus of formal structures in terms of financial arrangements between levels of Government.

The system of IGR draws its legitimacy from the legislative framework, as explained in this mini-dissertation. Chapter 3 of the Constitution provides that the three spheres should cooperatively conduct their business instead of conflicting and respect each sphere by not encroaching on geographical, functional or institutional integrity. Kahn et al. (2011:65) corroborate that cooperative governance is unique in the South African system. Through these mechanisms, mutual trust and good faith in these spheres are vital.

After an intensive explanation of the research problem, which refers to investigating mechanisms to strengthen IGR and cooperative governance with specific reference to the NC PIGF. Therefore a thorough articulation was brought to the fore discussing the aims and objectives, including the research design and methodology. In an attempt to articulate and understand the IGR system in the South African context, the legislative milieu was thoroughly scrutinized. The Constitution of South Africa, and supporting statutes, such as the IGRFA, solidified the former informal IGR structures and

institutions and institutionalized minimum formal governance structures and procedures for cooperation. Therefore, Chapter 3 of the Constitution (see Chapter 4) sets out normative principles of cooperative governance in the country. After the study scrutinized the relevant statutes, a synopsis of governance and decision-making was discussed to determine the implementation of decisions in the NC PIGF. Goede and Neuwirth (2014:554) posit that governance steers government institutions and agencies to meet the public's demands. Decision-making, according to Kumar and Gautam (2018:84), is one of the fundamental—if not the essential functions of all management activities. It can be argued that decision-making is a process whereby the decision-maker surveys various alternatives before settling for the optimal option (see Chapter 3).

Since the thrust of the study relay on strengthening the NC PIGF; thus it was crucial to discuss decision-making in the study, mainly to gain insight into how these decisions impact the forum. Now that the legal framework governing IGR has been clarified, it was crucial to determine if the NC PIGF complied with the statutes' provisions, including institutional structure. The findings presented below stem from data collected and analyzed from desktop sources such as books, journals, articles, etc.

5.4 Findings

Following a thorough analysis of the literature, such as statutes, articles, journals, and books, the researcher first reflects on the evolution of IGR and cooperative governance. Secondly, emphasis will be placed on the legal framework governing IGR and cooperative governance. This is followed by an analysis of the realities faced by the NC PIGF.

In light of the aforementioned, the investigation delivers the following outcomes:

- Lack of processes for decision-making

Given that some people are questioning the decision-making processes of the Government, this makes a strong case for the NC PIGF to grant the District and Local Municipalities the necessary room and space to develop their decision-making and implementation strategies with the sole goal of minimizing interference from the Province. The study discovered that there are no electronic tools for tracking and observing the implementation of potential PIGF resolutions and judgments based on

the data analysis in Chapter 3 on the NC PIGF. According to Gaoretelelwe (2017:161), there is no structure in place to record the decisions or resolutions taken by the NC PIGF. It would be essential for the NC PIGF to develop an electronic decision-making procedure.

- Dispute settlement mechanism non-existent

Section 39 (1)(a) of the IGRFA 13 of 2005 clearly outlines the procedure for resolving particular intergovernmental disputes for which other national legislation provides resolution mechanisms. The study found that the NC PIGF has no mechanism for resolving disputes. A study by Gaoretelelwe (2017:148) asserts that the NC PIGF lacks a procedure to handle disputes. Given the responses to Gaoretelelwe's (2017:148) study through the interviews and the material he analysed, 72 per cent of the respondents indicated that issues were resolved as they arose in the NC PIGF, even though Forum members brought up a few disputes. The investigation also went one step further and looked into why the Forum does not have conflict resolution processes. Although all of the respondents felt that the problems were more complaints than disagreements, they emphasized the need for dispute resolution processes. The respondents further claim that there is no formal dispute resolution process because all of the members of the NC PIGF are from the ANC. Gaoretelelwe (2017:148) asserts that the Forum risks overlooking essential issues that demand its attention if there are not adequately written and authorized dispute resolution mechanisms in place, especially if opposition parties are present in the Forum.

