

**The effectiveness of Intergovernmental Relations in the  
Northern Cape  
Provincial Government, with focus on the Premier's  
Intergovernmental Forum**

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The effectiveness of Intergovernmental Relations in the Northern Cape Provincial Government,  
with focus on the Premier's Intergovernmental Forum

by

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## **Declaration**

I **Moipolai Percival Gaoretelelwe**, hereby declare that this extensive mini-dissertation for the Programme in Governance and Political Transformation at the University of the Free State (Bloemfontein) is my own original work and has not been submitted by me or any other individual at this or any other University. I also declare that all reference materials used for this study have been properly acknowledged.

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## **Chapter 1: Actuality of Research**

### **1.1 Introduction**

Intergovernmental Relations in South Africa came into being as a result of the political negotiations that took place between 1990 and 1993, which brought fundamental changes to the way intergovernmental relations are conducted, including the restructuring of Intergovernmental Relations and the redefinition of the responsibilities. The Constitution of the Republic of South Africa of 1996 makes provision for the establishment of Intergovernmental Relations and sets out the principle of cooperative governance and applications thereof. Section 40(1) provides a broad framework within which Intergovernmental Relations can operate; while Section 40(1) stipulates that all spheres of government must respect the constitutional status; institutions; powers and functions of one another. Section 41(1) (f) states that the three spheres of government must not assume any power or functions except those conferred on them by the Constitution of the Republic of South Africa of 1996. Section 41(1)(g) of the Constitution of the Republic of South Africa of 1996 further states that the three spheres of government must exercise their powers and functions in a manner that does not encroach on the geographic functioning of the institutional integrity of government in another sphere (Kahn; Madue & Kalema 2011: 63–71).

The Intergovernmental Relations Framework Act 13 of 2005 was promulgated in terms of Section 42 (2) of the Constitution with the aim of promoting and facilitating Intergovernmental Relations as well as to provide mechanisms and procedures to facilitate settlement of intergovernmental disputes. Section 4 of the Intergovernmental Relations Framework Act 13 of 2005 is set out to provide within the principles of cooperative government a framework for National; Provincial and Local Government and all other organs of state to facilitate coordination in the implementation of policy including coherent government, the effective provision of services and the monitoring of the implementation of policy and the realisation on of national priorities (Craythorne 2006: 16 – 17).

In order to correctly locate the research proposal, Intergovernmental Relations will be considered from the time when the new Parliament passed the 1996 Constitution of the Republic of South Africa. The Constitution of the Republic of South Africa Act 108 of 1996 Chapter three stipulates how the Intergovernmental Relations in South Africa will be implemented.

## **1.2 DEFINITIONS**

### **1.2.1 Cooperative Government**

Cooperative government is a process of harmonizing the three spheres of Administration in such a way that the lower sphere has the capacity to influence policy which it has to execute (Devenish 1998:105). According to Kahn et al. (2011: 65) – “The term cooperative government is uniquely South African, the drafters of the Constitution of the Republic of South Africa of 1996 decided to use cooperative governance with the hope that the Intergovernmental Relations system in post-apartheid South Africa would be consensual rather than conflictual”

### **1.2.2 Intergovernmental Relations**

There is a long standing use of the term Intergovernmental Relations internationally both amongst public officials and scholars. Wright (1982: 7) makes the point that Intergovernmental Relations continues to lack a formal definition. He goes on to say that earlier authors such as Snider (1959: 909) and Anderson (1960: 3) took credit for the creation of the term and they are the persons who alluded to some sort of coordination and cooperation between government departments and the spheres of government. As opposed to Wright (1982), who refers to a lack of a definition for Intergovernmental Relations, Craythorne (2003: 16) defines Intergovernmental Relations as the relationships that arise between different governments or organs of state from different governments in the conduct of their affairs”. The concept of Intergovernmental Relations is an integral part of cooperative governance and can therefore be explained as follows: “One of the means through which the values of cooperative governance may be given both institutional and statutory expressions” (Malan 2005: 230).

A final definition of Intergovernmental Relations comes from Coetzee (2010: 87) Intergovernmental Relations are the set of multiple formal and informal processes, channels, structures and institutional arrangements for bi-lateral and multi-lateral integration between spheres of government.

From the above definitions one can define Intergovernmental Relations as the cooperation and coordination that gives birth to the relationship that arises between the different spheres of governments and organs of state with the expressed purpose of using these relationships to set up multiple formal and informal processes for bi-lateral and multi-lateral integration between all three spheres of government.

### **1.2.3 Governance**

According to Turner (1998: 36) "Governance and government are not synonyms, even if both refer to purposive behavior, goal orientated activities and systems of rule". In his opinion, governance refers to activities that are backed by shared goals that may or may not derive from legal and formally prescribed responsibilities. Craythorne (2003: 192) adds value to the aforementioned statement by saying that governance means a manner or style in which government is carried out. If for example, it is autocratic and not democratic people will not accept public policy. According to Venter (2007: 84), governance can be seen as the exercise of administrative; economic and political power to manage a Country's affairs at various levels. It comprises the processes; institutions and mechanisms, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. Therefore governance can be defined as a process which is geared in the main to the proper utilisation of systems and resources at the disposal of the user be it the politician or the technocrats in order to benefit the society as a whole.

#### **1.2.4 Good Governance**

According to Mhone & Edigheti (2004: 3 – 4) Good Governance refers to the way in which the government undertakes its tasks within a democracy and lives up to its participatory and consultative requirements.

#### **1.3 THE PURPOSE OF THE STUDY**

Lepoqo (2002: 2) states the following: “The concept Intergovernmental Relations is relatively new in South Africa and elsewhere. Like other concepts, it deserves to be thoroughly studied and researched in order to ensure that rightful and proper structures and institutions are put in place to enhance facilitation”.

Given the aforementioned, the purpose of this study is to establish whether the Premier’s Intergovernmental Forum is effective as it relates to decision making processes; the functioning of the Forum, the implementation, and most importantly the management of such decisions to the benefit of the communities in the Province of the Northern Cape.

#### **1.4 RESEARCH QUESTION/PROBLEM STATEMENT**

According to Welman, Kruger and Mitchel (2005: 12 – 13), the first step in any scientific research is to formulate a specific problem that is to be examined thoroughly. The research problem involves narrowing down the general interest in the research topic in order to focus on a particular research problem, which is small enough to be investigated. It is also necessary to consider the literature and identify any gaps.

According to Lepoqo (2002: 3), “South African Intergovernmental Relations occur through a number of channels and in that way it affects different aspects of government namely legislation, administration, fiscal policy as well as the gathering of information”. Lepoqo (2002: 3) further states that these “channels bring into the picture a great number of intergovernmental structures. It is therefore vital to look into the Intergovernmental Relations structures and establish whether these structures are functioning cost-effectively and efficiently”.

As this study deals with the effectiveness of the Intergovernmental Relations in the Northern Cape Province, it therefore seeks to assess the effective functioning and the management of decisions made by the Provincial Intergovernmental Forum (PIGF) and how those decisions are communicated and implemented to benefit the communities in the Province. The study will attempt to answer the following questions:

- What role do the Intergovernmental Relations structures play in the decisions that are made?
- How effectively are the Forums decisions communicated and implemented in order to give effect to service delivery to the communities of the Northern Cape?

#### **1.4.1 Principles and core values of intergovernmental relations**

The Constitution binds all spheres of Government and organs of state to the three basic principles of Cooperative Government and Intergovernmental Relations, in each sphere of government. The First principle is a common loyalty to the Republic as a whole, in that all the spheres must provide effective, transparent, accountable and coherent government for the Republic as a whole. Secondly, the safeguarding of the distinctiveness of each sphere of government, the constitutional status, institutions, powers and functions of each sphere must be respected; a sphere must remain within its constitutional powers; and when exercising those powers, a sphere must not do so in a manner that encroaches on the geographical, functional or institutional integrity of another sphere. Thirdly all spheres of government must take concrete steps to realise cooperative government by: fostering friendly relationships; assisting and supporting one another; informing one another of and consulting one another on matters of common interest; coordinating their actions and legislation with one another; adhering to agreed procedures and avoiding legal proceedings against one another (Layman 2003: 8).

The implications of Section 154 (1) of the Constitution are that it requires National and Provincial governments to support and strengthen the capacities of municipalities. By doing so municipalities should be able to manage their own affairs, to exercise their powers and to perform their functions. One of the most important principles is the public participation in Intergovernmental Relations, and that sufficient power-sharing should occur in order to meet the needs of the communities (Coetzee 2010: 88 – 89).

Given the fact that South Africa is a constitutional democracy it is imperative that its citizens are given the basic services which are also reflected in the Constitution, in particular in the Bill of Rights. This therefore makes it an obligation on all spheres of government and other organs of state to ensure that those services that must reach communities and reach them without any challenges and delays. This research is therefore geared towards examining the effectiveness of intergovernmental relations in the Northern Cape, given the fact that an Act of Parliament makes it compulsory for the different spheres of government to work together to deliver services to the communities as a whole.

This study is necessary to determine whether the mechanisms of ensuring that the resolutions of forums, such as the Premier's Intergovernmental Forum are implemented and monitored to ensure that they reach the objectives of servicing the communities involved.

#### **1.4.2 Identified Problems**

The current government has still to realise its ideal of Intergovernmental Relations in South Africa. The shortcomings experienced in the Intergovernmental Relations system can be ascribed to the problems of incapacity; inexperience at local government level; the structural flaws of the system that aggravate the failure of many municipalities and also poor coordination between the three spheres of government, which in turn creates a problem in delivering services to communities. Lack of service delivery has the

potential to result in social unrest in the Country. (Sinual; Kalema & Madue 2011: 115 – 116). The lack of integrated strategic planning between the three spheres of government has led to the government's inability to provide services in a coordinated manner.

The same can be said about the Northern Cape Intergovernmental Forum as it relates to capacity and experience, according to the Department of Cooperative Governance and Traditional Affairs Mini Report on the Research and functionality of the National and Provincial Intergovernmental Relations Structure (Mini Report: Northern Cape Premier Intergovernmental Forum 2014: 1 -10). The Report reflected on the following problems relating to the Northern Cape Premier Intergovernmental Forum:

- The Provincial Intergovernmental Forum (PIGF) meets regularly, that is, at least four times a year and also when there is a greater need for the Forum to meet and discuss specific matters.
- The structure consists of the Premier as the Chairperson; the Members of the Executive Council (MEC); the Mayors of the five district municipalities; the South African Local Government Association; the Director General in the Province; the Chief Director responsible for Intergovernmental Relations in the office of the Premier and the Head of Departments (HODs) of the Provincial Departments and National Departments.
- The Mayors of Local Municipalities Mayors are invited twice a year to sit on the PIGF.
- The PIGF does not comply with Section 33 of the Intergovernmental Relations Framework Act of 2005, which mandates that the Intergovernmental Relations forums must develop and adopt rules for internal procedures.
- Because there are no rules as per Section 33 of the Intergovernmental Relations Framework Act of 2005, therefore no quorum for the meetings is required.

- The secretariat is provided by the Provincial Executive Council Secretariat because the Chief Director is newly appointed and therefore he is not capacitated enough to deal with matters of Intergovernmental Relations. The highest official is an Assistant Director.
- There are standing items on the agenda which are primarily the presentations by the Mayors of the District Municipalities which include the Operational Clean Audit 2014; Projects on the Municipal Infrastructure Grants (MIG); the Mid Term Review of the Integrated Development Plans (IDP) and the budget performance reporting; Annual Reports; Municipal Finances and Viability.
- The structure plays a very limited role in consulting with communities on both the National and Provincial policy and legislation affecting Local Government.
- The Provincial and Local Government development planning is not coordinated through the Forum thus Local Municipalities are not monitored/ no oversight is done.
- Because of the lack of time when PIGF meetings are convened the reports by the Municipalities are not thoroughly engaged with.
- There are no mechanisms in place to ensure that the decisions or resolutions of the PIGF are monitored.
- The PIGF receives ad-hoc reports from National and Provincial Departments.
- The Province had technical structures that dealt with the details and reports to the PIGF through the MECs and HODs, but currently there are no such structures.
- There is lack of terms of reference which has a potential to inhibit the functioning of the structure.
- The limited time allocated for the meetings of the PIGF, which is half a day per quarter, is far too little to deal in detail with issue that are reported on by the districts.
- The meetings happen too irregular, thus it affects the quality of the decisions as there is no time to deal with the issues.



- The influence of party politics, this allows meetings to running smoothly without any hindrances sometimes to the detriment of the issues at hand.
- There is limited capacity in the Office of the Premier to deal with Intergovernmental Relations matters adequately. Thus the proper coordination; alignment and functioning of the Intergovernmental Relations Forums must be significantly increased.

The misalignment between policy objectives and resource allocation results in a divergence between the policy intentions and the actual outcomes. Budgets are important links between policy objectives and policy outcomes. A further problem relating to Intergovernmental Relations encountered at local government level is the imprecise way in which powers and functions are divided between District and Local Municipalities. (Sinual *et al.* 2011: 116 – 117).

#### **9.4.3 Challenges for improvement and better integration**

Chapter 3 of the Constitution does not provide enough detail regarding cooperative government. According to (Coetzee, 2010: 90) “This lack of detail in the understanding of Intergovernmental Relations thus brings about a more flexible and negotiable relationship which is not the intention of the original legislation”. It is important that the three spheres of government understand how crucial the powers and functions of the different spheres are, and that they interpret their powers correctly. If it is not done, it could lead to major challenges. Considering that the Constitution provides for the overseeing and overriding of the lower spheres of government, the three spheres of government are not truly equal because they are given different powers, thus they end up overstepping their boundaries sometimes to the detriment of one of the spheres (Coetzee 2010: 90).

There is a discrepancy between the policy objectives, plans, budgets and implementation in that the policies at national level may not receive the necessary funding at local government level. The unrealistic national policies do not take operational context, human resources and capacity constraints at local government level into consideration (Coetzee 2010: 90).

Because of the fragmentation of South African society along the lines of political, social and economic relationships, implementation of good governance becomes extremely difficult. McLean (2004: 161) states that national government's role in service delivery is to introduce legislation, formulate policy and monitor provincial and local governments. However, central government's instruments used to influence and control district and local government are insufficient. The reason for this is that the three spheres of government have the potential to have different views and different policy choices especially local government, because this sphere is the closest to the electorate (McLean 2004: 161).

According to Burger (2001: 71), "Provinces were established to be mechanisms enhancing democracy and not management". This democratic role of provinces is undermined by the fact that decisions are made by national government without taking the unique differences between provinces into consideration. From central government's perspective, the provinces have too much latitude in decisions of the allocations of resources. By deviating from the national guidelines they may undermine national policy. The situation however remains that central government does not have clear and consistent policy goals as it does not deal with the problems of local government. Central government tends to dominate the other two spheres of government which does not have the same status. Thus, the policy making-process in itself and the choices in policy making are in many ways instrumental in creating tensions between Provincial and Central governments" (Coetzee 2010: 92 – 93).

#### **1.4.4 The National Development Plan of South Africa vision 2030**

In ensuring that there is clarity in terms of policy making processes and the choices in policy making, Chapter 13 of the National Development Plan of South Africa vision 2030 makes the responsive point that South Africa in the main needs a crop of Public Servants who are responsive to the needs of the citizens in their daily work. The Plan goes on to make certain observations as it relates to how certain concerns are to be addressed, if the country wants to reach a point at which it can be called a truly democratic state. The separation between the

role that should be played by both the political heads (Ministers or Premiers) and the administrative heads must be clarified so as to ensure that there is no blurring of lines of authority. The need thus exists to ensure that there is greater improvement of relations between the three spheres of government (National Development Plan 2011: 363 – 374).

The National Development Plan further-more endeavour that the Constitution makes provision for nine provinces. There is however a debate as to whether the structures set out in the Constitution are appropriate, or whether there is a need for fundamental restructuring of those structures. The experience of other countries worldwide suggests that there is an optional approach to dividing powers and functions, but it also suggests that building effective relations between the different spheres of government requires considerable time; effort and will from all role players. There are five issues that need to be addressed if South Africa is to position it's Intergovernmental Relations on the right path. These issues are as follows: to improve clarity on different systems; regionalisation as a response to capacity constrains; a more coherent set of powers to metropolitan municipalities; a more focused role of provinces and a proactive approach to the identification and resolving of problems. There is no doubt that there is cooperation between the three spheres of government but the system currently relies too much on cooperation without paying attention to the conditions needed for effective cooperation to emerge (National Development Plan 2011: 385 – 386).

In applying ourselves to the task of service delivery we must be guided by the National Development Plan and also ensure that the government's policy position of radical transformation of the economy is achieved for the benefit of the general citizenry of the country. As the country engages in the process of radically transforming the economy, it must do so whilst protecting existing jobs and creating millions more jobs. Through the National Development Plan, province must work towards the enhancement of economic growth so significantly that exports generate surpluses for investment in the South African economy. The transformation of the education system must remain a priority. By doing this, the

challenges of inequality and poverty will be addressed much faster and as a result the broadening of the social wage will enable the poor to participate in the mainstream economy. The Plan also provides the most coherent proposal to date to improve the effectiveness of the state (Lucas 2013: 15).

According to Layman (2003: 22 – 23), “For consistent practices and sound decision-making processes, all players in the Intergovernmental Relations system must work from the same ground rules; there must be clarity on the contents and core concepts such as coordination, integration, consultation and alignment”. Currently, “these concepts are used interchangeably and loosely or are poorly understood. In as much as these shape the legal powers, functions and responsibilities of spheres of government and organs of state, precise terminology must be used”.

#### **1.4.5 Clarity of operational concepts**

The lack of integrated strategic planning is the result of a number of factors. These include the following: it is unclear what constitutes the strategic plans for national government and for provinces; national and provincial strategic planning, unlike municipal Integrated Development Plans, does not have a special dimension and the result is that plans are seen as statements of intent in that they do not have a special and geographical impact; provincial growth and development strategies either do not exist are out dated or do not speak to municipal and national plans; provincial and national budget cycles are different from those of the municipalities.

According to Layman (2003: 21 – 23), whilst the Medium-Term Strategic Framework attempts to address integrated planning for service delivery. There are still problems with synchronizing the whole of government’s budgeting and planning. In addition national and provincial sector departments have generally not engaged municipalities on the content of the Integrated Development Plans.

#### **1.4.6 Lack of capacity**

Capacity development of the local and provincial spheres of government is an important aspect of cooperative government. It also underlines the important principle of subsidiary. In terms of this principle, political decisions are devolved to the lowest practical level, but not in the traditional fashion of top down, as if all powers are inherent or originally at the center or top. Powers and functions should be exercised as closely as possible to the people because this enhances the political credibility and accountability of the decision makers (Bray 1999: 11).

#### **1.4.7 Cooperative Government and Intergovernmental Relations**

Cooperative governance requires a synthesis and coordination of functions and endeavours of the three spheres of government working harmoniously together for the common good of the nation as a whole. Through the operation of the National Council of Provinces, a cooperative government provides a mechanism to facilitate development and economic growth in the less developed provinces without inhibiting economic development in the other provinces. Through these mechanisms of intergovernmental relationship together with the operations of cooperative government in the National Council of Provinces. It should contribute to a reduction in political tension and uncertainty between the relations in the three spheres of government.

The central government should also benefit significantly from cooperative government by virtue of the fact that the whole system of government and administration has a greater stability. This is due to the fact that cooperative government ensures that all stakeholders are brought into the political and constitutional processes in a coordinated and constructive manner (Devenish 1998: 105 – 108).

#### **1.4.8 Structures and Instruments of the Intergovernmental Relations**

Cooperative government and good governance are not the only indicators that may lead to challenges and problems being experienced with service delivery. Other indicators such as inappropriate structures and inadequate legislation, also having a bearing on the effective running of Intergovernmental Relations (Coetzee 2010: 85).

Given all of the above, this study will focus on the Northern Cape Intergovernmental Relations in an attempt to identify Intergovernmental Relations challenges and problems by determining the role of the Northern Cape Premier's Intergovernmental Relations Forum. In addition, it will examine the effectiveness of the decisions taken and the implementation thereof including the monitoring mechanisms that are in place.

### **1.5 THE AIM AND OBJECTIVES OF THE RESEARCH**

#### **1.5.1 The aim of the research**

After the 1994 elections the South African government underwent a transformation process to embark on the development of relevant legislation in terms of Intergovernmental Relations, hence the promulgation of the Intergovernmental Relations Framework Act 13 of 2005. Against this backdrop, the aim of the study is to conduct an in depth assessment of Intergovernmental Relations in the Northern Cape Provincial Government with the view of establishing how the management of the decisions or resolutions of the intergovernmental Relations Forums are effected.

According to Welman, *et al* (2008: 8 – 9) “The purpose and the aim of the research is to evaluate objective data consisting of numbers, therefore the purpose of quantitative research is not to deal directly with everyday life, but rather with an abstraction of reality. The quantitative research controls the investigation and structure of the research situation in order to identify and isolate variables. The quantitative research is aimed at a large number of cases and the

analysis of results is normally based on statistical significance". Given the aforementioned the study will use the quantitative method of research in its endeavour to respond to the problem statement.

The sole purpose of this study is to do a thorough assessment of Intergovernmental Relations in the Northern Cape Province and, in doing so, it therefore seeks to assess the functioning and the management of decisions made by the Provincial Intergovernmental Relations Forum (PIGF), and how the decisions are communicated and implemented to benefit the communities in the Province. In conclusion the aim is also to research how communities are involved in the decision making processes and whether the decisions that are made by government satisfy the communities for which those decisions are made.

### **1.5.2 The objectives of the research**

In order to conduct a thorough assessment of Intergovernmental Relations within the Northern Cape Provincial Government, the study will strive to achieve the following objectives:

- **To analyse the legislative framework that governs Intergovernmental Relations in the Republic of South Africa** – The objective will be to look at the legislation that provides government officials and politicians with the powers in terms of ensuring that the citizens receive the necessary service delivery. The study will effectively look at the legislation that empowers decision makers to make certain decisions in order for such decisions to effect change in the lives of the people of the Northern Cape Province.
- **To identify and analyse the different principles and core values of Intergovernmental Relations in the Northern Cape Province** – It is expected that all those who are in the service of the people must reflect the values as they are enshrined in the Constitution of the Republic of South Africa Act 108 of 1996 and also adhere to the Batho Pele principles as espoused by government prescripts. These prescripts must be used to further ensure that the principles and core values of Intergovernmental Relations are realized.

- **To identify the challenges and problems in the implementation of Intergovernmental Relations** – With this objective the intention is to ensure that the maximum challenges in the management and implementation of Intergovernmental Relations is clearly identified and is given the necessary attention to the benefit of the broader society.
- **To assess the effectiveness of the relationship between the spheres of government and specifically Local Government in relation to service delivery** – In order for government to deliver services to the people it is clear that the different spheres of government must work together for better coordination of service delivery. Paramount to this process is effective and efficient local government as it is the government closest to the people.
- **To analyse and reflect on the effectiveness of the structures and instruments of Intergovernmental Relations** – The structures that are geared towards management and decision making must be effective in order for the services to be delivered to people on time as they would expect from a caring government. In this instance, both the structures and the instruments used by government will receive the necessary attention.

## **1.6 RESEARCH METHODOLOGY AND DESIGN**

### **1.6.1 Research Methodology**

Research methodology is the system which enables researchers to collect, analyse and interpret information in order to realize the intended research aim. Research methodology refers to the methods techniques and procedures that will be put into effect during the process of the implementation of the research plan (Welman & Kruger 1999: 39).

Bailey (1987: 32 – 33) defines methodology as the philosophy of the research process also as a technique or a tool to gather data. When physical science methodology is compared to social science methodology, it is considered more elegant. Physical science research results are formulations, which are more quantitative and precise than the results of research in social science.



There are two methodologies that are identified by Babbie and Mouton (2001: 48). According to them these methodologies are the qualitative and quantitative paradigms. The latter relates to interpretivism, and aims to understand the meaning that people attach to life as we live it daily. The qualitative paradigm's aim is to describe and understand, rather than to explain human behavior.

According to Maree (2007: 58 – 60), the roots of interpretivism are found in hermeneutics and the study of the theory and practice of interpretation. Originally numbers of different interpretivist approaches were developed. Interpretivism start out with what is established as a common trend and interpretative researchers commences with the fact that access to reality is only through social constructions such as language, consciousness and shared assumed meaning, according to Maree (2007: 58 – 59), "The interpretivism perspectives are based on the following assumptions: That human life can only be understood from within; social life is a distinctively human product; the human mind is the purposive source or origin of meaning; human behavior is affected by knowledge of the social world; and the social world does not exist independently of human knowledge."

It is for this purpose of attempting to attain the aims and objectives of the research that a study of the effectiveness of Intergovernmental Relations in the Northern Cape will be undertaken. Goddard and Melville (2001: 9) are of the view that case study research is research in which a specific situation is studied to see if it gives rise to any general theories or to see if existing general theories are born out of specific situations. Denscombe (2003: 31) is of the opinion that the logic behind the case study is that there are insights to be gained from looking at the individual case that can have wider implications and that would not have come to light through the use of a research strategy that tried to cover up a number of instances.

In order to arrive at a sound and scientific conclusion in this research, the qualitative paradigm will be used because the study will analyse a phenomenon that occurs in the real world. The study will further explain how the data was

interpreted, described and assessed. The literature review for this study will be done utilizing a variety of sources. These sources include government prescripts, including the Constitution of the Republic of South Africa Act 108 of 1996; Acts of Parliament and government policies; relevant journals; articles; speeches; the internet; theses and dissertations; newspaper articles and papers delivered at seminars and conferences. In order to make the study more participative government officials and politicians will be interviewed on Intergovernmental Relations as it relates to the Premier's Intergovernmental Forum and the implementation of decisions. In my endeavour to gather maximum information during the interviews the following things will be done:

- During course of the study politicians (Mayors and Councilors) and government officials (Public Servants, both from Local and Provincial Government) will be interviewed;
- The interviews will be conducted face-to-face with the people who will be identified at the appropriate time;
- The questions will be drawn up to cover a wide spectrum of the topics;
- A set of questions will be accompany the interviews;
- The interview sample will be 11 people in total;
- Prior appointments will be secured or arranged with the people to be interviewed;
- Venues to conduct the interviews will be chosen in accordance with what will suit the persons to be interviewed;
- A formal letter, requesting an interview, will be written to the people targeted for the interviews; and
- The interview will comprise of close and open ended questions and Yes/No questions.

The data analysis will be done in the following manner:

- Reading through all the responses of the interviews sheets;
- Clustering all the like responses together to determine percentages for those specific responses;

- The analysis will further be done by checking the responses given by all those who were interviewed and responded, against the questions that were asked;
- Furthermore, the analysis will be done on the answers from (i.e. from politicians, councilors and public servants);
- The answers from all the participants will be presented to reflect in the main the percentages and the perceptions of all the people interviewed and
- A comprehensive report will be written which will include the findings, recommendations and conclusion.

### **1.6.2 Research Design**

Welman and Kruger (1999: 46) describe research design as a plan according to which the researcher obtains participants and collects information from them. The researcher also describes the purpose and roles of the participants with a view to reaching conclusions about the research problem. Blanche, Durkheim and Painter (2006: 34) concur with Welman and Kruger (1999: 46) on the description of the research design, but they further state that the research design is a strategic framework for action that serves as a bridge between the research and the execution or implementation of the research.

From these definitions it follows that the research design can be viewed as a process consisting of five stages: defining the research question; designing the research; data collection; data analysis and writing the research report (Blanche *et al.* 2006: 34).

In using the outlined processes in the research design, the study will reflect on these stages in different chapters. Therefore, the study will consist of six chapters in which every chapter will focus on certain aspects of the study. The following is a brief outline of the chapters:

## **1.7 LAYOUT OF CHAPTERS**

### **1.7.1 Chapter One: Actuality of Research**

This chapter deals with the motivation of the research; the aim and objectives of the research; the research statement or problem and the methodology to be used.

### **1.7.2 Chapter Two: Intergovernmental Relations**

The focus of this study is to establish the effectiveness of Intergovernmental Relations in the Northern Cape Province. In a quest to deal with this matter, Chapter two will build on the first Chapter, which was the orientation and introduction. Chapter two will focus on Cooperative Government; Intergovernmental Relations as it relates to its evolution in South Africa; objectives that are advanced for intergovernmental relations; the functions of intergovernmental relations; the values of intergovernmental relations; the structures of intergovernmental relations and the intergovernmental Forums. The chapter will further examine the legislative environment, which includes the Constitution of the Republic of South Africa Act 108 of 1996; The Municipal Structures Act 117 of 1998; The Municipal Systems Act 32 of 2000; The Intergovernmental Relations Framework Act 17 of 2005, including both horizontal and vertical intergovernmental relations; The Public Finance Management Act 1 of 1999; The Municipal Finance Management Act 56 of 2003; The Finance and Fiscal Commission and The Intergovernmental Fiscal Relations Act 97 of 1997. The context and the meaning of the Constitution and the legislation in relation to the study will be highlighted.

### **1.7.3 Chapter Three: Governance and Decision- Making**

Chapter 3 examine Intergovernmental Relations in much more depth, in order to understand what reasons are advanced for Intergovernmental Relations in the context of governance, managing decisions and overseeing the implementation of such decisions. The Chapter will further focus on the theory of decision-making, which will include group decision-making, the interests groups in decision-making, communication in decision-making, participative decision-

making, public choice theory, and transaction cost theory of contracting out. The different types of decision-making will also receive attention. The reasons why the above issues will be covered is because in studying the effectiveness of Intergovernmental Relations in the Northern Cape Province, the research must consider these issues and reach a particular understanding on them and how they impact on the Premier's Intergovernmental Forum.

#### **1.7.4 Chapter Four: Analysis of the Premier's Intergovernmental Forum**

In this chapter, attempts will be made to establish whether the Premier's Intergovernmental Relations Forum is effective as it relates to Intergovernmental Relations. In the quest to establish the effectiveness of the Forum an analysis of Intergovernmental Relations in the Northern Cape will be done. This chapter, in addition will seek to assess the effective functioning and the management of decisions made by the Forum and how those decisions are communicated and implemented to benefit the communities of the Northern Cape.

Given the above, the Chapter will focus on the analysis of Intergovernmental Relations in the Northern Cape (the Premier's Intergovernmental Forum ), by examining the national perspective of Intergovernmental Relations in South Africa; the general compliance to the provisions of the Intergovernmental Relations Framework Act 13 of 2005; administrative support issues that relate to the Forum; the objectives and functions of the Forum; the impact of the Forum on service delivery; cooperative governance issues; the reporting of the Forum to the Presidential Coordinating Council; the technical structures; the monitoring of reporting; the District Intergovernmental Relations Forum, and how resolutions and recommendations are dealt with by the Premier's Intergovernmental Forum.

#### **1.7.5 Chapter Five: Interpretation and Analysis**

This Chapter will use the information gathered in Chapter four, in terms of how the Premier's Intergovernmental Forum in the Northern Cape is implemented and the information that will be gathered through questions which have been developed with the intentions of conducting interviews amongst the Northern

Cape Provincial Government officials who are involved in Intergovernmental Relations, and in particular the Premier's Intergovernmental Forum activities.

The process of data interpretation and analysis will involve determining the link between the empirical study, which is the interviews and the theoretical aspects of the study which is the literature reviewed. A synthesis between the theoretically-gathered information and what the study reveals will be unpacked to make sense of the actual implementation of intergovernmental relations by the Premier's Intergovernmental Forum in the Northern Cape Province.

#### **1.7.6 Chapter Six: Findings, Recommendations and Conclusion**

This Chapter 6, will present the findings from the actual implementation of the Premier's Intergovernmental Forum and make clear recommendations to the Northern Cape Provincial Government including how the findings were arrived at, that emanate from the questions asked in the interviews. The solutions will be extrapolated and be given context as to how the information gathered can be used to improve the management of the decisions of the Intergovernmental Forum. Clear proposals will be made as to how the situation can be improved. The chapter will further address future perspectives of Intergovernmental Relations in the Northern Cape Provincial Government.

## **Chapter 2: Intergovernmental Relations**

### **2.1 Introduction**

The aim of this research, as reflected in Chapter one, is to study the effectiveness of Intergovernmental Relations in the Northern Cape Province with a focus on the Premier's Intergovernmental Forum. The focus of the study will thus be on establishing the effectiveness of Intergovernmental Relations in the Northern Cape. In a quest to deal with this matter, Chapter two will build on the chapter one, which was the actuality of research. In doing so, Chapter two will focus on cooperative government; Intergovernmental Relations as it relates to the evolution of Intergovernmental Relation in South Africa; the objectives that are advanced for Intergovernmental Relations; the functions of Intergovernmental Relations; the values of Intergovernmental Relations; the structures of Intergovernmental Relations and the Intergovernmental Forums. The chapter will further look at the legislative environment which includes the Constitution of the Republic of South Africa Act 108 of 1996; The Municipal Structures Act 117 of 1998; The Municipal Systems of 2000; The Intergovernmental Relations Framework Act 13 of 2005 including horizontal and vertical Intergovernmental Relations; The Public Finance Management Act 1 of 1999; The Municipal Finance Management Act 56 of 2003; Finance and Fiscal Commission and the Intergovernmental Fiscal Relations Act 97 of 1997. The context and the actual meaning of the Constitution and the legislation or Acts, and any other specified areas of the study will be highlighted. The Chapter will also provide the theoretical conceptualisation of the study.

### **2.2. Cooperative Government**

Cooperative government is a process of harmonizing the three spheres of administration in government in such a way that the lower sphere has the capacity to influence the policy that it will have to execute (Devenish 1998:105). According to Kahn *et al.* 2011: 65). "The term cooperative government is uniquely South African, the drafters of the South African constitution decided to use cooperative governance with the hope that the Intergovernmental Relations system in post-apartheid South Africa would be consensual rather than conflictual".

Cooperative Governance needs a mixture and bringing together of the functions and endeavours of the three spheres of government working closely together for the common good of the nation as a whole (Devenish 1998: 105 – 108). The Constitution clearly stipulates how our democracy is to be governed. It is to be a participatory democracy in which citizens are sovereign and are equal before the law. Chapter 3 of the Constitution sets out the working of cooperative government at national, provincial and local level (Ramphela 2012: 81).

Malan (2005: 228) is of the opinion that the system of Intergovernmental Relations and Co-operative Government in South Africa is rapidly evolving. It is not only evolving because of its constitutional/legal framework but also because of the statutory commitment of the various spheres of government to the implementation of the principles of Co-operative Government and Intergovernmental Relations. Malan (2005: 228) further states that through the establishment of various institutional arrangements for Intergovernmental Relations and the successful operation of these structures it is expected that all three spheres of government should continually strive to co-operate with one another in mutual trust and good faith.

According to Devenish (1998: 105) cooperative governance's emphasis is on realistic consideration rather than on ideological or party political considerations. By using the vehicle of the National Council of Provinces (NCOP), cooperative government delivers a machine to enable development and economic growth in the less-developed provinces without preventing economic development in provinces that have greater natural resources at their disposal.

Devenish (1998: 105) states that the instruments of intergovernmental relationships together with the processes of cooperative government in the NCOP, should give effect to a reduction in political pressure and uncertainty between, on the one hand, central government and the provinces and on the other hand between the provinces or even between the provinces and local government.



The National Government and Provincial Governments should also profit significantly from cooperative government by virtue of the fact that the whole system of government and administration has greater stability. Cooperative government ensures that all stakeholders are brought into the political and constitutional processes in a coordinated and constructive manner (Devenish 1998: 105 – 108).

In its Annual Report on Local Government, the Department of Cooperative Governance and Traditional Affairs (2009:51) acknowledged that the expectations of intergovernmental cooperation had not been met. The result is that it is still not clear how the various Intergovernmental Relations structures function and the extent to which they foster meaningful cooperation between sectors and outcomes-focused deliverables. It is clear that the system of Intergovernmental Relations has to be reconsidered and the capacity of the respective supervisory structures, which have to be enhanced to enable them to perform their functions as envisaged in the constitutional structures (Thornhill 2011: 47).

According to President Thabo Mbeki (2006: 23), “It is critically important that our system of Cooperative Governance must continually operate in ways that result in better coordinated and integrated planning, budgeting and service delivery within and across the three spheres of government”.

#### **1.4.7 Intergovernmental Relations**

The use of Intergovernmental Relations internationally has been long standing and both amongst the public officials and scholars. Wright (1982: 7) makes the point that Intergovernmental Relations continues to lack a formal definition. He goes on to say that the early writers such as Snider (1995: 909) and Anderson (1960: 3) took credit for the creation of the term Intergovernmental Relations and they are the persons that alluded to some sort of coordination and cooperation between government departments and spheres of government. As oppose to Wright (1982: 7) who sites lack of definition for Intergovernmental Relations,

Graythorne (2003: 16) defines Intergovernmental Relations as the relationships that arises between different governments or organs of state from different governments in the conduct of their affairs”.

The concept of Intergovernmental Relations is an integral part of cooperative governance and can therefore be explained as “One of the means through which the values of cooperative governance may be given both institutional and statutory expressions” (Malan 2005: 230).

The final definition or explanation of Intergovernmental Relations is as follows: “Intergovernmental Relations are the set of multiple formal and informal processes, channels, structures and institutional arrangements for bi-lateral and multi-lateral integration between spheres of government” (Coetzee 2010: 87). From the above definitions one can define Intergovernmental Relations as the cooperation and coordination that gives birth to the relationship that arises between spheres of governments and organs of state with the expressed purpose of using these relationships to set up multiple formal and informal processes for bi-lateral and multi-lateral integration between spheres of government.

#### **2.4 The evolution of Intergovernmental Relations in South Africa**

The evolution of Intergovernmental Relations in South Africa needs to be understood in the context of the then administrative systems of the Dutch and the British era. The rule of the British and the Dutch governments in regards to Intergovernmental Relations was characterised by the centralised decisions. The authority was concentrated in the central institutions of Parliament and the Executive and the lower organs of state became more of implementing agents (Kahn *et al.* 2011: 47).

Levy and Tapscott (2001: 208) states that the Municipal Ordinance of 1836 created the municipalities in the then four provinces of South Africa. The membership of the municipalities was restricted to Indians, Whites and Coloureds therefore only excluding blacks.

According to (Kahn *et al.* 2011: 47), whilst it can be said that the British and the Dutch introduced the notion of Intergovernmental Relations in South Africa, the formal formations of the Intergovernmental Relations can be found in 1910. Mashele and Qobo (2014: 3) argue that the formation of the Union Government in 1910 marked a major turning point in the history of South Africans. Not only did it consolidate the joint accumulation interests of the English and the Afrikaners, but, more importantly, it thwarted the hopes of Africans in their quest for political freedom and economic emancipation. Mashele and Qobo (2014: 3) further state that it was clear that from the beginning, the Union of South Africa was to be presided over exclusively by whites.

The 1910 Constitution departed from the two-sphered Westminster System by interposing a three-sphere government system (comprising a government that consisted of four provinces, a national and a local government). During this period, Intergovernmental Relations were given recognition through the trust the Union Government displayed in the provinces (Kahn *et al.* 2011: 47).

Tapscott (2000: 120) concurs that in the 19<sup>th</sup> century the system of government in the two British colonies of the Cape and Natal were based on the Westminster Model – comprising central and local government under a governor appointed by the British government in London. – while The Boer Republics of the Transvaal and the Orange Free State however comprised unitary states with less structured forms of local government – that of the Transvaal being largely a form of de-concentrated authority.

Intergovernmental Relations in South Africa from 1910 onwards underwent changes that were in some instances forced on the then South African government as the broader struggles that were waged by the people and thus, eventually the dawn of democracy eventually came with more democratic and people-driven Intergovernmental Relations (Kalema *et al* 2011: 59 – 60). Levy & Tapscott (2001: 208).

According to Levy and Tapscott (2001: 208) because of the 1976 riots which began in Soweto, the government adopted another approach for local government with the introduction of the Black Local Government Authorities Act of 1983; this allowed the Indians and Coloureds to run their own affairs at local government level. Levy and Tapscott (2001: 208) further state that the three tier system of government was introduced for the first time in South Africa with the introduction of the Promotion of Local Government Affairs Act of 1983, which was promulgated to bring black local authorities into existence for the first time.

According to Levy and Tapscott (2001: 1–5), the 1993 interim Constitution of emphasized the importance of coordination, as the powers were centralised, the interim constitution propagated decentralisation and devolvement to the three spheres of government. In 1994 South Africa held its first democratic elections, thus a democratic government came into being. The government then realised the need to take government closer to the people in the form of local government, therefore local government has a role to play as the sphere closest to the people (Nkwezane 2012: 25).

Levy & Tapscott (2001: 1 – 5), state the following about the White paper on Reconstruction and Development “It is the duty of the local authorities to ensure that sufficient resources are made available, for the extension and upgrading of municipal services and they need additional resources of revenue to function”- Levy & Tapscott (2001: 1 – 5) further states that after the new Constitution was signed into law, provision for three spheres of government were made, which are distinctively, interdependent and interrelated

A Report on the Review on the State of Intergovernmental Relations in South Africa on the three major phases of the IGR 1994 – 2000 centers’ more on the creation of a single public service by incorporating all the former homelands administrations and the establishment of the nine provinces. The second phase lasted from 2001 to 2004. During this phase, the IGR system unfolded rapidly, with only minimum regulations, to give operational substance to the concept of

cooperative government. This led to the establishment of many IGR forums. The third phase, from 2005 to 2016 saw the introduction of the IGR Framework Act. The Act sketched out a broad general statutory framework for the Department of Provincial and Local Government. (15 Year Review Report on the state of the Intergovernmental Relations in South Africa 2012: 7 – 8).

## **2.5 Characteristics of Intergovernmental Relations**

According to Bello (2014: 67 – 68), the major characteristics of Intergovernmental Relations can be summarised as follows:

- Intergovernmental Relations have a bearing on all governments units operating in a given system. The relationship between each other and the quality of the same coupled with the frequency of interactions among them, has an impact on policy making and implementation;
- Intergovernmental Relation's aim at the purposeful behaviour of government officials involved in the process. The official's actions and attitudes have to be positive and meaningful. The officials through self-interest, should not put the interests of the public at stake;
- Intergovernmental Relations aim for regular interaction among government officials. Through frequent interactions. The officials at different levels can contribute to the attainment of targets fixed for given units of government;
- The interaction among all governmental actors and officials whether elected or appointed contribute to improving the policy process and
- The financial assistance and help from one level of government to another is also a step in this particular direction and an important component of Intergovernmental Relations.

## **2.6 What objectives are advanced for Intergovernmental Relations?**

According to the Ten Year Review Report cooperative government requires from all state institutions to adhere to the six objectives of Intergovernmental Relations when managing and Implementing decisions (Malan 2005: 229). The objectives are:

- Achieving key national policy goals, with clear objectives which are informed by the Provincial and Local conditions;
- Cost-effective and sustainable service provision responsive to the needs of communities and accessible to all;
- The demarcation of responsibilities must be clearly outlined as well as the accountability for all state bodies;
- While exploring asymmetrical options for devolution when capacity is poor deliberate management of devolution to Provincial and Local Government must be undertaken and
- Encouraging creativity for collaboration and partnerships, while strengthening the performance and accountability of distinctive institutions and the eliminating wasteful and unnecessary duplication.

In considering the objectives of Intergovernmental Relations, it is important to be cautious of idealising as a means of eliminating competition and conflict. Over times experience has shown that as a practical objective eliminating competition between the different spheres governments is not realistic. A more realistic objective is to manage competition and conflict through processes that encourage cooperation (Watts 1997: 208).

A particular objective is to ensure that an integrated structure of Intergovernmental Relations does not undermine the democratic accountability of each sphere of government to its own electorate. Another vital objective is to circumvent complexities and inflexibility and to ensure as flexibility and adaptability as far as possible (Watts 1997: 208).

## **2.7 Functions of Intergovernmental Relations**

According to the implementation report of the Intergovernmental Relations Framework Act 13 of 2005, 2005/06 – 2006/07 (2008: 15), one of the noticeable features of the constitutional dispensation is the injunction of the spheres of government to exercise their own powers and perform their functions in a spirit of

cooperative government rather than competitive federalism. However, typically the policy is set at national and sub-national government level through the assigned functional framework as set out in Schedule 4 and 5 of the Constitution of the Republic of South Africa Act 108 of 1996.

There is however inclined to be considerable overlapping of roles in the functions, and these in many situations give rise to misconceptions over responsibilities between the national and provincial spheres of government, such as the level of authority over Education, Health and Transport. Intergovernmental Relations contestation and disputes may arise out of policy tensions between the spheres of government (Implementation Report on the Intergovernmental Relations Framework Act 13 of 2005 Report 2005/06 – 2006/7. 2007: 15).