- Partially complying with Section 33(1) of the IGRFA 13 of 2005

Chapter Three of the Constitution recognizes the fundamental principles and objectives of cooperative governance and necessitates collaboration across the three spheres in order to accomplish integrated service delivery (NC IGRF 2015: 3). However, Chapter Three of the Constitution does not provide details regarding cooperative governance, asserts Coetzee (2005:156). This is because intergovernmental connections still need to be fully understood, leading to a more negotiable and flexible relationship than the initial statute intended. Coetzee (2010:90) argues cogently that cooperation may only occur if several realms' powers and roles are clearly understood. Malan (2009:1145) supports this viewpoint by pointing out that the mere existence of structures and processes for IGR and cooperative Government

may not ensure that the principles for cooperative governance would be followed. The dedication to fostering a cooperative mindset and the effective and efficient operation of these organizations may support healthy IGR.

Part 3 of the IGRFA provides for the establishment of provincial intergovernmental forums, especially those relations between the province and municipalities. Steytler and Fessha (2006:8) contend that the intergovernmental bodies established before the promulgation of the Act are required to adhere to subsection 33(1) of the Act and adopt internal procedural rules within a year. Unless an Act of Parliament was passed under the terms of which it was created specifically to regulate the rules of such an intergovernmental body. As mentioned in the previous Chapter, the NC PIGF partially complies with section 33(1) of the IGRFA. The NC PIGF must comply entirely with section 33(1) of the IGRFA. According to Chapter 4 of the NC PIGF, failure to abide by the statutes could jeopardize the forum's credibility.

- Non-existence of public participation

The Mini Report of the NC PIGF (2014:4) brought up a very pertinent issue stating that the NC PIGF play a minimal role in consulting on the development and implementation of national and provincial policies and statutes affecting local government interests in the Province. The statement as mentioned earlier implies that there is no public participation. Napier (2008: 166) states that public participation occurs when knowledge is given and involvement influences decision-making. The report also notes that the forum gave district municipalities little consideration regarding provincial and national reporting. If there is a reporting need, local government and sector departments are notified directly by the cabinet cluster rather than through the NC PIGF. The study discovered that the provincial intergovernmental forum is not used to coordinate development planning by the provincial and local governments, according to the Mini Report of the NC PIGF (2014:4). Reports to the PIGF solely discuss the integrated development plans in terms of compliance. As a result, the structure's influence on the provision of services has been minimal to non-existent. In retrospect, ineffective coordination hurts the implementation of national and provincial initiatives as well as has a definite negative effect on service delivery. In order to improve service delivery, contact and conversations between the two spheres of Government should

materialise. Communication between the provincial and local realms is essential to achieving coordination and cooperation.

- Capacity constraints

The Intergovernmental Relations Unit's capacity issues are the reason given in the Mini Report (2014:7) for the NC PIGF's lack of a structure for following through on decisions made during the forum. According to Amusa and Mathane (2007:274), organizational capacity deficits exist at all levels of Government but are more evident at the provincial and municipal levels. Additionally, the implementation of intergovernmental agreements is affected by administrative capacity issues (Coetzee, 2010:85).

- Limitation of the IGRFA 13 of 2005

The study discovered that the IGRFA is not mandatory and that there are no repercussions for not complying with the Act. Secondly, resolutions taken at the intergovernmental relations forums are advisory and not legally binding. A study by Van Niekerk (2015:848-845) asserted that the Act does not make provision for inner metropolitan municipal forums. Secondly, no provision is made for inter-governmental relations forums at the sector department level. As a result, departmental fora are non-statutory and, therefore, have no legal standing. Hauvori (2012:186) posits that the IGRFA is criticized as a toothless dog mainly because of its inability to enforce accountability and consequence management.

The study found that there is a disconnect between what is prescribed and what happens in practice. The IGRFA state that the Premier is responsible for agenda setting. However, the NC IGRF (2019:14) posits that Members should participate in the agenda setting.

The study further revealed that the NC PIGF does not extend an invite to parastatals (see 4.1.4.6).

The Terms of Reference state that four forum meetings will be held annually (see 3.3.8). This is thus an example of the disconnect between what internal rules prescribe and what happens in practice.

The study revealed the role of the technical committee whereby overlapping of functions might lead to duplication (see 4.1.4.5).