Burger (2001: 65) however opines that the spheres of government are necessary in order to have a clear distribution of functions between them. This clarity also entails security and certainty about the nature and extent of the functions, including all legal and other constraints that are to be considered.

To assist with the coordination of the concurrent functions, the National Treasury in 2004, together with the relevant national departments introduced uniform formats for their provincial counterparts' strategic plans. These were issued in terms of the Public Finance Management Act of 1999. Education, Health and Roads implementation were to be covered by the provinces (Intergovernmental Relations Framework Act 13 of 2005 Report 2005/06 – 2006/07. 2007: 15).

The lists of functions of concurrent national and provincial legislative competencies and functional areas of exclusive provincial legislative competencies are in Schedule 4 and 5 respectively. This is in terms of the Constitution of the Republic of South Africa. Both these schedules have a part "B" which lists local government matters. In terms of Section 155 (6) (7) and (9) of the Constitution of the Republic of South Africa, local government has the right to administer these functions. The Minister of Provincial and Local Government

conducts annual assessments which prompted him to reassign the legislative schedule. This the Minister did by adjusting and authorising certain capacitated municipalities to perform district functions. The functions that were given to these municipalities included basic services, such as portable supply of water systems, bulk sewerage disposal systems and municipal health. This approach allows for incremental change based upon the growth of sufficient capacity to manage the asymmetrical evolution of the powers and functions (Implementation Report on the Intergovernmental Relations Framework Act 13 of 2005 Report 2005/06 – 2006/07. 2007: 17).

## **2.8 Values of Intergovernmental Relations**

Cooperative government is about partnership government, as well as the values associated with it, which may include national unity, peace, proper cooperation and coordination, effective communication and avoidance of conflict. Intergovernmental Relations is one of the means through which the values of cooperative government may be given both institutional and statutory expression, and may include the executive or legislative functions of government (Malan 2005: 230).

Section 195 stipulates that public administration must embrace democratic values together with the cognate principles of transparency and efficiency espoused in Section 1 of the Constitution. The said democratic values and principles include, amongst others, human dignity, equality, accountability, rule of law, advancement of human rights and being responsive to the citizens. The democratic values and principles mentioned and stipulated in Section 195 are:

- Promotion and maintenance of high standards of professional ethics;
- Promotion of efficient, effective and economic use of resources;
- A development-orientated public administration; impartial provision of services on a fair and equitable basis and without bias; accountable public administration;
- Responding to the needs of the people while also encouraging them to participate actively in taking decisions and making policies; fostering



transparency through the provision of timely accessible and accurate information to the public;

- Cultivate good human resources management and career development practices to optimise and minimise human potential; and
- A broadly representative public administration of all citizens. Employment opportunities and management of personnel practices should be objectively based on skills, knowledge, ability and a fair basis so as to redress past historical imbalances, to achieve broad representation (Constitution of the Republic of South Africa Act 108 of 1996. 1996: 110).

It is the intention of the study to assess to what extent the Intergovernmental Relations Forums are adhering to the above-mentioned broad democratic values, characteristics, structures and principles of Intergovernmental Relations, and how all the above-mentioned is able to assist in the process of making decisions. It further seeks to assess the extent to which the decisions are implemented.

Layman (2003: 8) in spelling out the principles of cooperative government and Intergovernmental Relations, states that the Constitution binds all spheres of government and organs of state in each sphere of government to three basic principles. Firstly, there is a common loyalty to the Republic as a whole. Secondly, the distinctiveness of each sphere must be safeguarded. Thirdly, each sphere of government must take concrete steps to realize cooperative government. Tapscott (2000: 6) concurs by stating that the Constitution envisages a state that supports interaction and co-operation among the three spheres of government on a continuous basis.

According to Tapscott (2000: 6), the principles in Chapter three cannot be separated from the Bill of Rights contained in Chapter two of the Constitution of South Africa. Tapscott further states that the principles of co-operative government and Intergovernmental Relations recognises the interdependence of the three spheres of government in South Africa, which are distinctive and

interrelated and place a duty on the spheres of government to respect each other's powers and functions as previously stated.

Coetzee (2010: 88 – 89) is of the opinion that Intergovernmental Relations are based on reciprocity principles, but not a central unitary system. National and Provincial governments are required in terms of Section 154(1) of the Constitution of the Republic of South Africa Act 108 of 1996 to support and strengthen the capacity of municipalities. In order for municipalities to exercise their own powers, perform their own functions and manage their own affairs, they must use the provision of Section 154 (1) of the Constitution, which envisages the most important principle is the public participation in Intergovernmental Relation structures. Public participation occurs when information is shared and when participation affects decision-making. The need exists that sufficient power sharing should occur in order to meet the needs of communities (Coetzee 2010: 88 – 89). The idea behind the list of principles is to facilitate the proper exercise of power and functions between the different spheres, especially where there are conflicts or overlaps (Van Wyk 2012: 311 – 312).

## **2.9 Structures of Intergovernmental Relations**

According to Nkwenzane (2012: 3), structure refers to a hierarchical pattern of authority, responsibility, accountability and relationships designed to provide coordination of the work of the organisation and a vertical arrangement of jobs in that organisation. Nkwenzane (2012: 3) further states that it means that the structure in which government accomplishes its activities and those structures promote and facilitate Intergovernmental Relations and that many structures have been developed for effective Intergovernmental Relations.

Coetzee (2010: 85) concurs by indicating that cooperative governance and good governance are not the only indicators that may lead to the challenges and problems experienced with service delivery. Other indicators such as inappropriate structures and inadequate legislation also have a bearing on the effective operation of Intergovernmental Relations.

According to Malan (2005: 238) one of the first issues that must receive attention is the review of all Intergovernmental Relations structures across government. Along with the policies and legislation of local government, it must be reviewed in order to improve implementation. Malan (2005: 238), further states that it will also improve stability in order to bring about co-ordination and cooperation, good communication and discussions between the three spheres of government are essential. Underlying this is the establishment of trust between all the spheres of government which up until now has been absent. Monitoring, evaluation, oversight and support systems must be established to promote accountability (Malan 2005: 238).

Malan (2005: 238) further states that the relationship between all three spheres of government must be shaped to give ample policy choices to regional and local government. Malan says capacity-building and coordination must be enhanced. – There must be a review of the integration process to build capacity in coordinated planning, budgeting and the use of implementation protocols in every sphere of government.

Edwards (2008: 72) agrees that the formation of intergovernmental forums was a good move in the promotion of an interface between the three spheres of government. However the challenge of capacity and management in relations, amongst others effective intergovernmental relations remains uncertain.

According to Levy and Tapscott (2001: 31), the distribution of legislative authority amongst the different spheres of government is vital and ensures that there are vibrant Intergovernmental Relations structures. These structures are constitutionally mandated and that mandate is exemplified in the Intergovernmental Relations Framework Act 13 of 2005, which regulates the relationship between the districts and municipalities as well. The system of Intergovernmental Relations is often supplemented and reinforced by technical structures, where officials of the same sphere meet on the preparations for political equivalence, of which effective intergovernmental forums are the foundation. Intergovernmental Relations is seen as an organ of information-

sharing, consultation and the coordination of activities. These activities are of vital importance in planning and avoiding public confrontation and judicial action when there is tension between the three spheres of government (Department of Provincial and Local Government 2007: 63).

The Intergovernmental Relations Framework Act 13 of 2005 stipulates that all statutory bodies not established in terms of this Act must comply, within one year of the Act coming into operation, unless their established legislation specifically regulates the rules of such bodies.

Section 36 of the Intergovernmental Relations Frameworks Act 13 of 2005 requires that the provincial policies and legislation takes into account both national priorities as well as local interest (Implementation Report of the Intergovernmental Relations Framework Act 13 of 2005. 2005/06 – 2006/07. 2008: 17).

According to Reddy (2001: 31), the alignment of policies and programmes, the relationship between the Intergovernmental Relations structures, the Cabinet, as well as the respective Provincial Executive Councils or Committees have not really stabilised to the extent that they are working in concert with each other. Reddy (2001: 31), further states that this has negatively affected the marshalling of resources and Intergovernmental Relations systems, particularly the linking, budgeting and planning process. This has hampered accelerated integrated service delivery. An integrated development planning strategy should be introduced as a matter of urgency. In addition the combination of Intergovernmental Relations systems and structures should be improved (Reddy 2001: 31). As this study deals with the assessment of the effectiveness of a Provincial Intergovernmental Forum, it must thoroughly assess the issue of cooperation between the districts and local municipalities.

## **2.10 Intergovernmental Relations Forums**

### **2.10.1 Provincial Intergovernmental Forum**

The guiding principle behind the existence of any Provincial Intergovernmental Forum is to facilitate effective cooperation between the Provincial governments

and Local Municipalities in a particular Province. Its main aim is the enhancement of integrated development and the considerations of priorities for the Province. The goal of the Forum is that the decision of each sphere is enriched by the following: Information and understanding of the respective programmes of the other sphere; A clearer understanding of mutual strategic priorities and how these complement each other; A commitment to collaborate, engage continually, and coordinate government's activities where appropriate (Intergovernmental Relations Policy Framework 2002: 5).

Section 16 of the Intergovernmental Relations Framework Act 13 of 2005 states that, - there is a Premier's Intergovernmental Relations Forum (PIGF) to promote and facilitate Intergovernmental Relations between the Province and Local Government in the Province.

Section 17 (1) of the Intergovernmental Relations Framework Act 13 of 2005, stipulates that – the PIGF comprises the Premier of the Province; the Member of The Executive Council (MEC) responsible for Local Government; other MECs designated by the Premier; The Mayors of the district and metropolitan municipalities; and the administrator of any of those municipalities, if the municipality is subject to an intervention in terms of Section 139 of the Constitution, and a municipal council designated by organized local government in the Province. Furthermore Section 17 (2) of the Intergovernmental Relations Framework Act 13 of 2005, states that the Premier is the Chairperson of the Forum and Section 17(3) states that the Premier may invite any person not mentioned in sub section (1) to a meeting of the Forum. According to Section 18 of the Intergovernmental Relations Framework Act 13 of 2005, a PIGF is a consultative forum for the Premier and the local government in the Province to do the following:

- (a) To discuss and consult on matters of mutual interest, including
  - (i) The implementation in the Province of national policy and legislation affecting local government interests;
  - (ii) Matters arising in the Presidential Coordinating Council and other national policy and national Intergovernmental Relations Forums;

- (iii) Drafting national policy and legislation affecting local government interest in the Province;
- (iv) The implementation of national policy and legislation with respect to such matters;
- (v) The development of provincial policy and legislation relation to such matters;
- (vi) The implementation of provincial policy and legislation in respect of such matters;
- (vii) The coordination of provincial policy and legislation in respect to such matters;
- (viii) The coordination and alignment of the strategic and performance plan and priorities, objectives and strategies of the provincial and local government in the Province and any other matters of strategic importance that affects the interest of local government in the Province.

According to the Intergovernmental Relations Framework Act 13 of 2005, provision must be made for several inter-ministerial committees on national and provincial level. Dealing with issues of Intergovernmental Relation involves the Premiers Provincial Intergovernmental Relations and Inter-Provincial Forums.

In terms of the Intergovernmental Relations Framework Act 13 of 2005, interprovincial forums are used as consultative forums for best practices and capacity-building, and for matters of interest. Within the boundaries of a province, there are District Intergovernmental Forums that include the Local Municipalities; there are also Inter-municipality forums. These forums, both at the district and local level, exist to enable Intergovernmental Relations between the two spheres of governments in a particular district.

The Implementation Report of the Intergovernmental Relations Framework Act 13 of 2005 2005/06 – 2006/07 (2008: 17) refers to revitalised Provincial-Municipal Intergovernmental Relations by prompting the creation of new

Provincial Intergovernmental Relations Forums called Provincial Coordinating Forums. The Forums must report annually to the Presidential Coordinating Committee.

### **2.10.2 District Municipalities Intergovernmental Forums**

According to Steytler and Baatjies (2006: 14), a major constraint between Intergovernmental Relations and district municipal councils relates to indistinct role clarification. They assert that the functions of a district are defined by Section 84 (1) of the Municipal Structures Act 117 of 1998. The Act embodies at least three ambiguities, they are firstly, lack of clarity at the point at which a matter is no longer a local matter but a district one; secondly some functions are too broadly defined and thirdly, the over inclusiveness of some district powers including district and local functions overlapping.

According to the Review Report on the State of Intergovernmental Relations (2008: 19), an intergovernmental forum is established in terms of a memorandum or a protocol and is non-statutory, and the district-mayoral forums or a district intergovernmental forum organises itself as an entry point for any inter-sphere and sectorial support to the district municipality. The Report further states that the mayors of the forums have the following functions: to assume more responsibilities in ensuring that there is a district-wide development vision informed by the Integrated Development Plan of local municipalities; to utilise the intergovernmental forums; to monitor national and provincial commitments to support their credible Integrated Development Plans and to ensure rationalisation of coordination structures at district level.

Section 7 allows for two or more municipalities to form their own inter-municipality forum to facilitate Intergovernmental Relations among themselves. The purpose of these forums is to serve as consultative forum for participating municipalities. Section 7 also allows for a certain number of municipalities, which are adjacent to each other, to meet for discussions and consultations.

Section 54 of the Intergovernmental Relations Framework Act 13 of 2005 makes provision for the establishment of Intergovernmental Relations Forum. The aim is

to enable and encourage Intergovernmental Relations and facilitate cooperation between district and local municipalities in the district (Intergovernmental Relations Framework Act 13 of 2005).

According to Section 25 of the Intergovernmental Relations Framework Act 13 of 2005, the forum consists of the mayors of local municipalities; it also serves as a consultative forum for both the district and local municipalities. The role of the District Intergovernmental Forum is to discuss the implementation of the national policy and legislation that affect the district progress with regards to service delivery.

Section 25 offers direction as to how Intergovernmental Relations at the level of the Districts and Municipalities should be formed for ease of deliberations and consultations by both spheres of government.

The Community Law Centre Report (2006: 22) states that most District Municipalities have established District Intergovernmental Forums (DIF) and many of the DIFs were established before the Act was promulgated and have only sought to amend it in order to comply with the regulations of the new Act. Some DIFs are not yet dealing with the substantive issues, and have merely established the forums.

Section 24 of the Intergovernmental Relations Framework Act 13 of 2005, states that there are District Intergovernmental Forums (DIFs) to promote and facilitate Intergovernmental Relations between Districts and Local Municipalities. Section 25 (1) of the Intergovernmental Relations Framework Act 13 of 2005, stipulates that the DIF is made up of the mayors of the local municipalities in the district or (if a municipality does not have a mayor, a councilor is designated by the municipality), an administrator (if any of the municipalities, is subject to an intervention in terms of Section 139 of the Constitution and a municipal council designated by organised local government in the Province

Section 25 (1) of the Intergovernmental Relations Framework Act 13 of 2005, further states that a DIF is forum for the Premier and the local government in the province to consult on the following:



- (a) To discuss and consult on matters of mutual interest including
- (i) The implementation in the Municipalities of Provincial policy and legislation affecting local government interests;
  - (ii) Matters arising in the Premier's Intergovernmental Forum and other provincial policy and district intergovernmental Relations Forums;
  - (iii) Drafting district policy and legislation affecting local government interests in the district;
  - (iv) The implementation of district policy and legislation with respect to such matters;
  - (v) The development of district policy and legislation relation to such matters;
  - (vi) The implementation of district policy and legislation in respect of such matters;
  - (vii) The coordination of district policy and legislation with respect to such matters;
  - (viii) the coordination and alignment of the strategic and performance plan and priorities, objectives and strategies of the district and local government in the district and any other matters of strategic importance that affects the interest of local government in the district.

### **2.10.3 Summary**

This section reflected on a number of factors that need to be in place, to have an effective Intergovernmental Relations, including issues such as the values, objectives, functions, evolution, structures, Intergovernmental Forums and including cooperative government. Intergovernmental relations in South Africa were legislated since the adoption of the Constitution of the Republic of South Africa Act 108 of 1996, in particular Chapter three. In a quest to establish the imperatives faced by the three spheres of government, the following section will focus on the legislative framework that must be adhered to. As the study is about the effectiveness of Intergovernmental Relations in the Northern Cape Province, it is therefore important that all the imperatives and the legislative framework

should be taken into consideration by the three spheres of government in order to fully establish whether service delivered to citizens or communities is taking place.

## **2.11 Legislative environment**

### **2.11.1 Constitution of the Republic of South Africa**

The Constitution is the supreme law of the country and offers the essential framework for the structures and processes of government. The Constitution, serves as the ultimate resource on how institutions should cooperate with each other, including on the operations. In order to avoid unnecessary conflict, the three spheres of government should cooperate with one another and participate in Intergovernmental Relations structures as well as undertake the processes of Intergovernmental Relations (De Villiers & Sindane 2011:1).

Intergovernmental Relations and co-operation are crucial in any system where powers have been allocated concurrently to the different spheres of government. The process of co-operation takes place within a legislative and institutional framework and therefore the founders of the Constitution included the most detailed provisions about Intergovernmental Relations and co-operative government of any Constitution at that specific time (De Villiers & Sindane 2011:3).

Chapter 3 of the Constitution details what the principles of cooperative governance and Intergovernmental Relations are that the three spheres of government and all organs of state should apply:

- Preserving the peace, national unity and indivisibility of the Republic of South Africa; Secure the wellbeing of the people of the Republic of South Africa;
- Provide effective; transparent; accountable and coherent government for the public as a whole;
- Be loyal to the Constitution of the Republic of South Africa;
- Respect the Constitutional status ;

- Institutions; powers and functions of governments in the other spheres;
- Not assume any powers and perform their functions in a manner that does not encroach on the geographical areas;
- Functional and institutional integrity of a government in the other sphere and cooperate in a spirit of mutual trust and good faith by fostering relations (Edwards 2000: 61).

According to Chapter 3, Section 41 of the Constitution of the Republic of South Africa Act 108 of 1996, subject matter is both new and unusual for the constitution. Cooperative government highlights and facilitates intergovernmental cooperation coordination rather than involvement in the competitive political conduct, which is triggered by the separation of statutory power found in an ordinary or conventional federal model of government. This inventive concept of cooperative government is to a noticeable extent premised on the operation and understanding of the German Constitution (Devenish 1998: 105).

Layman (2003: 8), in spelling out the principles of cooperative government and Intergovernmental Relations, the Constitution binds all spheres of government and organs of state in each sphere of government to the three basic principles. These principles are:

- First, there is a common loyalty to the Republic as a whole. This means that all spheres are committed to securing the well-being of all the people in the country and to that end, must provide effective, transparent accountable and coherent government for the Republic as a whole. This is the objective of cooperative government;
- Second, the distinctiveness of each sphere must be safeguarded. This entails the following:
  - the constitutional status, institutions, powers and functions of each sphere must be respected;
  - a sphere must remain within its constitutional powers and when exercising those powers, a sphere must not do so in a manner that encroaches on the geographical, functional or institutional integrity of another sphere and

- Third the sphere of government must take concrete steps to realise cooperative government by the following means:
  - fostering friendly relationships;
  - assisting and supporting one another;
  - informing one another of and consulting one another on matter of common interest;
  - coordinating their actions and legislation with one another; and
  - adhering to agreed procedures and avoiding legal proceedings against one another.

According to Section 139 (1) of the Constitution, the Provincial Executive may intervene when municipalities cannot fulfil any obligations. The Provincial Executive can do this by taking appropriate actions to ensure the fulfilment of those constitutional obligations. The intervention should include amongst others, directives to the municipality outlining the extent of its failure to fulfil its obligation. The Provincial Executive must state what is required to meet its obligation and assume responsibility for the relevant obligations in that municipality (Cameron 1999:227 – 228).

According to Section 151(1) the local sphere of government is made up of municipalities, which must be established for the whole of the country. Thus the individual structures within the local government are denoted as municipalities.

Section 151(3) states that municipalities have the right to administer on their own inventiveness the affairs of local government in relation to both the National and Provincial statute, as provided for in the Constitution of the Republic of South Africa. This therefore points to the fact that all municipalities, in terms of the Constitution are protected to run their own administration.

Section 151 (4) states that national government may not impede a municipality's ability to exercise its powers or perform its functions. This clause indicates a fundamental shift away from the system of provincial control of local government, which was characterized by the South African Intergovernmental Relations system since 1910. Local government has constitutional guaranteed functions,

and although national and provincial governments may regulate it, this must be done in a way that does not compromise its ability and right to govern (Constitution of the Republic of South Africa 1996).

Intergovernmental Relations are based on the principle of reciprocity rather than on the central unitary system. The implications of Section 154(1) of the Constitution are that it requires the national and provincial governments, to support and strengthen the capacities of municipalities. By doing so municipalities should be able to manage their own affairs, to exercise their powers and to perform their functions. One of the most important principles in Intergovernmental Relations structures are public participation which occurs when information is shared and when participation affects decision-making. The need exists for sufficient power sharing in order to meet the needs of communities (Coetzee 2010: 88 – 89).

According to Edwards (2000: 61), the Municipal Systems Act 32 of 2000 makes an obligation on the part of the municipality to promote public participation. The Act further promotes accountability, public participation, and consensus on growth and development priorities.

The public also plays a vital role by identifying their developmental and service delivery needs. Councilors have to encourage the public to participate through ward committees and at scheduled public meetings. Emphasis is also placed on certain principles of cooperative governance (Edwards 2000: 61).

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

According to Edwards (2000: 68) Intergovernmental Relation are conducted within the public administration environment and should subscribe to specific norms and values. The Constitution of the Republic of South Africa Act 108 of 1996 makes provision for cooperative governance with the establishment of the three spheres of governments that are distinctively, interdependent and interrelated in nature.

Mase (2010: 77) concurs with the Edwards (2000: 68) that the three spheres of government are distinctive (which means that each sphere has its own unique area of operation and must be distinct from each other); its interdependent (meaning that the three spheres of government are governed by the Constitution and national legislation as a result they are required to cooperate and acknowledge each other's area of jurisdiction) and interrelated (which means that there should be a system of cooperative governance and intergovernmental relations amongst the three spheres of government in order to implement policies and the objective of government as a whole).

Nkwenzane (2012: 123) agrees with Edwards (2000: 68) by saying that distinctiveness refers to the degree of legislation and executive authority in terms of Section 40 of the Constitution. Interdependence refers to the point to which one sphere depends on another for the proper fulfilment of their constitutional obligations, as it is both the provincial and national spheres' duty to supervise Local Government to ensure that it fulfils its constitutional obligations. Interrelatedness is the duty of each sphere to cooperate with each other in mutual trust and faith.

Edwards (2000: 68) says the Intergovernmental Relations Framework Act 13 of 2005 provides specific guidelines for the three spheres of governments in terms of the implementation of policy and legislation. Edwards (2000: 68) further states that there is a need for the establishments of Intergovernmental Relations structures; managing the conduct within the Intergovernmental Relations environment; setting up dispute resolutions mechanisms and the monitoring and evaluation of Intergovernmental Relations.

The objective of the Intergovernmental Relations Framework Act 13 of 2005 is to offer an outline for the three spheres of government. In terms of Section 5 of the Act all three spheres of government must take reasonable steps to ensure that:

- They have adequate institutional capacity; they must also ensure that they have effective measures to consult, share information and cooperate amongst themselves;

- They respond promptly to request from other spheres of government and organs of state;
- They participate in Intergovernmental Relations structures to which they belong;
- These principles can be seen as the values and norms that the South African society aspires to and serve as the criteria for public conduct and behaviour during Intergovernmental Relations;
- The Act also contains implementing protocols which may be used where two or more state organs must coordinate their interactions in order to implement policy;
- They exercise statutory powers or functions or provide a service;
- They have implementing protocols, which may be used where two or more state organs must coordinate their interactions in order to implement policy;
- The objective of the Intergovernmental Relations implementation protocols is to set out clear outcomes or joint work; clarify responsibilities; determine resource requirements and
- Set performance indicators and put mechanisms in place to ensure that outcomes are achieved. (Edwards 2000 69 – 70).

### **2.11.2.1 Vertical Intergovernmental Relations**

When interactions between one or more institutions occur in the three spheres of government, this process is referred to as Vertical Intergovernmental Relations (Hattingh 1998: 23) Smith 2002: 61). Levy and Tapscott (2001: 26) concur by stating that the vertical element of Intergovernmental Relations is made up of relations between governments and different spheres namely national-provincial, provincial-local and national-local, for municipalities to achieve their objectives they have to interact with the provincial and national government. The South African Local Government Association is the structure that defines how consultation must take place across the three spheres of government (Levy & Tapscott 2001: 95).

The Community Law Centre's Paper 11 on redefining the role and applications of District Municipalities (2007: 14), states "That the district's role in facilitating Vertical Intergovernmental Relations received a full legislative boost in the Intergovernmental Relations Framework Act 13 of 2005".

### **2.11.2.2 Horizontal Intergovernmental Relations**

According to Levy and Tapscott (2001: 17 – 26), a Horizontal Intergovernmental Relation refers to the dealings that arise amongst institutions that are on the same level of government or two different governments within the same sphere: namely inter-provincial or inter-local. Van der Waldt *et al* (1999:164) agrees that Horizontal Intergovernmental Relations between government's institutions refer to the relation between the institution on the same level and they are particularly important for public managers. At local level Horizontal Intergovernmental Relations takes place mainly through, among other things municipal associations and cooperative agreements.

The Integrated Development Plan (IDP) Guide Pack issued by the Department of Provincial and Local Government (2001: 15) alludes to the fact that the roles for Local Municipalities within District Municipalities are coordinated to ensure the horizontal alignment of IDPs of Municipalities and District Municipalities. According to the Community Law Centre's Paper 11 on redefining the role and applications of the Local Municipalities hence horizontal planning is of vital importance for coherence to the IDP by the different municipalities.

### **2.11.3 Municipal Structures Act 117 of 1998**

The Municipal Structures Act 117 of 1998 was intended to set out a number of municipal structures, but some are also to be found in the Municipal Systems Act 32 of 2000. However, (Chapter 7 of the Constitution) states that the municipal power to elect committees must be done in relation to national legislation, and that municipal powers are subordinate to the Municipal Structures Act 117 of 1998.

According to Graythorne (2006: 111) in relation to the delegation of committees, the mayor of a municipality may decide to elect a mayoral committee to assist



him/her with the work of the municipality. This means that once he/she does that, he/she would be delegating some of the powers to the members of such a committee.

Section 79 (2) (b) of the Municipal Structures Act 117 of 1998 allows the council to delegate powers to the committees. There are certain municipalities that can have executive committee structures and this committee exercises the executive authority within the municipality.

The function and powers of the executive committee are important considering that these will be seen as a mirror image of the powers of the executive mayor. The executive committee is the principle committee of council and receives reports from other committees, which must be sent to the council as recommendations unless the executive committee can dispose of the matters in accordance with its delegated authority. This is in addition to the other powers of the executive committee (Graythorne 2006: 111-113).

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

The Municipal Systems Act 32 of 2000 reflected the Constitution of the Republic of South Africa and the White Paper on Local Government on how to institute the process of cooperative government at a municipal level. Section 3 of the Municipal Systems Act provides for the following: the development of common approaches for local government as a distinct sphere of government; to enhance co-operation, mutual assistance and sharing of resources among municipalities; to find solutions for problems relating to local government generally; and to facilitate compliance with the principles of co-operative government and Intergovernmental Relations (Dlanjwa 2012: 22 – 23).

The Municipal Systems Act 32 of 2000, Section 16 (1) obliges municipalities to cultivate a culture of municipal governance that complements the formal representative government (elected leaders) with a system of participatory governance (community participation).

Section 16 (1) (a) further requires municipalities to encourage, and create conditions for the locals community to participate in the affairs of local government. This includes the preparation, implementation and review of its Integrated Development Plan; the establishment, implementation and review of its performance management system; the monitoring and review of its performance, including the outcomes and impact of such performance; the preparation of its budget and the strategic decisions relating to the provision of municipal services.

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

The Municipal Finance Management Act 56 of 2003 provides the necessary mechanisms and structures for all municipal managers to manage the finances of the municipalities effectively and efficiently.

According to Graythorne (2012: 247), financial management is a crucial requirement for all three spheres of government, and also by implication, for the government entities created and established by the three spheres of government. Graythorne (2012: 247) further contends that in terms of financial laws, financial management takes place, but in a much less structured way.

The White Paper on Local Government, issued in 1998, clearly stipulated the conceptual framework for municipal finances. In order to achieve the objectives of the Constitution, the White Paper proposed a structured system of municipal finances that is in line with following seven basic principles: revenue adequacy and certainty; sustainability; effective and efficient use of resources; accountability, transparency and good governance; equity and redistribution; development and investment; and microeconomic management (Fourier & Opperman 2007: 7-8).

Graythorne (2012: 249) concurs that the objective of the Municipal Finance Management Act 56 of 2003 is to safeguard the sound and sustainable management of the financial and fiscal affairs of a municipality and municipal entities. This objective can be achieved by the following: establishing norms and standards; ensuring transparency, accountability, appropriate line of

responsibility in the fiscal and financial affairs of a municipality and municipal entities; and the management of revenue. Graythorne (2006: 249) substantiates this further by stating that the expenditure, assets and liabilities and the handling of municipalities financial dealings; budgetary and financial planning processes and the coordination of those processes with the processes of the organs of state in other spheres of government; borrowing; the handling of financial problems in municipalities; supply chain management; and any other related financial matters.

According to Graythorne (2012: 249), the objective of the Municipal Financial Management Act 56 of 2003 is to ensure the sound and sustainable management of the fiscal and financial affairs of municipalities and municipal entities by establishing norms and standards and other requirements. In terms of the Municipal Finance Management Act 56 of 2003 Chapter 5 Section 34 (1) national and provincial governments must by agreement assist municipalities in building their capacity for effective, efficient and transparent financial management. Invariably there will be municipalities that are not capacitated to deal with service delivery issues and such municipalities need to be assisted by both national and provincial governments in the building of capacity.

Section 34 (2) states that national and provincial governments, must support the efforts of municipalities in identifying and resolving their financial problems. Section 35 stipulates that the national and provincial departments must in their fiscal and financial relations with the sphere of local government, promote cooperative government in accordance with Chapter 3 of the Constitution; promptly meet their financial commitments towards the municipalities; provide timely information and assistance to enable them to plan properly including developing and revisiting their Integrated Development Plans that deals with cooperative government.

#### **2.11.6 Public Finance Management Act 1 of 1999**

The Public Finance Management Act 1 of 1999 (PFMA) was part of a broader government strategy to improve the general state of financial management in the public sector. The objective of financial management in the public sector is to

support and strengthen management in the allocation of limited resources, with the purpose of ensuring economic and efficiency in the delivery of outputs that will serve the needs of the community (Van Wyk 2004: 411).

The PFMA seeks to promote transparency, accountability, international best practice and institutional imperatives relative to the management of public finances. Fourie (2005: 679) agrees with the assertion that public financial management in the South African context is based on three elements namely: - improving transparency, entrenching accountability and ensuring the integration of policies. Therefore, according to Madue (2007: 308) the administration and management of public finance is governed by two elements, the specific nature and extent of public finance on the one hand, and the vital importance of effective government spending on the other hand. Madue (2007: 308) concurs by stating that essentially, the PFMA is aimed at improving the effectiveness and efficiency of financial management within the public sector through introducing best practices in financial management.

The PFMA regulations and the principles behind the major requirements and practical implications for compliance are to be discussed. Chapter 9 of the PFMA stipulates that the National Treasury should make regulations that are extensions of the Act, in order to govern and control certain financial matters (*Government Gazette*, no. 23463, and again during 2005 (as contained in *Government Gazette* no. 27388, dated 15 March 2015).

According to Kanyane (2004: 47), although the PFMA emphasises economic, effective and efficient financial management, compliance remains a thorny issue in both national and provincial departments, as well as other public entities. Kanyane (2004: 47) furthermore explained that several national and provincial departments were struggling to comply with the PFMA and were consequently criticised for lack of performance, which negatively influenced their service delivery, notwithstanding the documented and published regulations.

The Financial and Fiscal Commission was established in terms of Section 22 of the Constitution of the Republic of South Africa Act 108 of 1996. This innovation

by government created an atmosphere in which the national government still carried out the coordination and monitoring role because it had to ensure that micro-economic stability, the achievement of national policy objectives, and a consistent standard of services were maintained (Reddy 2001: 34).

### **2.11.7 Financial and Fiscal Commission**

The Financial and Fiscal Commission (FFC) is a Chapter 9 institution established to provide oversight over government financial and fiscal processes and procedures. According to Olivier (1996: 77), the FFC was established in terms of the Financial and Fiscal Commission Act 99 of 1997. Its functions include being a consultative and advisory body to organs of state in the national, provincial and local sphere of government in respect of financial and fiscal matters. It also meant to give advice during the budget process (Olivier 1996: 77).

The FFC employs indicators to make recommendations to National Treasury via a Division of the Revenue Act on the formulae employed for allocation of the Equitable Share and other conditional grants (Girishanker *et al.* 2006:29). According to Topscott (2000: 125-126), the issues discussed by Intergovernmental Relations since its inception are:

- Those pertaining to the institutions of the Financial and Fiscal Commission and implementation of budget priorities;
- The creation of a climate for economic growth within the provinces;
- The implementation of the national development programmes;
- The provincial boundary issues and
- Disaster and emergency management issues.

The issues raised thus far have however only addressed rather distinct and technocratic issues, but have not really touched on substantive issues and the processes of Intergovernmental Relations. In particular they have not substantively addressed the way in which the Intergovernmental Relations structures might be rationalised, nor have they attempted to define the specific roles of intergovernmental institutions (Tapscott 2000: 125-126).

Section 227-230 of the Constitution defines the financial powers of provincial and local government as follows:

- Local Government and each Province is entitled to an equitable share of the national collection revenue to enable it to provide basic services and exercise the functions allocated to it on recommendations of the Financial and Fiscal Commission; a Province may impose taxes , levies or duties (surcharge) on recommendations of the Financial and Fiscal Commission;
- Municipalities are subject to the same limitations of tax assignments as Provinces except that it also imposes rates on property taxes and excise taxes;
- A Province or Municipality may raise loans subject to the recommendations of the Financial and Fiscal Commission; and
- Taxes, levies and loans must not be detrimental to the national policies (Ismail 2001: 57).

From the above discussion on the Financial and Fiscal Commission, it can be said that there exists a need to ensure that the use of funds in delivering services to the citizens must remain the focus of all three spheres of governments.

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

Legislation has been introduced to facilitate Intergovernmental Fiscal Relations and promote greater cooperation. The Intergovernmental Fiscal Relations Act 97 of 1997 formalised the intergovernmental budget processes. It made provision for a budget council and a budget forum to promote cooperation between the three spheres of government relative to fiscal budgetary and related financial matters. The Budget Council consists of the Minister of Finance and the nine MECs of Finance in the provinces. It is consultative process on budgetary and fiscal matters.

According to the implementation of the Intergovernmental Relations Framework Act Report: An Inaugural Report: (2005/2006 – 2006/2007 2008: 28), intergovernmental fiscal relations are concerned with the structure of public finance in a state with one or more spheres of government. This includes the allocation of the expenditure responsibilities and authority to tax amongst the spheres of government, how borrowing and regulatory functions are distributed amongst the spheres of government, and the institutional mechanisms for coordination, monitoring, supervision, and intervention. The decision in each of the areas shapes the configuration of the Intergovernmental Fiscal system, its evolution and its functioning.

According to Ismail (2001:59), an ideal system of Intergovernmental Fiscal Relations would incorporate the following:

- Clear, stable and expenditure assignments;
- Transparent and predictable services to specific intergovernmental transfers;
- Available and accessible public information on finances;
- Cost and services and performance of the sector;
- The impact of decentralisation on fiscal deficit;
- The capacity of the sub-national governments to deliver services;
- The political economy of implementing decentralization policies and
- The extent of the private sector involvement in the provision of public goods.

The implication of public policy is a vital issue that the national government should be responsible for when the finances for the minimum standards services of specific sectors such as Health, Housing and Education are budgeted for. Ismail (2001:58) argues that there are a number of ways which the slightest principles of amenities can be controlled. Minimum levels of services by the provincial government with each different implication for fiscal equalisation will be responsible for making conditional grants.

The provinces could also augment these services with their own funds to provide a better level of service, if they so desire. However, national transfers to finance minimum standards of services could be limited to those provinces whose own revenue is insufficient to provide a minimum standard of services to their communities. Additionally, Section 214 of the Constitution stipulates that each sphere of government shall have a constitutional right to an equitable division of revenue collected nationally (Ismail 2001: 58). According to Reddy (2001: 34), legislation was introduced to facilitate Intergovernmental Fiscal Relations and promote greater cooperation.

The Public Finance and Management Act of 1999 sought to promote transparency, accountability, international best practice and institutional imperatives relative to the management of public finances, while the Financial and Fiscal Commission was established in terms of Section 22 of the Constitution. This innovation by government created an atmosphere where the central government still carries out the coordination and monitoring role because it has to ensure that micro-economic stability, the achievement of national policy objectives and a consistent standard of services are maintained (Reddy 2001: 34).

#### **2.11.9 Summary**

For any government to achieve what it sets out achieve there needs to be a constitution and proper legislation to manage certain sectors and Intergovernmental Relations is no exception. The legislative environment in this case includes important legislation namely the Municipal Structures and Systems Acts; the Municipal and Public Management Acts, the Intergovernmental Relations Framework and Fiscal relations Acts and the Finance and Fiscal Commission.

#### **1.4.8 Conclusion**

Taking into consideration the topic of this mini-dissertation, this study focuses on the effectiveness of Intergovernmental Relations in the Northern Cape Province, with a focus on the Premier's Intergovernmental Relations Forum. In an attempt



to study the topic in depth, the South African government's commitment to Intergovernmental Relations and cooperative governance as examined. The government has demonstrated its commitment by ensuring that it reflects both Intergovernmental Relations and cooperative governance in the Constitution of the Republic of South Africa.

The adoption of the Intergovernmental Relations Framework Act 17 of 2005 was a step in the right direction. The strategies and measures, including the introduction of new legislation and regulations to ensure that Intergovernmental Relations is placed at the fore front of government operations was hailed by many in the sector, including experts in the field. From the above broad statement, this Chapter sought to highlight the imperatives relating to the implementation of Intergovernmental Relations.

The research can thus conclude that Intergovernmental Relations and cooperative governance have been attended to adequately, with clear areas of discussion, such as the legislative environment.

The one crucial aspect of the study that will receive attention in the following chapter will be the concept of decision-making; the types of decision-making; and the theories of decision-making in as far as the effectiveness of Intergovernmental Relations with a focus on the Premier's Intergovernmental Relations Forum, is concerned. The study has the objective of demonstrating how Provincial Intergovernmental Relations Forum and District Intergovernmental Relations Forums are established and coordinated; and how matters of interest are dealt with, or how decisions are taken, and how the implementation of these decisions takes place.

## **Chapter 3: Governance and Decision-making**

### **3.1 Introduction**

As stated in Chapter one, the objective of this mini-dissertation is to investigate the effectiveness of Intergovernmental Relations in the Northern Cape Province, with particular focus on the Premier's Intergovernmental Forum. In the same Chapter the problem statement was discussed and two examples of the challenges experienced with problems of the Premier's Intergovernmental Relation Forum were reflected on in the Mini Report: Northern Cape Premier Intergovernmental Forum (2014: 1-10). The Report indicated that meetings happened irregularly, thus affecting the quality of the decisions taken as there was no time to deal with the issues. The second issue related to the influence of party politics; this allowed meetings to running smoothly without any hindrances – sometimes to the detriment of the issues at hand.

In an attempt to understand how the above mentioned problems affect the proper running of the Premier's Intergovernmental Relations Forum, the previous Chapter examined cooperative government; Intergovernmental Relations as it relates to its objectives, functions, values, and structures; including the intergovernmental forums. This chapter discusses the legislative environment including the Constitution of the Republic of South Africa Act 108 of 1996 and all the related or relevant legislation.

Given the above, Chapter three will therefore focus on the theory of governance, good governance and the elements of good governance, which include accountability, transparency, public participation, effectiveness and efficiency. The Chapter will further focus on the theory of decision-making which will include group decision-making, interests groups in decision making, communication in decision-making, participative decision-making, public choice theory and the transaction cost theory of contracting out. The different types of decision-making which includes Impulsive decision-making, Intuitive decision-making, Un-programmed decision-making and Programmed decision-making will also

receive attention. The reason why the above-mentioned issues will be covered is because in studying the effectiveness of Intergovernmental Relations in the Northern Cape Province, the research must take into consideration these issues and reach a particular understanding on them and how they impact on the Premier's Intergovernmental Forum.

### **3.2 Theories of Governance**

#### **1.4.9 Governance**

Fourie (2006: 435) defines "governance as the way in which a state is managed to ensure good quality of life of all citizens, without discrimination, and how authority and power are separated to achieve this goal". While Kura (2007: 8) defines governance "as the manner in which individuals and institutions manages their affairs".

Mokgahla (2010: 14), in turn, defines governance as the overall management of the affairs of the nation, and the United Nations Development Programme considers governance as the manner in which authority is exercised to manage the affairs of a nation in terms of economic, political and administrative issues. By governance it is thus meant the exercise of political power to manage a nation's affairs. This is important since state officials in many countries have served their own interests without fear of being called to account. The leadership assumes broad discretionary authority and loses its legitimacy. While information is controlled and voluntary associations are co-opted or disbanded.

Given the above definitions, it can be said that governance refers to the development governing styles in which the boundaries between and within the public and private sectors have become blurred. Governance is about the potential for contracting and franchising a new form of regulations. In short it is about new public management. However governance is more than a new set of managerial tools; it is about more than achieving greater efficiency in the production of public services (Peter & Pierre 1998: 17-18).

According to Stoker (1998: 18) there are five propositions to frame our understanding of the critical questions that governance theory should help us to answer and further acknowledged that each proposition implies a dilemma or critical issue. The five propositions are:

- **Governance refers to institutions and actors from within and beyond government:** Governance and the normative codes used to explain and justify government signify the elimination between the multifaceted realities of choice, this relates to the legitimacy of policy implementation. The direct impact of the ability to mobilise resources and promote cooperation and build sustained Partnerships, will depend to a large extent on whether those with decision-making powers are seen to be legitimate. Thus, the normative dilemma has practical over-tones. For power to be legitimate there must be conformity to the established rules, adherence to the shared belief, and the power must be exercised with the expressed consent of subordinates.
- **Governance identifies the blurring of boundaries and responsibilities for tracking social and economic issues:** This shift in responsibilities goes beyond the public and private sector dimension to include nations of communitarianism and social capital, however, blurring of responsibilities can lead to blame avoidance or scapegoating.
- **Governance identifies the dependence involved in the relationship between institutions involved in collective action:** The organisations are dependent on each other for the achievement of collective action, and thus must exchange resources and negotiated and shared understanding of ultimate programme goals. Power dependency exacerbates the problem of unintended consequences for government because of the likelihood of principal-agent problems.

- **Governance recognises the capacity to get things done, which does not rest on the power of government to command or use its authority:** It is in this proposition that we find the natural progression from the more encompassing theory of governance to the more prescriptive norms of the new public management.
- **Governance draws attention to the complex processes and interactions that constitute patterns of rule:** The focus on the formal institutions of state and government are replaced in order to recognise the diverse activities that often become the boundary states and society. The phenomenon that is multi-jurisdictional and hybrid with plural stakeholders who come together in a network, is highlighted by governance as a theory and practice (Stoker 1998: 18).

Bevir (2010: 2) concurs with Stoker (1998: 18) on the fact that governance attracts attention to the complex processes and interactions that constitute patterns of rule. It replaces the focus on the formal institutions of states and governments, with recognition of the diverse activities that often blur the boundaries of state and society. A distinctive feature of the new governance is that it combines established administrative arrangements with features of the market. Arrangements are often hybrid practices combining administrative systems with market mechanisms and non-profit organisations. Noble forms of mixed public-private or entity private forms of regulations are developing (Bevir 2010: 2).

Another distinctive feature of governance is that it is multi-jurisdictional and often transnational. The current partners of governance combine people and institutions across different policy sectors and different levels of government (Bevir 2010: 2). The third distinctive feature of governance is on the increasing range and plurality of stakeholders. Interested groups of various sorts have long been present in the policy making process, none the less a wider variety of non-

governmental organisations are becoming active participants in governance. One reason for the pluralisation of stakeholders was the explosion of advocacy groups during the last third of the 20<sup>th</sup> century (Bevir 2010: 2).