5.5 Recommendations

Given the literature, and analysis about the NC PIGF, as well as the interpretation of information gathered to ensure a more effective and efficient Forum, the following recommendations are made:

To ensure efficiency and effectiveness, the NC PIGF need to develop procedures for adopting resolutions that will reflect the Northern Cape's developmental priorities. See section 4.1.4.9, which focussed on the reporting and monitoring of resolutions and decisions of the NC PIGF. The Mini Report (2014:7) made a strong argument, emphasising the NC PIGF's inability to track resolutions. It is, therefore, recommended that the NC PIGF develop an electronic decision-making system. Such a system will ensure that the development priorities as endorsed and implemented in the Province.

In light of Section 39 of the IGRFA setting out the procedure of handling intergovernmental disputes (see 4.1.5 (iii) handling of disputes), the Department of Provincial and Local Government has recommended numerous tools to resolve disputes in intergovernmental relationships (DPLG, 1999:56). Additionally, it is advised that provincial and local governments adopt national processes to handle disputes. The NC PIGF should ensure that it develops a dispute settlement procedure regardless of which political party holds the majority (also, see 3.4.2).

Failing to comply with Section 33(1) of the Intergovernmental Relations Act might jeopardize the credibility of the NC PIGF. See 4.1.5 (i) regarding adopting internal rules prescribed by Section 33(1) of the Intergovernmental Relations Framework Act. Given the analysis in 4.1.5 (i), it can be deduced that the NC PIGF partially comply with Section 33(1) of the Intergovernmental Framework Act. Complying with the legislative framework is crucial to ensure the NC PIGF's credibility. It is therefore recommended that the NC PIGF develop a clearly articulated Terms of Reference (T.O.R) as prescribed by the IGRFA. The development of such T.O.R will bring about professionalism and uniformity. The T.O.R should amongst others clearly articulate

the roles and responsibilities, of the Chairperson. It is also critical to clearly stipulate who should preside a meeting in the absence of the Chairperson (see 3.3.5).

Even though the Act is not prescriptive on the number which should constitute a quorum, however, it is advisable to include such (see 3.3.9).

Public participation is an essential component of good governance principles. In accordance to Section 16 of the Municipal Systems Act enjoins Executive Mayors and Ward Councillors to allow public participation of communities on matters relating to the Integrated Development Plan and any other matter affecting communities (see 4.1.4.4).

The recommendation emanates from the Mini-report (2014:7), pointing out that capacity constraints contribute to decisions not being implemented at the forum. It is therefore recommended that the Directorate capacitate officials to enhance the operations of the NC PIGF.

The NC PIGF should broaden its membership by inviting parastatals such as Eskom, Transnet etc. to forum meetings (see 4.1.4.6).

The members participate in agenda setting. The Act is clear in this regard that the Premier is responsible to determine the agenda (see s3.3.7). As the custodian of the NC PIGF, the Premier should thus take the lead.

5.6 Value of the study

Considering the work that went into this study it can be concluded that NC PIGF was a worthwhile case to pursue since the Province aspires to become a Modern, Growing and Successful Province. The contribution of this study stems from the current structural configuration of the provincial PIGF and constitutional and legal architecture. The study brought to the fore the statutes regulating IGR and cooperative governance. The findings suggest that the full implementation of the Act, the concept of collaborative management approach and cooperative governance about IGR is essential.

The truth discovered in this study will add to the body of knowledge and will benefit the NC PIGF and enhance service delivery going forward.

5.7 Conclusion

IGR as per the aspirations of the Constitution requires the three spheres to inclusively engage in effective collaboration and partnership to ensure seamless governance systems. The research enquiry was focused on an attempt to strengthen IGR with specific reference to the Northern Cape Premier's Intergovernmental Forum. Given the study's objective, the main purpose was to assess the effectiveness and efficiency of the NC PIGF. As a result, key questions were raised to test effectiveness and efficiency as they relate to the NC PIGF. The study analysed relevant pieces of statutes to gain insight into the regulatory milieu driving the system of IGR. Thus, the success of this system depends solely on the involvement and partnership of all role players.

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