Bevir (2010: 1) concurs further with Stoker (1998: 18) that another distinguishing feature of governance reflects and responds to the fact that governing is an increasingly hybrid, multijurisdictional and plural phenomenon. The different levels of governance and multiple stakeholders are linked together in a network.

According to Bevir (2010: 3), governance theories firstly concentrate on how the theories brighten new practices of governance and/or how they have been modified in response to the predicament posed by the new governance: - emphasis is on the connections between governance as the theory, practice and dilemma, Secondly, the changing patterns of governance are examined and public sector reform, which has transformed practices of governance across diverse levels and diverse territories. Thirdly, it deals with the exploration of some of the dilemmas that this new governance poses for practitioners; these theories led people to see the world differently and then to remake the world.

### **3.2.2 Good Governance**

Nkwenzane (2012: 2) states that governance means a method or style in which government is carried out. If for example it is autocratic and not democratic people will not accept public policy.

According to Bang and Esmack (2013:1-2) good governance refers to an empirical observable politico-administrative way of making, reforming and organising public policy-making. Bang and Esmack (2013: 5-6), further state that good governance involves political agendas. Traditionally a political agenda denotes a set of policies and political issues that present a rather straightforward list to communicate a clear hierarchy of priorities and interventions.

Given the above definitions of governance, it can then be said that governance is a process where the public manager uses the economic, political and administrative issues for managing the public affairs of government in a way that makes the public the priority when making such decisions.

#### **1.4.10 Elements of Good Governance**

According to Vyas-Doorgapersad and Ababio (2006: 166), the elements of good governance are an effective legal framework, effective accountability, workable codes of conduct, professional socialization, supportive public service conditions, a coordinating body, and an active civil society. Good governance includes initiatives to strengthen the institutions of government, and with the objective to make government more accountable, open and transparent, more democratic and participatory, and promote the rule of law (Coetzee 2010: 89).

#### **3.3.1 Accountability**

Accountability refers to the enlightening, elucidation and justifying what the politician or a public official does or has done, or how each bureaucrat discharges his or her responsibilities. Bacela (2000; 74) and Heywood (1997: 401) concur by defining accountability as an answerable duty to explain individual functions and being subject to monitoring by a higher authority or by the public he or she represents.

According to Mokgahla (2010:16), accountability refers to the process whereby public sector entities including individuals within such entities, are responsible for their decisions and actions. This includes stewardship of the public funds, as well as all other aspects of performance. Sekoto (1998: 43) contends that in all or most democratic countries governmental accountability to the public is through regular elections of governments.

Coetzee (2010: 94) concurs with Heywood (1997:401) when he describes accountability as the study to explain or answer for ones conduct and being subject to a constant monitoring process by higher or lower government authorities. Accountability cannot exist if responsibility is not included in the

discussions. According to the Implementation of the Intergovernmental Relations Framework Act Report (2005/2006 – 2006/2007 2008: 391), one of the processes is that government must allow sharing of responsibilities amongst different spheres of government, but responsibility must be clearly defined. Each unit of government is externally accountable for its constituency for dealing with funds, according to the regulatory requirements, but also for providing value for money in the utilisation of resources (Burger 2001: 68).

The Auditor General Act 12 of 1995 and the Public Financial Management Act 1 of 1999 makes provision for accountability in the South African Government sector. The latter Act does not only prescribe the appointment and responsibility of accounting officers but also prescribes the accountability of the other officials. According to Burger (2001: 69), failure to adhere to the financial prescribes is considered financial misconduct and is ground for dismissal, suspension and other sanctions. This study aims to assess whether all the structures established to give impetus to Intergovernmental Relations do in-deed put in place mechanisms for accounting to the public. Section 195(1) (f) of the Constitution of the Republic of South Africa Act 108 of 1996, requires public administration to be accountable. This means that all activities in the public administration must be performed in such a way that reasons can be provided for actions or inactions.

The King III Report on corporative governance of 2009 puts it plainly as, “COMPLY OR EXPLAIN” (Magalefa 2013: 45). This applies to both the public and private sector and state organs as defined in Section 239 of the Constitution of the Republic of South Africa Act 108 of 1996. It could thus be argued that administration and executive decisions and actions are open to the public and it is therefore a hallmark of good governance, but it is also an essential element of improving the performance of public servants and officials (Magalefa 2013: 45).

According to Ramaphosa (2015: 15), governance and administration should be demonstrated by cutting wastage, hiring competent staff, ensuring transparency and accountability, and sound financial management and accounting.



Ramaphosa (2015: 15) further contends that there is a need to build sound institutional and administrative capacities, administered and managed by dedicated and skilled personnel at all levels.

Bacela (2000: 74) defines “Accountability as referring to “revealing, explaining and justifying what a politician or a public official does or has done, or how each functionary discharges his or her responsibility’. Heywood (1997: 401), in turn describes “accountability as answerability having a duty to explain individual's functions and being subjected to monitoring and evaluation by a higher authority or by the public he or she represents”. Accountability can further be defined as government and its agents’ responsibility towards the public to achieve previously set objectives and to account for them in public (Fox & Meyer 1995: 2). According to Ramki (2000: 472), accounting is the liability of the public servants and officials to expose, explain and justify their actions, and to deliver services to the public. Accountability can be summarised as inclusive of, but not restricted to:

- Capturing the interests of various stakeholders by undertaking of official decisions and activities in a transparent way;
- Using public resources optimally, considering value for money and without waste and corruption;
- Adhering to ethical and professional standards and regulations;
- Being responsive to the societal needs as much as possible through prioritising;
- Using viable mechanisms to provide feedback and information to the public and
- Devising and putting efforts in place to foster awareness and civil society participation.

In this study accountability means that both politicians and government officials must be answerable to all the people they serve by using the prescribed mechanisms approved by Parliament and the respective legislatures. This must be done by ensuring that the people with the requisite skills and knowledge are placed in positions of authority.

### **3.3.2 Transparency**

Transparency's official business is conducted in such a way that substantive and procedural information is available and broadly understandable by people and groups in society subject to reasonable limits protecting security and privacy (Johnson 2002: 2).

According to Magalefa (2013: 43) transparency is a principle according to which people affected by administrative decisions, business transactions or charitable work are allowed to know the basic facts, figures, mechanisms and processes about what is happening and how that is done. Public servants and all other officials involved in the public sector have to act in a visible and predictable way understood by those affected. "Transparency is further defined in 3-pronged paradigm made up of openness, accountability and inclusion. When one of the equations is missing the others are affected and weakened and the whole paradigm becomes less powered" (Cartens 2010: 13).

For Magalefa (2013: 44), the importance of transparency was further emphasised by the former Deputy Managing Director of the International Monetary Fund, David Lipton, who asserted that transparency safeguards that information is available; such information can then be used to measure the performance of public servants as well as to guard against any possible misuse of power. As such, transparency assists to achieve accountability because public servants can be held accountable for their actions.

Magalefa (2013: 44) supports this submission by defining transparency as a key to fighting corruption in developing countries. By being transparent, opportunities for corruption or corrupt activities are reduced thus leads to better governance, which in turn leads to improved growth and eventually to stability and prosperity.

The principle of transparency is evidently encouraged in the public service and it will significantly contribute to an ethos of public accountability; however we should accept that a complete change of work ethic will have to occur in order for public servants in government to account for all their actions (Van Der Waldt *et al.* 2001: 272).

According to Martini (2012: 1), transparency must be the key in ensuring that preferential treatment is not given to specific interest groups when policy decisions are made. Countries worldwide have adopted a wide range of measures to increase transparency and accountability in decision-making. They do this through regulations on lobbying, conflict of interest, assets, disclosure, competition, as well as on freedom of information.

Transparency and accountability are enhanced in policy-making by considering certain measures, which may help to identify any suspicious relationship between politicians and special interest groups. This includes:

- Freedom of information legislation to allow access to government documents related to the policy-making process;
- E-government mechanisms to encourage consultations and policy comments on draft laws and regulations and
- Public disclosure of parliamentary votes (Martini 2012: 5).

Transparency and accountability are enhanced when interest groups influence on policy-making brings potential benefits for the society and if corporates' undue influence is prevented. Full transparency is crucial in order to avoid the negative impact of interest groups influence on policy measures. In this instance, a broad range of regulations should be established (Martini 2012: 3).

According to Rogers (2007: 2), "Transparency refers to the need for openness on government policies and decisions; such openness and making available the required information to the populace will reduce the scope for misuse of resources and enhance public capacity for holding governments to account, reduces the scope for misuse of resources". Rogers (2007: 2) further states that

the budget is one of the crucial areas highlighted for attention in this regard. The absence of transparency in the budgeting processes has the potential of engendering corruption, inefficiency and inequality, and may compromise the provision of public services and development efforts. This may however be avoided by the efficient management of national resources.

Relating to this study, the effectiveness of Intergovernmental Relations in the Northern Cape Premier's Intergovernmental Forum must be the cornerstone of achieving a caring government by ensuring that the government of the Northern Cape is transparent in its delivery of services to the communities it serves.

### **3.3.3 Effectiveness and Efficiency**

The World Book Dictionary (1996: 672) defines "efficiency as the ability to do things without waste of time or energy", while it defines "effectiveness as the ability to cause something in meeting objectives or desired results".

According to Moroka (2000: 16), promotion of efficiency centres on financing, personnel management, person power utilisation, planning and coordination. These issues are highly relevant in the usage of administrative tools to rationalise decision-making. In view of the substantial assortment of opinion as to the meaning of these and other associated terms, it would be difficult to examine and match all the different implications. Hence, it will be preferable to seek overlying meanings in an attempt to reach a locally and perceptually satisfactory account of it.

Hattingh (1998: 91) states that "In the science of administration the basic good is efficiency", this points to the implicit conclusion that efficiency is an essential phenomenon, unlike the phenomenon of affectivity production, which essentially conveys a subordinately different or less important meaning.

Effectiveness according to Holzer (1992: 171) reflects the influence of the services provided and the importance of the conditions of public or community.

Holzer (1992: 171), further states that the effectiveness of the quality and quantity of the services provided, such as a water supply project, depends on the reliability and convenience of the water supply or provision to the community.

On the other hand, efficiency implies satisfying the most essential needs of the community to the greatest possible extent, in qualitative and quantitative terms using the limited resources that are available for the purpose. It also entails upholding public accountability, democratic requirements, fairness and reasonableness, and the supremacy of the legislation (Cloete & Mokgoro 1995: 82).

According to Goff (2013:1), one must be both effective and efficient, because the two practices are not in competition with each other. They make up a perfect pair, the only thing being that they must be managed in correct proportions. In practice, the two are not given the same importance and attention that they deserve, because people are more in touch with efficiency and they have very little interest in effectiveness. Other people are more partial to effectiveness and disdain efficiency. Goff (2013: 1) further contends that the practices are normally influenced by the profession, the person or the current role the person is playing, and the person's thinking style and core values. A clearer demonstration of focus, insight and an open mind to appropriately balance effectiveness and efficiency in the right amounts and with the right timing is crucial.

#### **1.4.11 Public Participation**

Bekker (1996: 20-21) is of the opinion that "if participatory democracy is instituted at local government level it does not necessarily and automatically mean that there will be a responsible government that responds to the needs of the people".

According to Cloete and Wissink (2000:104), community participation in development can be defined as the engrossment of the members of the community in development activities in the community in order to try to influence the results of those activities and to obtain as much reimbursement as possible from the results of those activities.

Thejane (2010: 36) argues that public participation is viewed as the cornerstone of democracy, which is central to any democratic order. Public participation supports a culture of good governance; through public participation there is improved accountability, and governance is attained. In short, public participation is a vital ingredient for good governance and effective service delivery. The Handbook of Public Participation in Local Governance, produced by the Australian South African Local Government partnership called “Get involved with us”, put forward what it terms the benefits of public participation. The benefits are follows:

- Encourages citizens to focus on service delivery because municipalities have responded to the stated community needs;
- Develops a clear sense of direction for communities;
- The process of community consultation can help to clarify and focus community issues, making the most of a whole range of resources in the community;
- Adds value to municipal decision-making by drawing on these skills and the wisdom of community members;
- Identifies the alternative to be considered when addressing issues of the community and includes a range of people who will ensure various views;
- Improves municipal credibility with the public if the municipality takes the community's opinion into account in their work;
- Creates a better understanding of a project and its objectives as the municipality has informed the community and invited them to become involved. It enhances community ownership of the decisions and resulted outcomes if the community has been part of the decision-making process (Department of Provincial and Local Government 2005:11).

Section 16 (1) of the Municipal Systems Act 32 of 2000 requires municipalities to develop a culture of municipal governance that complements the formal representative government (elected leaders) with a system of participatory

governance (community participation), for the purpose of encouraging and creating conditions for the local community to participate in the local affairs of the municipality.

Section 16(1)(a) of the Municipal Systems Act 32 of 2000 further requires municipalities to encourage, and create conditions for the locals to participate in the affairs of local government including in the preparation, implementation and review of its Integrated Development Plan; the establishment, implementation and review of its performance management system; the monitoring and review of its performance, including the outcomes and impact of such performance; the preparation of its budget; and the strategic decisions relating to the provision of municipal services.

In terms of this study, the intention is to assess the effectiveness of the relationship between the Executive Council and the Provincial Administration, in ensuring that communities are part of the decision-making processes. Cloete and Wissink (2000:105) concur with Section 16 (1) (a) of the Constitution of the Republic of South Africa Act 108 of 1996, by stating that community participation can take place in various ways. They include the following: through the involvement of legitimate and democratically elected political representatives who received a political mandate through the elections and are expected to report back; through the involvement of legitimate organisations in the community that represents different interests of segments in the community; through the involvement of individual opinion-makers in the community and the direct involvement of ordinary members of the public in mass activities, for example public meetings, participation in protest marches, and other types of involvement by the public.

There are different types of community participation, namely ratification—which means approving certain decisions or actions after they have been taken; consultation—which means using the audience as a sounding board and eliciting opinions, suggestions, advice or recommendations about an issue before or after a decision is taken; negotiation—which means direct involvement by parties in

discussions leading up to decisions in making agreements on policy issues in a peaceful way; and execution—which means direct involvement in the planning, drafting, implementation and evaluation of a policy programme after the decision to adopt it has taken place (Cloete & Wissink 2000:105–106).

Decentralisation produces a climate for citizen participation. Democratic governance cannot be realised in a straightforward way at the centre if it cannot first be obtained at the local level. It is not always possible for people from a community to participate in all the activities of the community; however, it remains crucial for the ideal type of government to be representative at local government level (Ribot 2002: 11 – 12).

#### **1.4.12 Summary**

This section of the chapter reflected on cooperative governance in an attempt to try understanding why the different spheres of government must cooperate for the good of the people. Good governance also endeavours to make the different spheres of government understand the benefits. The above section further reflected on the elements of good governance, such as transparency, efficiency and effectiveness, accountability and public participation, and how these elements enhance both good governance and intergovernmental relations.

#### **1.4.13 Decision-making, Theories of Decision-making and Types of Decision- making**

Decision-making processes are to be outlined in this study on the effectiveness of Intergovernmental Relation in the Northern Cape Province. It is important to discuss this matter because public managers must take responsibility for the implementation of those decisions taken in the intergovernmental forums, be it in the Province or the district municipalities. These decisions, when implemented, must affect the lives of the communities of the Northern Cape. Therefore in an attempt to respond to this question of decision-making by public managers, the focus will be on decision-making, the theories of decision-making, and the types of decision-making that will be used by public managers in the Province under study.



### **3.4.1 Decision-making**

Van Der Waldt *et al.* (2001: 241) define “the concept of decision-making as “the identification and the selection of a plan of action to solve a specific problem”. While Fikizolo (2005: 9), defines it as a process of making a choice among alternative options of action and the most favoured course of action is chosen.

According to Fikizolo (2005:10), decision ranging from a simple individual decision that affects only the decider to extremely complex decisions that affects many within the affected area or institution, are generally as a result of a series of debates and discussions by all the stakeholders, through consensus or voting amongst themselves. Another factor is this regards is standard. A standard is a criterion against which anything is measured. Most public institutions have clear standards against which functions, achievements and conduct can be measured. These standards are contemplated to be performance guidelines because they remain the same from day to day (Fikizolo 2005: 67).

According to Hanekom (1987: 13), “A decision is but a moment in an ongoing process, but the decision-making process could take some considerable time”. Choices involve the objective consideration of available information and the analysis of various possibilities and preferences. Choices also involve knowledge of different decision-making approaches.

Decision-making is central to a government and to governance. How those decisions are made is important, especially if the whole issue of decision-making might be seen to compromise the accepted standards of politics. At this moment in time, people are questioning the decision-making process within the South African government, especially who has an input into final decisions (Trueman 2015: 1).

Aucoin (2005: 2) contends that decision-making in government is a process in which evidence, from both systemic research and practical experience, mixes with a complex interaction of ideas, interests, ideologies, institutions and

individuals. Aucoin (2005: 2) further states that it all depends on what questions needs to be asked by the decision-makers in the circumstances they find themselves in and the context of the time in order to make the best possible decisions for their agendas or public expectations of good governance. In order to assist in decision-making on planning and designing programmes, determining their respective priorities, programme evaluation was introduced as a recognised and formal function of management. Programme evaluation is considered a core function in what has been established to be a continuous cycle of management (Aucoin 2005: 2).

#### **1.4.14 Theories of Decision-Making**

According to Hansson (1994:5), decision-making theory is a theory about decisions. The subject is not a much-unified one. On the contrary, there are many different ways to theorise about decisions, and therefore, many different research traditions. Hansson (1994: 6) further states that the dissimilarity amongst the normative and descriptive theories is, in principle very simple. A normative decision theory is a theory about how decisions should be made, and a descriptive theory is a theory about how decisions are actually made.

Decision and behaviour may be the core characteristics of decision-making phenomena. They involve the process of human thought and reaction about the external world, which include the past and possible future events and the psychological consequences, to the decision maker, of those events. The essence of decision-making seems to integrate both the beliefs about specific events and people's subjective reactions to those events (Oliveira 2007: 12).

According to Thomas (1995:73), many managers are required to make decisions together with the public. This is a desirable strategy for the successful implementation of government goals, which requires public acceptance, and it cannot be assumed by managers without the public's involvement. Thomas (1995: 75–76), further states that the effective decision-making model involves certain approaches to take forward the public involvement of any issue.

Hattingh (1998:10–14) concurs with Thomas (1995:75–76), that the decision-making model involves certain approaches. The approaches to Intergovernmental Relations are as follows:

- Democratic Approach – this approach to the study of Intergovernmental Relations emphasises Provincial and Local government's rights to self-determination, to the extent of regarding such government bodies as autonomous institutions. As a result, supporters of this approach are opposed to the centralisation of authority, and strongly favour greater devolution to subordinate authorities;
- Constitutional/Legal Approach – this approach suggests that the Constitution and other legislative provisions may be used as a point of departure in the study of Intergovernmental Relations. This approach also accepts the factual information contained in the legislation as constant, and it also accepts that relations between government bodies exist exclusively with the framework of clauses permitting such relations;
- Normative-operational Approach – it examines the importance of considering all pertinent norms to analyse the total operational reality of Intergovernmental relations without one aspect of Intergovernmental Relations being favoured at the expense of another. Group norms or the values of objectives are important since the normative-operational approach entails an investigation of what is desirable;
- Financial Approach – Section 214 (1) of the Constitution of the Republic of South Africa Act 108 of 1996, states that an act of parliament must provide for:- the equitable division of revenue raised nationally among the National, Provincial and Local spheres of government; the determination of each province's share of the revenue and any other allocations provinces and local governments or municipalities from the national government share of the revenue; and any other conditions on which those allocations may be made.

According to Richard (1996:411–412), “The management science approach to organizational decision-making is the equivalent to the rational approach by individual managers”. Management science came into being during the Second World War. The large-scale military problems were beyond the decisions of decision-makers and mathematicians and statistical techniques were applied. Because of the recorded successes of the mathematical and statistical techniques used when dealing with military problems, they were later fussed into corporations and business schools, where the technique was studied and elaborated on. Management science is an excellent device for analysable decision-making when problems are 84analyzable, the variables can be identified and measured.

The formulation of the bounded rational approach to individual decision-making and the provision of new insights about organisational decisions were made possible by the Carnegie Model of Organizational Decision-making. Organisation–level decisions involved many managers, and the final choice was based on a coalition among those managers (Richard 1996:413).

There are two reasons why management coalitions are needed during decision-making. Firstly, they are the organisational operative goals of departments. They are, often inconsistent, the goals are often ambiguous, and managers disagree about the problem priorities and secondly individual managers’ intent to be rational but they have to function with cognitive limitations and other constraints. Because of insufficient time, resources, or mental capacity to identify all the dimensions, managers are unable to process all the information relevant to the decision.

These limitations lead to coalition-building behavior. Managers’ talk together to reduce ambiguity. Building a coalition will lead to a decision that is supported by the interested parties. The Carnegie Model points out that a coalition is a major part of organisational decision-making (Richard 1996:413-414).

The Incremental Decision-making Process Model is a decision-making approach that places less emphasis on political and social factors, but tells more about the structure sequence of activities undertaken from a discovery of a problem to its solution. The types of decisions that are made using this approach normally takes long to complete and most are non-programmed and require custom-designed solutions. Because of the duration of such decisions they sometimes hit barriers along the way and are interrupted, meaning that organisations have to cycle back through a previous decision and try something new. Normally the ultimate solution may be different from what was initially anticipated (Richard 1996: 414 – 416).

According to Richard (1996: 414–416), there are three possible steps in the decision-making sequence and these steps take place in three major decision phases:

- Identification Phases – the first step begins with recognition, meaning that one or more managers become aware of a problem and the need to make a decision.
- Recognition is normally stimulated by a problem or an opportunity. The second step in this phase is diagnosis, which is where most of the information is gathered, if needed to define the problem situation.
- Development Phase – this phase is when a solution is shaped to solve the problem, defined in the identification phase. The development of the solution takes one of two directions. Firstly the search procedures may be used to seek out alternatives within the organisational repertoire of solutions. The second direction is to design a custom solution.
- Select Phase – this phase is when the solution is chosen. The selection is more of an evaluation of the single alternative that seems feasible. Evaluation and choice may be accomplished in several ways. Firstly, the judgement form is used when a final choice falls upon a single decision-maker, and the choice involves

judgment based upon experience. When the decision is formally accepted, then organisational authorisation takes place. The decision may be passed-up the hierarchy to the responsible hierarchical level.

#### **3.4.2.1 Group Decision-Making Theory**

According to Mykkanen (2010: 3) organisations are goal-orientated systems. Decision-making in these systems are largely concerned with finding effective patterns of activity directed towards goals. Decision-making is a process of thinking and problem solving, which is directed towards the discovery and selection of courses of action. Any decision involves a choice, which is selected from a number of alternatives and the final choice is directed towards organisational goals.

Hirokawa and Gouran (2006: 249) indicate that a communication theory that deals with decisions made by groups is referred to as the Functional Perspective of Decision-making. It focuses on how a group can increase the likelihood of making a good decision. Hirokawa and Gouran (2006: 249-250) further state that there are very few policies and laws in our lives that were not formed by group decisions, including but not limited to educational policy, foreign policy, laws and private and public corporation policy.

Hirokawa and Gouran (2006: 251-258) provide four functions that can be beneficial to group decision-making, namely:

- **Analysis of the Problem** – groups must first create an understanding of the nature of the problem; the seriousness and the urgency of the problem; the feasible origin of the problem and the consequences associated with not solving the problem;
- **Goal Setting** – groups must establish criteria by which to judge proposed solutions. If they fail to do this, then their decisions are more likely to be driven by politics than reason;

- **Identification of Alternatives** – the importance of considering a number of alternative solutions from which group members could choose. Hirokawa and Gouran (2006) further argues that if no one calls attention to the need for generating as many alternatives as is reasonably possible, then relatively few may be introduced and the corresponding possibility of finding an alternative answer will be low;
- **Evaluation of Positive and Negative Characteristics** – after the group has identified alternative solutions, the participants must take care to test the relative merits of each option against the criteria they believe are important. Some group tasks have a positive bias; they believe that spotting the favourable characteristics of alternatives choices is more important than identified negative qualities. Other group tasks have a negative bias; they believe that the unattractive characteristics of choice options carry more weight than the positive attributes.

Hirokawa and Gouran (2006: 260) further opine that all four functions serve an important purpose and that no individual function is better than another; they must all be used to reach a high quality decision.

#### **3.4.2.2 Interest Group Decision-Making Theory**

According to Martini (2012:2), “Interest groups or special interest groups are any association of individuals or organisations that on the basis of one or more shared concerns, attempt to influence public policy in its favour usually by lobbying members of the government”.

Hays 2012: 2–3) state: “A public interest group is defined as one that supports goals that are not of direct material benefits to its members but rather express their values pertaining to society as a whole. Public interest groups by nature lack the financial resources that business interests groups have, but the issues they normally champion often enjoy considerable public support”

Interest group's influence on policymaking must be seen as elements of the decision-making process, and must not be seen as an illegitimate or corrupt activity. By using consultants or lawyers, interest groups may directly or indirectly seek to effect legislative action. The attempts to influence policy-making may take place through different mechanisms, including direct communication with government officials, participation in public hearings, drafting reports to members of the government on specific policy issues as well as through media comment (Martini 2012: 2).

According to Hays (2012: 4) information is the most powerful source that an interest group can possess and this information is exchanged in several ways, namely:

- Information passes from interest groups to decision-makers. Groups often have technical knowledge that legislators do not have and they are eager to educate law makers on issues they care about. The information that they provide is done with a certain bias that reinforces their group's interest;
- Information flows from the legislative and executive branches to interest groups. Their staff track legislative proposals; thus becoming aware of the most favourable times to try to influence the legislative processes and
- Interest groups exchange information with members and with other citizens. They may conduct an investigation or commission a study that dramatises a problem. If they attract sufficient media attention, legislators feel the pressure to respond.

Martini (2012: 2) states capture or undue influence may happen as a lead to a disproportionate influence of business groups. In this context, the relationship between policy-makers and interest groups walk a fine ethical line that separates participatory democracy from undue influence.



Martini (2012: 2) further states that interest group influence through lobbying is found to be an alternative instrument of political influence rather than corruption. Lobbying if correctly and adequately regulated is a much more effective instrument for exerting political influence than corruption. Lobbying is also a much stronger explanatory factor than corruption for firm performance.

According to Hays (2012: 4), "conflict of interest can be defined as a situation where an individual or the entity for which they work, whether a government, business, media outlet or civil society organisation is confronted with choosing between duties and demands of their positions and their own private interests".

An individual may be found in a conflict of interest when he/she uses his/her formal responsibility to serve the public to participate in an activity that jeopardizes his or her professional judgment, objectivity and independence. Preventing conflict of interest is important for enhancing transparency and accountability in public decision-making (Martini 2012: 4).

#### **3.4.2.3 Communication in Decision-Making Theory**

According to McCroskey, Richmond and Roach (1997: 411), most of the work done that relates to decision-making and communication has focused on the organisational context. Those at the high level of the organisation are viewed as having the prerogative when it comes to decision-making and those at the lower level may be involved only when those at the higher level choose to delegate such authority to them. The nature of the communication in these different decision-making contexts is highly varied. The construct of management communication style advanced recognises that people vary in their general approach to decision-making and that their individual approaches have important observable impacts on their communication behaviour.

Another matter relates to the introduction of how organisations make decisions and decision-making visible through organizational communication. Organisations are formed around the process of decision in communication.

Decision communication uses information about the world, but the information of decision communication usages is always different from that used in subsequent decision communication (Mykkanen 2010).

Mykkanen (2010: 7) argues that a decision is in itself decision communication. The nature of decision communication is extremely delicate, even more delicate than ordinary communication. There is a noticeable feature in the process of decision communication in that the process communicates rejected alternatives in either an explicit an implicit manner. The nature of decision communication is therefore paradoxical.

Mykkanen (2010: 7 – 8) further argues that decision communication has long being considered as an important role of managerial staff. At the micro-level it has been acknowledged that managers act as the nerve centre and information databases of organisational units. Managers who are manage at macro-level can provide and create possibilities towards effective decision communication because they have access to every member of their units and know more about the operational details of their units than anyone else.

The fragile nature of decision communication is not recognized, although it is regarded as part of normal communication. Although the basic models of decision-making are process oriented, they do not sufficiently recognise decision communication's role in the process of decision-making. However, effective decision communication can be considered as the backbone of organisational communication, which can benefit the entire hierarchical structure of an organisation. The processes of decision-making and decision communication could be applied to several levels of a working organisation –organisation, group and individual in future studies. The role of organisational decisions is crucial because programmed and non-programmed decisions guide the daily work routines in every organisation (Mykkanen 2010:9).

#### **3.4.2.4 Collective Participative Decision-Making Theory**

According to the Decision Confidence Monthly Newsletter (2006–2013: 1–2), the theory of Collective Participative Decision-Making is the most common decision-making style used by leaders. It is where the leader involves the members of the organisation and members sharing of information, ideas and perceptions emanate from the fact that they feel they are involved in the decision-making by the leader.

The Decision Confidence Monthly Newsletter (2013: 1–2) further states that there are two other decision-making styles, namely, the democratic and the autocratic decision-making styles. In the autocratic style the leader is the same as the collective decision-making style because he/she is in control of a decision. The only difference comes in when the leader does not seek information from the members of the group. In the democratic decision-making style, the leader places the onus on the group to make a decision, the group votes, and eventually the majority will lead the event. In this style, decisions are taken fairly rapidly and there is group participation. The Newsletter further explains the following about decisions-making styles:

The community's participation in decision making is given more impetus by their engagement in different members of the community and stakeholders, and as a result of the communities own processes. The aspirations and the needs of the community must be taken into consideration by the elected representatives before any decision is made. Such processes should be open, inclusive and transparent. Samford District Progress and Protection Association Incorporated (2013: 46–47).

#### **3.4.2.5 Public Choice Theory**

The study of taxation and public spending gave birth to the branch of economics called Public Choice Theory. The Theory arrived on the scene during the 1950s and garnered much attention in the 1980s. The Public Choice Theory takes the

same principles that economists use to analyse people's actions in the marketplace and applies them to people's actions in collective decision making (Shaw 2002: 1). Felkins (2013: 1) concurs that the Public Choice Theory is directed towards the study of politics based on economic principles.

According to Butler (2012: 21), the Public Choice Theory uses the methods and tools of economics to explore how politics and government work, but does not attempt to explain how the economy works. It is an approach that produces some surprising insights and throws up challenging questions, such as how efficient, effective and legitimate the political process is.

Felkins (2013: 1) concurs that the Public Choices Theory's most important contribution is that it recognises that politicians are motivated by self-interest. It is the behaviour of the public sector bureaucrat that is at the heart of the Public Choice Theory. Felkins (2013: 2) concedes that while public sector bureaucrats are supposed to work in the public interest, putting into place the policies of government as efficiently and effectively as possible, public choice theorists consider bureaucrats as self-interested utility-maximisers, motivated by such factors as salaries and the other allowances they receive.

According to Butler (2012: 12), government failure will most definitely come from the self-interest that operates in the political system. Because government is not subject to a direct competitive process and the coercive power it exercises, this can lead to far more serious market failure. It is possible in a representative democracy, for the self-interest of a very small number to lead to decisions being taken that could be to the detriment of the majority.

Butler (2012: 16) further states that the interests of small groups, with sharply focused interests have more influence in decision-making than much larger groups, with more diffused concerns, such as consumers and tax payers. The influence of interests groups may be further increased because the electorate is rationally ignorant of the political debate, knowing that a single vote is unlikely to make a difference and that the future effects of any policy are unpredictable.

According to Shaw (2002: 2), public choice economists have not only focused on analysing government failure; they have also suggested ways to correct the problem. These economists argue that if government action is required, it should take place at the local level sphere whenever possible. Because there are many local governments, and because people “vote with their feet”, there is competition among local government, as well as some experimentation.

#### **3.4.2.6 Transaction cost theory of contracting out**

According to Akbari (2015: 2), “In economics and related disciplines, a transaction cost is a cost incurred in making an economic exchange. A number of different kinds of transaction costs exist, search and information costs are just like those incurred in determining that the required good is available on the market, which has the lowest price”.

Akbari (2015: 2) further states that transaction cost theorists assert that the total cost incurred by a firm can be grouped largely into components, which are transaction costs, production costs and coordination costs. These costs include all the information necessary to coordinate the work of people and machines that perform the necessary process which are referred to as transaction cost. The production cost includes the cost incurred from the physical or other primary processes necessary to create and distribute the goods and services being produced.

Tisdell (2004: 2) is of the opinion that most transaction cost theorists’ deals with explaining organisational mechanisms or structures as rationale responses to the presence of transactional costs, which may not always arise in this way. Tisdell (2004: 2) further states that transaction cost can exist in the absence of bounded rationality and bounded rationality may exist in the absence of transactions or transaction costs. Bounded rationality and transaction costs are concurrently important and show a degree of interdependence.

Transaction cost theory suggests that the optimal size of public bodies is influenced by market transactional cost in as far as the private firms are concerned. In the absence of market transaction costs, all the business of government could be efficiently contracted out, and the only public body required would be the one needed to clear financial transactions. However, there are limits to the economic efficiency of using outside markets and this needs to be studied specifically in relation to the optimal size of the public bodies (Tisdell 2004: 8).

According to Tisdell (2004: 8), the cost of contracting out varies according to the type of items contracted out for supply. These costs can include:

- The costs of searching for suitable suppliers and choosing between them;
- Problems with lack of performance due to the incomplete specifications of contracts;
- The failure of contractors to perform a contract, which is a clear breach of its specifications;
- Monitoring costs;
- Loss of knowledge obtained from learning by doing by public bodies which may reduce their competence in monitoring and contract specifications;
- Increased scope of corruption in the public administration and
- Lack of timely supply of public commodities because of the process needed to contract out this supply.

Choosing when to contract out service delivery is an important decision confronting public managers. There are two service characteristics that transaction cost theory suggest may influence the chances of contract success, The first is asset specificity, which is the extent to which resources are used to the deliver services that can be applied to other services, and second ease of measurement is the extent to which the quality and quantity of service outcome and outputs can be easily gauged (Brown & Potoski 2005: 323 – 346).

### **3.4.2.7 Summary**

Transactional cost decision-making theory is vital for this study because, whilst the study deals with the effectiveness of Intergovernmental Relations in the Northern Cape, it must further tease out the theories that are pertinent to decision-making. All managers in government should consider these theories when they have to make decisions, either to purchase a service or to contract out a service to a service provider. With all the tools and resources that are at the disposal of public managers, they need to apply their minds in ensuring that all the aspects of the transaction costs theory are applied when taking decisions.

### **3.4.3 Types of Decision-making**

#### **3.4.3.1 Impulsive Decision-making**

Fikizolo (2005: 71) states that impulsive decision-making takes place when different alternatives or value judgment are not taken into consideration. This kind of decision-making is usually referred to as irrational decision-making.

Fischer *et al.* (2007:163) concur with Cloete and Winssink (2000: 153) that irrational decision-making is often nothing more than a rational application on unreasonable decision rules. Rationality in decision-making requires reasonable decision rules and rational application of those rules.

Noar and Pierce (2009) contend that decision-making ranges from a highly rational style involving careful consideration of cognitive cues to an impulsive act-without-thinking process that relies primarily on effective and physiological cues. Impulsive decision-makers are those who operate on the far end of this decision continuum. Unlike the rational decision-maker who carefully considers beliefs about the consequences of their actions when making decisions, impulsive decision-makers, often fail to consider such consequences. Managers require substantive information before making decisions, because decisions made on inadequate information are not effective and lead to poor business decision-making, which is invariably reflected in the organisational performance. (Rehman, Khalid & Khan 2007).

### **3.4.3.2 Intuitive Decision-making**

According to Silva (2012:1), "Intuitive decision-making is a trained level of consciousness that is otherwise referred to as channeling. It displays itself when there is subjective decision-making taking place with the use of your cognitive sensory skills". Intuitive decision-making implies that the decision maker individually decides which alternative will have the desired outcome upon implementation. This type of decision-making is based on the belief that it is unwise to shift from intuition to logical decision-making because it will suffocate the creative ideas or thoughts; however, a blending of the logical and intuitive creates a confident decision-making process. This fusing of logical and intuitive decision-making process more often than not leads to creativity in the decision-making process. (Cloete & Winssink 2000: 153).

Intuitive decision-making includes additional sensors to observe and be aware of the information from outside meaning that it is far more than using only one's common sense. It is related to developing a higher consciousness in order to train these sensors and to make the process of receiving information intuitively a more conscious one (Rohrer 2007: 2).

Rohrer (2007: 2) further states that the question cannot be whether rational reasoning or intuitive decision-making is generally better. The question is rather in each individual case how both approaches can be best combined for optimal results. For this purpose an experienced consultant from outside can often help to avoid common mistakes and to dissolve prejudices.

### **3.4.3.3 Unprogrammed Decision-making**

According to Cloete & Winssink (2000: 155), unprogrammed decision-making is a type of decision-making that requires a great measure of discretion and a large measure of creativity; these are normally decisions that are made for a special purpose. Their lifespan is short since they exist for a particular or a single use.

Fikizolo (2005: 72) states that when public managers of all levels use unprogrammed decision-making to deal with issues that deserve special



treatment, there is no need for long procedures, rules and regulations to handle those issues. It is in this context that un-programmed decision-making is understood to be those decisions that are unique, recurring, and must be properly identified because they may lead to a large amount of resources being allocated to solve a problem or situation. These types of decisions are handled by general problem-solving processes, judgement, intuition and creativity.

Gore *et al.* (1992: 2) make the statement that un-programmed decision-making has a component of programming. It is composed of the steps that are taken by the public managers in order to achieve organisationally set objectives or goals.

#### **3.4.3.4 Programmed Decision-making**

Programmed decision-making relates to standing decisions. They guide public managers in the making of repetitive and routine decisions (Cloete & Winssink 2000: 154).

According to Robbins (1991: 274) formal decision-making is those decisions that are formal in nature, well-planned, defined, long term in nature, stipulated and directed towards organisational objectives or goals. Robbins (1991: 274) further states that these decisions are those that are made by an alliance that is neither formally structured nor organisationally determined within an institution.

Ivancevich and Mattersen (1996: 525) argue that in the field of decision-making various ways of classification of different types of decisions have been developed for the public sector manager. The programme decision is programmed to the extent that it's repetitive and routine in nature, and the procedures are developed to handle decision-making processes in public institutions. Ivancevich and Mattersen (1996: 525) further argue that non-programmed decisions are those decisions that are unprecedented, relatively new, unstructured, intricate and extremely vital to both politicians and public functionaries.

According to Robbin and Decenzo (1995: 115), programmed or routine decisions are the most efficient way for the public managers to handle well-structured problems. Fikizolo (2005: 66) states that programmed decision-making involves standing decisions from which public managers receive guidance in the making of repetitive and routine decisions. Programmed decision making is constituted of standards, procedures, methods, rules and policies.

The last type of decision-making, namely programmed decision-making, will be used in this study that deal with the effectiveness of Intergovernmental Relations in the Northern Cape Province, with a focus on the Premier's Intergovernmental Forum. This type of decision-making is relevant to this study in that public sector managers are continually faced with situations in which they have to make repetitive and routine decisions. These decisions at the end of the day must be effective. Decisions have to be made on a regular basis, but how those decisions are made to impact positively on organisations is crucial. This section dealt with decision-making, types of decision-making, and theories of decision-making, in an attempt to establish how organisations (in particular government) go about making decisions, and the theories and types of decision-making they use to make informative decisions. The reason for doing research in this regard it is to establish the issues that need to be probed to determine whether Intergovernmental Relations in the Northern Cape Province are adhered to.

#### **1.4.15 Conclusion**

In conclusion, it is clear from the information in this chapter that for any sphere of government to achieve good governance in the execution of its duties and in making effective decisions for the benefit of the people, certain fundamentals must be achieved or an attempt must be made to attain such fundamentals. These fundamentals include issues such as cooperative governance; good governance; elements of good governance; decision-making; types of decision-making and approaches and theories of decision-making.

The aim of the study is to conduct an in depth assessment of Intergovernmental Relations in the Northern Cape Provincial Government with the view of establishing how the management of the decisions or resolutions of the Intergovernmental Relations Forums are affected. Whilst the broad aim of the study is reflected, it further needs to satisfy its objective which is to make a thorough assessment of Intergovernmental Relations within the Northern Cape Provincial Government.

The study will also strive to achieve its other objectives. They are: to analyse the legislative framework that governs Intergovernmental Relations in the Republic of South Africa; to identify and analyse the different principles and core values of Intergovernmental Relations in the Northern Cape Province; to identify the challenges and problems in the implementation of Intergovernmental Relations; to assess the effectiveness of the relationship between the different spheres of government, and specifically Local Government, in relation to the service delivery challenges relating to improvement and better integration; and to analyse and reflect on the effectiveness of the structures and instruments of Intergovernmental Relations. In essence, Intergovernmental Relations entails the working together by all three spheres of government; therefore, it is inevitable that these relations will result in resolutions or agreements that emanate from those relationships. Such resolutions must be implemented by the public managers, and they must impact positively on the communities for which they are intended. The next Chapter, Chapter 4, will focus on the analysis of Intergovernmental Relations in the Northern Cape Province.

## **Chapter 4: Analysis of the Premier's Intergovernmental Forum**

### **4.1 Introduction**

As stated previously purpose of the study, is to establish whether the Northern Cape Premier's Intergovernmental Relations Forum is effective as it relates to decision-making processes; the functioning of the Forum; the implementation of decisions; and most importantly, the management of such decisions to the benefit of the communities in the Province. In analysing Intergovernmental Relations in the Northern Cape, this Chapter will in addition seek to assess the effective functioning and the management of decisions made by the Provincial Intergovernmental Forum and how those decisions are communicated and implemented to benefit the communities of the Northern Cape.

The guiding principle behind the existence of any Provincial Intergovernmental Forum is to facilitate effective cooperation between the Provincial Government, District and Local Municipalities in a particular Province. The forum's main aim is the enhancement of integrated development and the consideration of priorities for the Province. The goals of the Forum are that the decisions of each sphere are enriched by, information and understanding of the respective programmes of the other sphere; a clearer understanding of mutual strategic priorities and how these strategic priorities complement each other; and a commitment to collaborate, engage continually, and coordinate government's activities (Intergovernmental Relations Policy Framework 2002: 5).

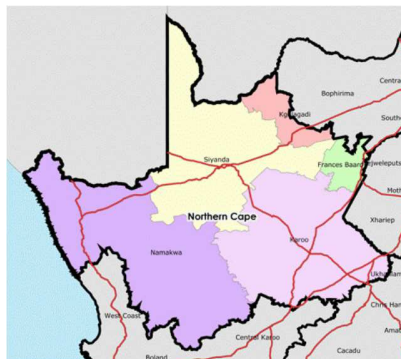
Emanating from the cooperation between the Provincial Government, the District and Local Municipalities is the fact that Intergovernmental Relations is practiced within the public administration environment, meaning that there are values to which they should subscribe (Mathebula 2004: 131).

According to Hattingh (1998: 80) one aspect of critical importance is that the normative requirements in the field of Public Administration were developed over the course of many years, and are applicable to virtually all circumstances in the Public Administration processes. Considering the cooperation between the

Provincial Government, the District and Local Municipalities, and the fact that all of the cooperation is made in the Public Administration environment, the intensity of the Intergovernmental Relations process unintentionally tends to galvanise government decision-makers into the ultra-vires mode, thereby undermining constitutionalism and the rule of law. The execution of the public service must be within the legal rule of the state and administrative law (Mathebula 2004: 135); thus, the importance of the adherence to the Intergovernmental Relations Framework Act 13 of 2005, by all the structures of Intergovernmental Relations.

Given the above, Chapter four will focus on the analysis of Intergovernmental Relations in the Northern Cape Province (the Premier's Intergovernmental Forum), by examining the following:- national perspective of Intergovernmental Relations in South Africa; the general compliance to the provisions of the Intergovernmental Relations Framework Act 13 of 2005; the administrative support issues including secretariat support that relates to the Premier's Intergovernmental Forum; the objectives and functions of the Premier's Intergovernmental Forum; the impact of the Premier's Intergovernmental Forum on service delivery; cooperative governance issues; the reporting of the Premier's Intergovernmental Forum to the Presidential Coordinating Council; the technical structures; monitoring of reporting; the District Intergovernmental Relations Forum; and how resolutions and recommendations are dealt with by the Premier's Intergovernmental Forum.

#### **4.2 Northern Cape Background Information**



Source: Demarcation Board ([www.demarcation.gov.za](http://www.demarcation.gov.za))

The Northern Cape Province is South Africa's largest province in terms of land space with an area size of 372 889 square kilometers, but it has the smallest provincial population which of +-1 162 900 inhabitants. The capital is Kimberley with the biggest Municipality in the Province called Sol Plaatje Municipality ([www.demarcation.gov.za](http://www.demarcation.gov.za))

According to Atkinson (1997:120), the Northern Cape Province is one of the new provinces created by the 1993 interim Constitution of the Republic of South Africa. As such it began with certain shortcomings which included the lack of an established Provincial Administration, the need to consolidate provincial governance in a newly defined area, and an untested new revenue base. A further difficulty was the degree of politicisation in the local and provincial government sphere due to the fine balance of power between the ANC and the National Party at the time. Furthermore, the Northern Cape is by far the largest province in terms of land area, but the smallest in terms of population (Atkinson 1997:120).

Emanating from the interim Constitution, the Northern Cape Province was formed, and five district municipalities and 27 local municipalities were established. The Province's legislature is controlled and governed by the African National Congress, which controls 26 of the 27 municipalities and all five district municipalities (Mini Report: Northern Cape Premier's Intergovernmental Forum 2014: 1 – 2), .

Pauw (2005:2) concurs with the (Mini Report of the: Northern Cape Premier's Intergovernmental Forum 2014: 1-2) that the province is divided into five district municipalities. The districts are Namaqua, Siyanda (ZF Mgcawu), Kgalagadi (John Taolo Gaetsewe), Frances Baard and Karoo (Pixley Ka Seme). None of the district municipalities in the Northern Cape has metropolitan status; hence, all urban areas are either classified as small cities or towns.

**Table 1: Population in the Northern Cape Province per District Municipality**

<b>NAME OF DISTRICT</b>	<b>NUMBER OF MUNICIPALITIES</b>	<b>POPULATION</b>	<b>%</b>
Frances Baard	4	395 436	34.5%
Siyanda (ZF Mgcawu)	4	182 415	15.9%
Kgalagadi (John Taolo Gaetsewe)	4	243 518	21.2%
Karoo (Pixley Ka Seme)	8	174 617	15.2%
Namaqua	7	149 830	13%

**Source: Statistics South Africa. 2011 Census**

In 2003, the Northern Cape contributed approximately 2.4% to the National GDP, although only 1.8% of the country's population lives here, this implies that the per capita GDP in the Northern Cape is higher than the national average. The Northern Cape per capita income was R15, 474 in 2000, slightly more than the national average of R12, 411. Despite the province's relative fortunes, high levels of poverty and inequality persist as they do in the rest of the country (Pauw 2005: 7).

According to Statistics South Africa (2014: 12), poverty levels in the country have dropped since 2006, reaching a low of 45, 5% in 2011 when applying the Upper Poverty Level UPL. This translates to 23 million people living below the Upper-Bound poverty line.

Given the above, that is why it is important that the National Development Plan and Vision 2030 (which is the most current plan) must be seen as a crucial guiding framework for development which must be anchored in the elimination of poverty and reduction of inequality (Statistics South Africa 2014: 6). Statistics South Africa (2014: 6) further states that the success of the National

Development Plan will be measured by the degree to which the lives and opportunities of the poorest South Africans are transformed in a sustainable manner.

According to Pauw (2005:8) Namaqua with 35.7% has the lowest poverty rate in the Northern Cape Province. Frances Baard follows with 45.4%, Siyanda (ZF Mgcawu) with 48.4% and Kgalagadi (John Taolo Gaetsewe) with 48.9%, all of which have similar poverty rates just below the national average. The wide confidence interval around the poverty estimate for Kgalagadi (John Taolo Gaetsewe) is due to the limited number of sample observations for this region. The Karoo (Pixley Ka Seme) region stands out with a poverty rate of 63.5%, well above the average rates in the rest of the Province.

According to Statistics South Africa (2014: 32) the Northern Cape with a poverty head count of 46.8% in 2011 was home to only 1, 8% of the country's poor because of the small number of people who live in the province.

The aforementioned poverty rates in the Northern Cape are reflected in the Gini coefficient which is perhaps the best known inequality measure and can be derived from the Lorenz curve. Mathematically the Gini coefficient varies between zero and one; although, in reality, values usually range between 0.20 and 0.30 for countries with a low degree of inequality and between 0.50 and 0.70 for countries with high unequal income distributions. South Africa's Gini coefficient, estimated at about 0.69, is very high, whilst the Northern Cape's Gini coefficient is 0.73, which is higher than the national Gini coefficient (Pauw 2005:11).

While the poverty situation in South Africa is improving, inequality remains a serious problem. The Gini coefficient is calculated to be 0.65, based on the expenditure data, and 0, 69, based on income data in 2011. At the same time the Northern Cape's Gini coefficient stood at 46.8 down from 63,8 in 2006, and 63,0 in 2009 (Statistics South Africa 2014: 13).



### **4.3 Intergovernmental Relations Structures**

According to Layman (2003: 8), the Constitution states the following “Government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated”. The “distinctive” element reflects that each sphere exists in its own right; it is the final decision-maker on a defined range of functions and is accountable to its constituency for its decisions. Layman (2003: 8) further says that although provinces are “distinctive”, they exercise their powers and perform their functions within the regulatory framework set by the national government which is also responsible for monitoring compliance with that regulatory framework and, if need be, intervening when constitutional or statutory obligations are not fulfilled.

#### **4.3.1 The national perspective on Intergovernmental Relations Structures.**

According to the Synthesis Report (2014:1), the establishment of the Intergovernmental Relations Structures has been institutionalised through the promulgation of the Intergovernmental Relations Framework Act 13 of 2005, in an effort to accelerate the principle of Intergovernmental Relations as set out in Chapter 3 of the Constitution of the Republic of South Africa Act 108 of 1996. As a result there are 17 National Intergovernmental Forums in South Africa. They are: Environment MINMEC; Human Settlement MINMEC; Public Works MINMEC; Transport MINMEC; Gauteng PCF; Western Cape PCF; North West PCF; Free State PCF; KwaZulu Natal PCF; Northern Cape PCF; Limpopo PCF; Mpumalanga PCF; Eastern Cape PCF; National Health Council; Local Government Budget Forum; Ministerial Executive Committee; and Presidential Coordinating Council). National Intergovernmental Relations Structures that are established in South Africa are commonly known as the MINMECs four of which were created in terms of their own legislation.

There are national intergovernmental structures that are established in terms of Section 9 of the Intergovernmental Relations Framework Act 13 of 2005 The Synthesis Report (2014: 17). The Act provides that any MINMEC that existed

when the Intergovernmental Relations Framework Act No. 13 of 2005, tool was effected must be regarded as having been established in terms of the Intergovernmental Relations Framework Act 13 of 2005, except if such a MINMEC was established by another act of parliament.

The Synthesis Report (2014: 17) further states that the following MINMECs were created in terms of their own legislation: The Local Government Budget Forum, established in terms of the Intergovernmental Fiscal Relations Act 97 of 1997; The National Health Council, established in terms of the National Health Act 61 of 2003; and The Ministerial Executive Committee, established in terms of the Civilian Secretariat for Police Act 2 of 2011, but after the promulgation of the Intergovernmental Relations Framework Act 13 of 2005.

According to the Synthesis Report (2014: 17), of the above three structures two were established before the promulgation of the Intergovernmental Relations Framework Act 13 of 2005, and one was established after the promulgation of the Intergovernmental Relations Framework Act No. 13 of 2005. The structures have as their core, the coordination of activities of government and cooperation amongst the three spheres of government, including the discussions on matters of common interest in the specific sector of the structure.

#### **4.3.2 Frequency of Meetings of the National Intergovernmental Relations Structures**

Using the three National Intergovernmental Structures, which are the Local Government Budget Forum, the National Health Council and the Ministerial Executive Committee, the three MINMECs differ in terms of the frequency of meetings. The Budget Forum for instance meets at least once a financial year. The frequency of the meetings of the National Health Council and the Ministerial Executive Committee are not prescribed in legislation and are meant to be determined in the terms of reference. The National Health Council meets every second month whilst the Ministerial Executive Committee meetings are held twice a year. The time spent in meetings also differ for the three National

structures because the budget forum meets for one afternoon, the Ministerial Executive Committee meets for half a day, and the National Health Council meets over two days (Synthesis Report 2014: 19–20).

#### **1.4.16 Intergovernmental Relations Structures and the National Development Plan**

According to Chapter 13 of the National Development Plan vision 2030, evidence from the practice suggests that the envisaged roles of the Intergovernmental Relations Structures as per the object of the Intergovernmental Relations Framework Act 13 of 2005 are optimally fulfilled. The National Development Plan cites one of the problems of Intergovernmental Relations as the lack of coordination between the spheres of government and the Intergovernmental Relations Structures are not strategic in that they are not fulfilling their intended objective of acting as a platform for coordination across the three spheres (Synthesis Report 2014: 1).

There are five issues that need to be addressed if South Africa is to move its Intergovernmental Relations on the right path. The issues are as follows: improve clarity on different systems; Regionalisation as a response to capacity constraints; a more coherent set of powers to metropolitan municipalities; a more focused role for Provinces; and a proactive approach to the identification and resolving of problems. There is no doubt that there is cooperation between the three spheres of government, but the system currently relies too much on cooperation without paying attention to the conditions needed for effective cooperation to emerge (National Development Plan 2011: 385–386).

#### **4.5 Intergovernmental Relations Structures in the Northern Cape**

According to the Synthesis Report (2014: 47), Section 16 of the Intergovernmental Relations Framework Act 13 of 2005 provides for the establishment of a Premier's Intergovernmental Forum, which is commonly known as the Premier's Coordinating Forum. The Act stipulates that the aim of

the Provincial Coordinating Forum is to promote and facilitate Intergovernmental Relations between the provinces, and district and local government in the province (Synthesis Report 2014: 47).

In the case of the Northern Cape Province, the mandate of the Premier's intergovernmental Forum is to provide a platform for municipal leadership to meet with provincial leadership and report on the progress of municipalities and discuss issues that require political intervention at a higher level. The mandate, as outlined in the legislation, is that the Forum should play a dispute resolution role, but the experience of the Northern Cape is that there are few disputes to resolve (Mini-Report: Northern Cape Premier's Intergovernmental Forum 2014: 2).

#### **4.5.1 Objectives of the Northern Cape Premier's Intergovernmental Forum**

According to the Northern Cape Premier's Intergovernmental Forum Framework Document (2013:3), the Forum seeks to:

- Promote and foster integrated planning between the spheres of government in the Province;
- Promote joint programmes across departments and between the provincial and local spheres of government;
- Ensure policy synergy between the provincial and local spheres of government;
- Settle intergovernmental disputes, and the implementation of the provincial framework for monitoring of and support for municipalities.

#### **4.5.2. Compliance with Section 33 of the Intergovernmental Relations**

The Constitution of the Republic of South Africa Act 108 of 1996, Chapter three recognises the basic provisions and values of cooperative governance, which demands that all spheres of government need to work together to achieve integrated services delivery (Northern Cape Premier's Intergovernmental Forum Framework Document 2013:2).

#### **4.5.3 Functioning of the IGR structures**

According to Nkwezane (2012: 3), structure refers to a hierarchical pattern of authority, responsibility, accountability and relationships designed to provide coordination of the work of the organisation and a vertical arrangement of jobs in the organisation. The structures in which government accomplishes its activities promote and facilitate Intergovernmental Relations; many structures have been developed for effective Intergovernmental Relations (Nkwezane 2012: 3).

#### **4.5.4 Composition of the Premiers Intergovernmental Forum Structure**

Section 17 (1) of the Intergovernmental Framework Act 13 of 2005, stipulates that the Provincial Coordinating Forum is made up of the Premier of the Province; the Member of The Executive Council (MEC) responsible for Local Government; other MECs designated by the Premier; the Mayors of the district and metropolitan municipalities; the administrator of any of those municipalities, if the municipality is subject to an intervention in terms of Section 139 of the Constitution; and a municipal councilor designated by organised local government in the Province. The composition Provincial Coordination Forum, as per the Intergovernmental Relations Framework Act 13 of 2005, shows that the Intergovernmental Relations Framework Act 13 of 2005 is intended for the Provincial Coordination Forum to be exclusively an executive structure. Depending on the issues discussed on the Provincial Coordination Forum, Premiers invite a range of other people to attend the Provincial Coordination Forum (Synthesis Report: 2014: 48 -50)

The Mini Report: Northern Cape Premier's Intergovernmental Forum (2014: 2) further states that the members of the Premier's Intergovernmental Forum are composed of the following people: the Premier; the Members of the Executive Council of all the provincial sector departments and the five District Mayors and National Departments that have a presence in the Province. The mayors of the

local municipalities are invited to two meetings of the Premier's Intergovernmental Forum per year, but they are not standing members. The Director General, the Heads of the Provincial Departments and the respective municipal managers attend alongside their principals to advise them.

#### **4.5.5 Meetings and agenda of the Intergovernmental Relations Structures**

The Intergovernmental Relations Framework Act 13 of 2005 provides that as the chairperson for the Provincial Coordinating Forum, the Premier convenes the meetings of the Provincial Coordinating Forum and determines the agenda for the Provincial Coordinating Forum meetings. Suggestions for inclusion in the agenda for a meeting may be submitted to the Premier in terms of a framework determined by him/her. The process of agenda setting is critical to ensure that the views of local government are taken into account when determining the agenda for the Provincial Coordinating Forum meetings (Synthesis Report 2014: 54). According to the Mini Report: Northern Cape Premier's Intergovernmental Forum (2014: 3-4), points are called for possible agenda items from the District Municipalities and the Members of the Executive Councils before the Premier's Intergovernmental Forum meeting. These agenda items are discussed at the Executive Councils meetings, which include the Members of the Executive Council and Executive Councils, who finally decide after this meeting on what will be included in the agenda, with the Premier having the final say. The Premier may also request the national departments to be present at the Premier's Intergovernmental Forum.

#### **4.5.6 Quorum of the meetings of the Intergovernmental Relations Structure**

As there are no rules as per Section 33 of the Intergovernmental Relations Framework Act 13 of 2005, therefore no quorum is required for the meetings of the Premier's Intergovernmental Forum. The structure does not have procedural rules, thus it does not have a set level or number of attendants who constitute a quorum. However, the meetings are well attended and always effectively achieve a quorum (Mini Report: Premier's Intergovernmental Forum 2014: 3).

This means in essence that the Premier's Intergovernmental Forum can take decisions, even if there is no sufficient representation of the members of the Forum in a particular meeting. However, decisions will be made irrespective of how many people are attending the meeting, just because there are people attending a meeting in it does not suggest that the decisions that are taken are always inclusive of the challenges faced by all members of the Forum.

#### **4.5.7 Terms of Reference of the Intergovernmental Relations Structures**

Section 33 of the Intergovernmental Relations Framework Act 13 of 2005, provides that every Intergovernmental Relations structure must adopt internal rules to govern its internal procedures and Section 33 (1)(a) of the Intergovernmental Relations Framework Act 13 of 2005 goes on to provide how those internal procedures should be addressed in the terms of reference (Synthesis Report 2014: 50).

Given the above paragraph, it has been noted that the Northern Cape Premier's Intergovernmental Forum functions do not comply with Section 33 and 33 (1)(a) of the Intergovernmental Relations Framework Act 13 of 2005. The Section states that every intergovernmental structure must adopt rules to govern its internal procedures (Mini Report: Northern Cape Premier's Intergovernmental Forum 2014: 1–2).

The Mini Report: Northern Cape Premier's Intergovernmental Forum (2014: 4), further states that the structure no longer functions according to the set terms of reference. Whilst the structure established terms of reference when it was initiated, these have not been used by the current administration and are now defunct. There were attempts to revive the terms of reference, but this was stalled by the departure of the Chief Director responsible for Intergovernmental Relations in the Office of the Premier (Mini Report: Northern Cape Premier's Intergovernmental Forum 2014: 4).

The Synthesis Report (2014: 50) concurs with the Northern Cape Premier's Intergovernmental Forum Framework Document (2013: 3) on the compliance of Section 33 of the Intergovernmental Relations Framework Act 13 of 2005. The author further states that Section 33(1) (a) also provides for the items that should be addressed in the terms of reference.

According to the Northern Cape Premier's Intergovernmental Forum Framework Document (2013: 9), the Province does not have terms of reference and there is a growing concern that the lack of terms of reference will inhibit the functioning of the structure. The Northern Cape Premier's Intergovernmental Forum: Framework Document (2013: 3) further states that should other parties gain control of the municipalities in the Province, this may lead to conflict in the structure with regards to how to deal with conflict because no blue print exists to be able to refer to in times of conflict within. The Northern Cape Premier's Intergovernmental Forum Framework Document (2013: 3) further says that the Forum is primarily focused on compliance reporting by the District Municipalities to the Premier and Forum members, rather than consultations and coordination.

#### **4.5.8 The functions of the chairpersons and procedures of a person to preside over the meetings in the absence of the chairperson**

The functions of the chairperson are not defined in the rules or terms of reference for the Premier's Intergovernmental Forum, nor are the frequency of the meetings of the Premier's Intergovernmental Forum, the procedures for delegation of an alternative chairperson, procedures for the adoption of resolutions and recommendations, and procedures for the settlement of intergovernmental disputes. The meetings of the Premier's Intergovernmental Forum are governed by the same procedures that apply to the Executive Council meetings. There are no clear procedures for the designation of a person to preside at the meetings in the absence of the chairperson (Mini Report: Northern Cape Premier's Intergovernmental Forum 2014: 5).



According to the Mini Report: Northern Cape Premier's Intergovernmental Forum (2014: 2), the Premier is the official chairperson of the Premier's Intergovernmental Forum. In practice, the forum is co-chaired by the chairperson of the South African Local Government Association in the Northern Cape. This allows the Premier to participate more actively in the discussions in the meeting without having the procedural limitations of a chairperson and allows local government representatives a greater role in the meeting of the Premier's Intergovernmental Forum.

#### **4.5.9 Frequency of meetings convened**

The Intergovernmental Relations Framework Act 13 of 2005 does not prescribe the number of times a Provincial Coordination Forum should meet; instead, it leaves this to the structure to determine in terms of its agreed-upon terms of reference. The expectation however is that the structure should meet often enough so that it fulfils its obligations as set out in the Intergovernmental Relations Framework Act 13 of 2005.

The Northern Cape Provincial Premier's Intergovernmental Forum is amongst the Provinces that meet quarterly (Synthesis Report 2014: 51). The Northern Cape Premier's Intergovernmental Forum Framework Document (2013:3) concurs with the Synthesis Report (2014: 51), but further states that the Premier's Intergovernmental Forum has occasional additional meetings when necessary.

#### **4.6 Role of Cooperative Government in the Northern Cape Province**

Cooperative governance is a process of harmonizing the three spheres of Administration in Government in such a way that the lower sphere has the capacity to influence policy, which they will have to execute (Devenish 1998: 105). "The term cooperative government is uniquely South African. The drafters of the Constitution of the Republic of South African Act 108 of 1996, decided to use cooperative governance with the hope that the Intergovernmental Relations system in the post-apartheid South Africa would be consensual, rather than conflictual" (Kahn, Madue & Kalema 2011: 65).

Structural tensions between the three spheres of governments in terms of competitive and specific functions, differences in policy issues, lack of responsibility and accountability influences the workings of Good Government; Intergovernmental Relations and Cooperative Governance. Lack of good coordination affects the implementation of service delivery (Coetzee 2010: 95).

#### **4.7 Discussing and consulting on matters of mutual interest**

The Provincial Coordinating Forum serves as a link between national, provincial and local government. According to Section 18 of the Intergovernmental Relations Framework Act 13 of 2005, a Provincial Intergovernmental Forum is a consultative forum for the Premier and the local government in the Province: (a) to discuss and consult on matters of mutual interest including (i) the implementation in the Province of national policy and legislation affecting local government interests; (ii) matters arising in the Presidential Coordinating Council and other national policy and national Intergovernmental Relations Forums; (iii) drafting national policy and legislation affecting local government interests in the Province; (iv) the implementation of national policy and legislation with respect to such matters; (v) the development of Provincial policy and legislation relating to such matters; (vi) the implementation of Provincial policy and legislation in respect of such matters; (vii) the coordination of Provincial policy and legislation with respect to such matters; (viii) the coordination and alignment of the strategic and performance plans and priorities, objectives and strategies of the Provincial and local government in the Province and any other matters of strategic importance that affect the interest of local government in the Province (Synthesis Report 2014: 56 – 57).

The Mini Report: Northern Cape Premier's Intergovernmental Forum (2014: 4) raises the issue that the Premier's Intergovernmental Forum plays a limited role in consultation on the development and implementation of national and provincial policy and legislation affecting local government interests in the Province. The Report further states that there is limited attention on provincial and national reporting to the district municipalities in the Forum. If there is reporting it is done

directly through the cabinet cluster to local government and sector departments rather than through the Premier's Intergovernmental Forum. The Mini Report: Northern Cape Premier's Intergovernmental Forum (2014: 5) further states that the provincial and local government development planning are not coordinated through the Provincial Intergovernmental Forum; the Integrated Development Plans are only reported on in a compliance sense in reports to the Premier's Intergovernmental Forum. The result is that there has been little to no impact of the structure on service delivery.

#### **4.8 Technical structures for Provincial Coordinating Forums**

The Intergovernmental Relations Framework Act 13 of 2005 provides that an intergovernmental forum can establish a technical support structure to support its functioning. The technical support structure must consist of officials representing government or organs of state participating in the intergovernmental forum and may include any other person who may assist in supporting the intergovernmental forum (Synthesis Report 2014: 55). The Synthesis Report (2014: 55) further states that the role of the technical support structures is to largely address the operational issues so that more strategic issues are then referred to the Premier's Intergovernmental Forum for decision-making. The technical support structures are also able to assist in terms of filtering and channeling the information into the Premier's Intergovernmental Forum and going back to the Districts and Local Municipalities as the secretariat does not have the systems in place to undertake this task (Synthesis Report 2014: 55).

#### **4.9 District Intergovernmental Forums in the Province**

According to the Synthesis Report (2014: 57), the fact that the District Mayors form part of the Provincial Coordinating Forum offers them the opportunity to feed the issues arising from their respective District Intergovernmental Forums into the Provincial Coordinating Forum, however this appears not to be the case in practice. The Mini Report: Premier's Intergovernmental Forum (2014: 5) concurs that the issues are referred from the District Intergovernmental Forum.

These issues are communicated in the district reports presented to the Premier's Intergovernmental Forum by the District Mayors, and they are formulated following their meetings of the District Intergovernmental Forums, which are meant to meet before each Premier's Intergovernmental Forum.

#### **4.10 Premier's Intergovernmental Forum on improving service delivery**

The Northern Cape Premier's Intergovernmental Forum formalises the relations between and within the three spheres of government. It promotes better coordination to improve the effective provision of services that require combined action to ensure that its legislative intention translates into tangible results (Northern Cape Premier's Intergovernmental Forum Framework Document 2013: 2).

As far as the Synthesis Report (2014: 59), is concerned, there have been mixed views around the impact of the Provincial Coordinating Forum on achieving coordination and improving service delivery. On this matter, the context is different in each Provincial Coordinating Forum, depending on the political situation in the Province, as well as the leadership style of the Premier. The Synthesis Report (2014: 59) further states that there has been little or no impact on the Premier's Intergovernmental Forum on improving service delivery. When an impact has occurred, it has been through the networking opportunities created by the Forum between the provincial sector departments and municipalities, and not through the Provincial Coordinating Forum.

#### **4.11 Administrative support to the Premier's Coordinating Forum**

According to the Synthesis Report (2014: 61), Section 19 of the Intergovernmental Relations Framework Act 13 of 2015, provides that a department of the Premier is responsible for providing administrative and other support to the Provincial Coordinating Forum. The role of the secretariat is purely administrative and largely routine. It entails sending out notices of meetings, taking minutes at meetings, and preparing draft minutes. The Synthesis Report (2014: 62) further states that in the Northern Cape the Premier's

Intergovernmental Forum secretariat support was provided by the Intergovernmental Relations Unit in the office of the Director General. However, the post of the Chief Director was vacant, and in the interim the secretariat responsibility was taken over by the Provincial Executive Council Secretariat.

The secretariat compiles a list of agenda items based on requests from the members of the Premiers Intergovernmental Forum; however, the compilation of the Premiers Intergovernmental Forum agenda is left to the technical support structures for ultimate approval by the Premier as the chairperson. According to the Mini Report: Northern Cape Premier's Intergovernmental Forum (2014: 6), for the Forum to function optimally it is required that the following areas should receive attention:

- Adequate human resources – Adequate human resources capacity to support the Premier's Intergovernmental Forum, particularly in administrative, coordination and secretariat responsibilities;
- Adequate financial resources – Adequate financial resources are required to attract and to provide adequate human resources;
- Secretariat support – Additional capacity to manage communication between the provincial departments, local government and the office of the Premier, to take and prepare minutes and agendas and communicate them to the members, and the ability to draft resolutions and prepare presentations;
- Administrative capacity – Capacity to follow-up on resolutions and recommendations to assess whether they have been implemented;
- Policy support – There is a need for additional policy support as the Forum is currently reliant on the policy unit in the Office of the Premier when the Premier's Intergovernmental Forum consults on policy issues; and
- Staff with an understanding of Intergovernmental Relations and the Intergovernmental Relations Framework Act 13 of 2005 – The Intergovernmental Relations Unit needs staff that has a thorough

understanding of the relationship between the spheres of government and a thorough understanding of the Intergovernmental Relations Framework Act 13 of 2005. Staff should also have a thorough understanding of issues affecting local and provincial governments.

#### **4.12 Decision-making, Resolutions and Management of Decisions**

The aim of this study is to assess the effectiveness of the Northern Cape Province's Intergovernmental Relations, with a focus on the Premier's Intergovernmental Forum. Therefore, the thrust of the study is on the decision-making processes in the Premier's Intergovernmental Forum.

Aucoin (2005: 2) contends that decision-making in government is a process in which evidence, both from systemic research and practical experience, mixes with a complex interaction of ideas, interests, ideologies, institutions and individuals. It therefore means that decision-making is central to a government and governance. How those decisions are made is important, especially if the whole issue of decision-making might be seen to compromise the accepted standards of politics. At present people are questioning the decision-making process within the South African government, especially as it relates to who has an input in final decisions (Trueman 2015: 1).

Given the fact that there are people who are raising questions about the government's decision-making processes, makes a compelling case for the Northern Cape Premier's Intergovernmental Forum to give the Districts and Municipalities the necessary space and time to formulate strategies on how to make decisions and implement them with the sole purpose of ensuring that they do that with no or little interference from the Province. According to the Mini Report: Northern Cape Premier's Intergovernmental Forum (2014: 7), there is no decision-making processes developed, agreed upon and approved by the Premier's Intergovernmental Forum.

In giving the district municipalities the necessary space it will smoothen working relationships between the three spheres of government and constantly communicating with each other so that each sphere is aware of their own roles and responsibilities in driving national development priorities and to ensure that local needs are considered in national and provincial decision-making (Northern Cape Premier's Intergovernmental Forum Framework Document 2013: 2).

In working towards the realisation of coherence in the working relationships the Premier's Intergovernmental Relations within the Northern Cape Province must emphasise and develop mechanisms of ensuring that district and local Municipalities are fulfilling their executive roles in terms of the legislation. The Premier's Intergovernmental Forum makes decisions regularly and those decisions are standing decisions, just as programmed decision-making is standing decisions. This type of decision-making guides public managers, in the making of repetitive and routine decisions (Cloete & Winssink 2000: 154).

The Premier's Intergovernmental Forum in its deliberations must guard against the above limitations and ensure that these do not find expression in any forum, including the District Intergovernmental Forums, as it has the potential to derail the good intentions that might come out of the deliberations in the intergovernmental forums.

According to Thomas (1995: 73), many managers are required to make decisions with the public. This is a desirable strategy for the successful implementation of government goals, which requires public acceptance, and cannot be assumed by managers without public involvement. As such the public managers at the level of the district and local municipalities must adhere to the intergovernmental fiscal relations. These relations must be taken into consideration when the Premier's Intergovernmental Forum deliberates in order to ensure that districts and local municipalities in the Province adhere to the budgetary processes that lead to the final budgets of all municipalities.

The Premier's Intergovernmental Forum does take firm decisions. An example of such a decision comes from the minutes of a meeting at which a resolution was taken that the district municipalities must provide the District Technical Structures meeting schedule to the Department of Cooperative Governance and Traditional Affairs in order for them to resolve matters at that level, and only escalate issues that are beyond this structure to the Premier's Intergovernmental Forum (Northern Cape Premier's Intergovernmental Forum Minutes August 24 2014: 14). It is clear from the Mini Report: Northern Cape Premier's Intergovernmental Forum (2014: 8) that the districts mayors in the PIGF Forum, only report on the pre-determined issues in their presentations, which to a large extent exclude proper consultation and coordination of the issues, raised or presented. The issues presented are as follows:

- Operation Clean Audit 2014;
- Mid-term Review of the Integrated Development Plans and Budget Performance Reporting;
- Progress on Municipal Infrastructure Grant;
- Annual reports;
- Filling of critical posts;
- Functioning of Intergovernmental Relations;
- Transformation and organisational development;
- Basic service delivery and implementation and
- Municipal finance and viability

The above issues are sometimes discussed and interrogated but these discussions are not done every time there are presentations, the only thing that will normally happen is that the Premier may request the municipalities to take actions on the issues they have raised in their presentations. The Premier may also ask the sector departments to assist the districts or local municipalities in dealing with issues arising in their reports (Mini Report: Northern Cape Premier's Intergovernmental Forum 2014: 9).



#### **4.13 Monitoring and reporting decisions of the Premier's Coordinating Forum**

In terms of the Intergovernmental Relations Framework Act 13 of 2005, the Intergovernmental Relations structures are forums for intergovernmental consultations and discussions. They are not executive decision-making bodies; they may adopt resolutions or make recommendations in terms of agreed procedures. These recommendations then need to be submitted to the Provincial Executive Councils by the Premier, as well as by the Mayors to their council meetings for adoption or ratification (Synthesis Report 2014: 62).

According to the Mini Report: The Northern Cape Premier's Intergovernmental Forum (2014: 7), the Forum does not have a system in place to follow up on resolutions made at the Forum, and this attributed to the lack of capacity in the Intergovernmental Relations Unit. The Forum seems to be run in a way that makes it very difficult to take resolutions. The Mini Report: Northern Cape Premier's Intergovernmental Forum (2014: 7), further states that because the Forum is too focused on the hearing of reports rather than engaging on the issues emerging from the reports and also the fact that the districts reports are presented and questioned, and requests are made by the province or municipalities to follow-up on issues emerging from them, but rarely take the form of resolutions.

#### **4.14 Reporting by the Provincial Coordinating Forum to the Presidential Coordinating Council**

The Synthesis Report (2014: 12) states that according to the Intergovernmental Relations Framework Act 13 of 2005, the Provincial Coordinating Forums must report to the Presidential Coordinating Council on progress with the implementation of national policy and legislation within the province and may report on matters of national interest that have arisen in the Provincial Coordinating Forum. The word "must" is used to ensure that the Provincial

Coordinating Forums report to the Presidential Coordinating Council at least once a year. The Synthesis Report (2014: 12) further says that this reporting by the Provincial Coordinating Forum to the Presidential Coordinating Council is done in terms of Section 20(a) of the Intergovernmental Relations Framework Act 13 of 2005.

The issues that arise from the Presidential Coordinating Council are occasionally raised by the Premiers in the Premier's Intergovernmental Forum. In one of the meetings, the Northern Cape Premier raised the incorporation of the National Development Plan the local planning, including the Integrated Development Plans and the Local Economic Development Plans, saying that the national government was concerned that national projects being implemented were not finding expression in local plans (Integrated Development Plans and the Local Economic Development Plans). The Premier further mentioned that the Presidential Coordinating Council had noted a need to improve the quality of services being delivered by local government, as it was a concern at the Presidential Coordinating Council that this was the cause of some of the service delivery protests experienced in the country (Mini Report: Northern Cape Premier's Intergovernmental Forum 2014: 4).

#### **4.15 Challenges of the Premier's Intergovernmental Forums**

According to the Mini Report: Northern Cape Premier's Intergovernmental Forum (2014: 9 – 10), the challenges facing the structure that inhibits its functionality are:

- Lack of terms of reference – there is growing concern that the lack of terms of reference will inhibit the functioning of the structure, should other parties gain control of the municipalities in the province and this may lead to conflict in the structure with regards to how to deal with conflict because no blue print will exist to refer to;
- Regularity of meetings – the meetings happen too irregularly to deal adequately with urgent issues, although the meetings allow for urgent matters to be raised. The time allocated for these meetings does not allow enough time to deal with matters arising from the reports and

other agenda items;

- Influence of party politics – because of the political conformity in the structure, party politics manages to find its way into the Forum. Party political issues are raised but they consume very little time. Mayors are restricted from spending time in meetings and are encouraged to spend more time on the campaign trail during the period of elections;
- Time available for meetings – limited time is allocated to the meetings of the structure which is half a day a quarter, meaning that it is only districts that are provided with to report, but meetings allow little time for the discussion of district reports; and
- Limited Intergovernmental Relations capacity in the Office of the Premier – The former Chief Director responsible for Intergovernmental Relations alluded to the fact that the effective alignment and coordination of policy and the proper functioning of Intergovernmental Relations Forums, spoke to the fact that there was a need for increased capacity. There was a need for a secretariat that could engage with each District Intergovernmental Relations Forum and coordinate issues that arose from those forums as well as the Intergovernmental Relations Forums' capacity to engage with the provincial sector departments to incorporate their issues into the Premier's Intergovernmental Forum.

According to Edwards (2008: 74), the ability to manage the implementation of Intergovernmental Relations is a mutual challenge across all spheres of government. This core challenge of corporative governance first finds strategic expression in the work of Intergovernmental Relations Forums.

#### **4.6 Conclusion**

There are many reasons for the successes and failures in cooperative governance. On the one hand, reasons for the successes have been attributed to the fact that the Constitution sets out principles for conducting Intergovernmental Relations and provides for Intergovernmental Fiscal Relations. On the other hand, lack of cooperative governance at the different spheres has been attributed

to the fact that the three spheres of government have to deal with issues such as bureaucracy, lack of proper coordinated structures, effective communication between the different structures, and the capacity to implement policies and programmes (Edwards 2008: 74).

In the previous Chapter, governance and decision-making were discussed with the intention of ensuring that both aspects, namely governance and decision-making, were fully understood in the context of the study. This was done against the background of the purpose of this study, which is to establish whether the Premier's Intergovernmental Relations Forum is effective as it relates to governance and decision-making processes, the functioning of the Forum, the implementation of decisions and most importantly the management of such decisions to the benefit of the communities in the Province of the Northern Cape.

The current chapter dealt with the analysis of intergovernmental relations in the Northern Cape Province, with focus on the Premier's Intergovernmental Forum. In an attempt to do justice to the actual analysis, the objectives, functions and role of cooperative governance, compliance to the Intergovernmental Relations Framework Act 13 of 2005, the challenges of Intergovernmental Relations; reporting by the Premier's Intergovernmental Forum to the Presidential Coordinating Council, and administrative support of intergovernmental structures were dealt with and in the main, how decisions are made at the level of the District Intergovernmental Forums but also at the level of the Premier's Intergovernmental Forum.

It can be concluded that the analysis of Intergovernmental Relations as it relates to the Premier's Intergovernmental Forum has been attended to adequately with clear areas for discussion, namely the role of cooperative governance and, administrative support and compliance with Section 33 of the Intergovernmental Relations Framework Act 13 of 2005.

The research has highlighted how certain aspects of the Intergovernmental Relations Framework Act 13 of 2005 are not considered and, in some instances, if they are implemented they are done in order to comply with, but not to make an impact on Intergovernmental Relations in the Northern Cape Province.

A crucial aspect of the study, which will receive attention in the following Chapter, will deal with the interpretation of the data or information that will be gathered from interviews, using a well thought through questions. The questions will be formulated on all the aspects that were either not clear or were lacking clarity after the desk top research was completed. After the formulation of these questions, interviews with the identified relevant government officials will be held. The information received from the interviews will be interpreted, and such interpretation will be provided in Chapter five of this mini-dissertation.

## **Chapter 5: Interpretation and Analysis**

### **5.1 Introduction**

The purpose of this mini-dissertation is to research the effectiveness of Intergovernmental Relations in the Northern Cape, with a focus on the Premier's Intergovernmental Forum. (Implementation in terms of the Intergovernmental Relations Framework Act 13 of 2005) Linking to the previous Chapter, which dealt with the analysis of how the Northern Cape Premier's Intergovernmental Forum is institutionalised, in this chapter (Chapter 5), questions were developed with the intention of conducting interviews with Northern Cape Provincial Government officials who are involved in Intergovernmental Relations and, in particular, the Premier's Intergovernmental Forum activities in one way or the other. The intention of the interviews is to test how the Premier's Intergovernmental Forum in the Northern Cape Province is implemented in accordance with the Intergovernmental Relations Framework Act 13 of 2005. In essence, this chapter will be based on the data gathered in the interviews and the interpretation of the data. The process of analysis will be done by comparing the information received in the interview processes and what the Intergovernmental Relations Framework Act 13 of 2005 prescribes. The process of data interpretation and analysis will involve determining the link between the empirical study, which is the interviews and the theoretical aspects of the study, and the literature reviewed. A synthesis between what has been theoretically gathered and what the study reveals will be unpacked to make sense of the actual implementation of Intergovernmental Relations by the Premier's Intergovernmental Forum in the Northern Cape Province.

### **5.2 Part One – Qualitative Analysis**

#### **5.2.1 Letter of Request and Interview Schedule**

The questions were designed by examining the gaps in the information gathered in the previous chapter (Chapter 4) and the prepared questions were used to interview the target group, who were primarily officials in the two spheres of government, namely Provincial and Local Government. A letter of request for the interview and a list of questions were distributed to the target group. Interviews

were arranged with all the identified officials. According to Vos, Strydom, Fouch`e and Delport (2005: 168), in cases where the questions are handed to the respondent, who completes it in his/her own, it is important for the researcher to be available if problems are experienced. The researcher must thus remain in the background and only encourage the respondent with a few words to continue with his/her contribution.

A list of questions were designed to understand the extent of the knowledge of respondents in respect of the Intergovernmental Relations Framework Act 13 of 2005; the participation of the Intergovernmental Relations structures; whether the structures are operational; the administration and support for the Premier's Intergovernmental Forum; cooperative governance issues; decision-making processes that include the types and theories of decision-making and the challenges faced by the Premier's intergovernmental Forum.

### **5.2.2 Interviews**

De Vos *et al.* (2005: 292) define qualitative interviews as an attempt to understand the world from the participants' point of view, to unfold the meaning of people's experience and to uncover their lived world prior to scientific explanation.

An interview is the most predominant way of data and information collection in qualitative research. All interviews are interactional events as interviewers are deeply and unavoidably implicated in creating meaning that ostensibly resides within participants. Both the researcher and participants are thus necessarily and unavoidably involved and active in meaning-making work (Vos *et al.* (2005: 292).

The interviews involved direct personal contact with the participants who were asked to answer questions. The participants were asked to comment on widely defined issues and were also free to expand on each question as they saw fit. The overall approach was to obtain as much information as possible from the participants.

### **5.2.3 Sampling and data collection**

Sampling is a process of selecting observations after a brief scientific sampling; therefore random sampling is a scientific procedure. The specific scientific sampling technique allows us to determine and/or control the likelihood of specific individuals being selected for the study (Babbie & Mouton 2007: 164). The people who were interviewed for this study were the Senior Manager responsible for Intergovernmental Relations and the Senior Manager responsible for strategic support services to the Executive Council, both from the office of the Premier; the Senior Manager responsible for Intergovernmental Relations at the South African Local Government Association in the Northern Cape; the Acting Mayor of Phokwane Municipality; the Chief Director: responsible for Intergovernmental Relations, the Senior Manager responsible for Transitional Facilitation; the Senior Manager responsible for Municipal Governance; the Senior Manager responsible for the John Taolo Gaetsewe District (all four were from the Department of Cooperative Government and Traditional Affairs in the Province); a Councilor and the Provincial Executive Member of the South African Local Government Association responsible for Governance and Intergovernmental Relations; the Municipal Manager of Siyacuma Local Municipality; and the Municipal Manager of the Frances Baard District Municipality. An important factor about the interviewed officials is that they all were involved with the Premier's Intergovernmental Forum, albeit at the level of administration. They all provided administrative support to the Premier's Intergovernmental Relations Forum.

The guidelines of the Constitution of the Republic of South Africa Act 108 of 1996, and specifically Chapter three, and the Intergovernmental Relations Framework Act 13 of 2005, stipulate how Intergovernmental Relations should be implemented by everybody who is involved with Intergovernmental Relations. This must be done both at the level of consultation and coordination in the different spheres of government within the Northern Cape Province.



### **5.3 Part Two – Interpretation and analysis of the collected data.**

Part two of this Chapter will deal with the reflections on the answers to the questions put to the respondents during the interviews. The reflections will relate to the following areas: compliance with the Intergovernmental Relations Framework Act 13 of 2005; the role of Cooperative Governance in the Premier's Intergovernmental Forum; administrative support for the Premier's Intergovernmental Forum; challenges faced by the Premier's Intergovernmental Forum; the resolutions, recommendations and decisions; and theories of decision-making and the types of decision-making. As background to the interpretation, general information is supplied as Table 2.

### 5.3.1 General Information

**Table 2: Data of the respondents**

ON	INSTITUTION	DESIGNATION	AGE GROUP	GENDER	QUALIFICATIONS	EXPERIENCE IN THE PUBLIC SECTOR
1.	Office of the Premier	Director: Intergovernmental Relations	51 and Older	Male	Post graduate Diploma in: Communication	20 years
2.	Office of the Premier	Director: Strategic support services to the Executive Council	51 and Older	Male	B.A degree in Education	15 years
3.	South African Local Government Association	Manager: Intergovernmental Relations	36 – 50	Female	Honour's degree in Public Administration	4 years
4.	Phokwane Municipality	Mayor	51 and Older	Male	Diploma in Education Management	
5	Department of Cooperative Governance and Traditional Affairs	Chie Director: Intergovernmental Relations	36 – 50	Male	Master's degree in Business Administration	14 years
6.	Frances Baard District Municipality	Municipal Manager	36 – 50	Female	LLB	13 years
7.	Siyacuma Municipality	Municipal Manager	51 and Older	Male	B.A degree in Administration	5 years
8.	Department of Cooperative Governance and Traditional Affairs	Municipal Governance	36 – 50	Male	Master's degree	23 years
9.	Department of Cooperative Governance and Traditional Affairs	Director: John Taolo Gaetsewe District	51 and Older	Male	Honour's degree	24 years
10.	Sol Plaatje Municipality	Councilor and SALGA Provincial Executive Committee Member: Responsible for Governance and Intergovernmental Relations	36 – 50	Male	Grade 12	10 years
11.	Department of Cooperative Governance and Traditional Affairs	Director: Transitional Facilitation	36 – 50	Male	Diploma	23 years

Source: Own

### **5.3.2 Legislative Environment or Compliance Issues**

#### **5.3.2.1 Do the Premier's Intergovernmental meetings take place regularly?**

All 11 (100%) respondents agree on the regularity of the meetings, which they said were held quarterly. The literature reviewed in Chapter three (Governance and Decision-making) and Chapter four (Analysis of the Premier's Intergovernmental Forum) is silent on the regularity of meetings; therefore, it can be said that the meetings are determined by the Premier's Intergovernmental Forum.

#### **5.3.2.2 Who sets the agenda for meetings?**

The Intergovernmental Relations Framework Act 13 of 2005 provides that as the chairperson for the Provincial Coordinating Forum, the Premier convenes meetings of the Provincial Coordinating Forum and determines the agenda for the Provincial Coordinating Forum meetings.

All 11 (100%) respondents were also in agreement on the setting of the agenda of the meetings, which they said was set by the members of the Premier's Intergovernmental Forum, this is contrary to what is stipulated in the Act. It is also contrary to the Mini Report: Northern Cape Premier's Intergovernmental Forum (2014: 3 – 4), which states that possible items for the agenda are called for from the District Municipalities and the Members of the Executive Councils before a meeting of the Premier's Intergovernmental Forum.

#### **1.4.17 What processes are followed by the members of the Premier's Intergovernmental Forum in the generation of agenda items?**

All 11 (100%) officials interviewed agreed that in the event where the members of the Premier's Intergovernmental Forum intended to bring something to the attention of the Forum, they submit agenda items by communicating such to the Intergovernmental Relations Directorate. The agenda items were discussed at the Executive Councils' meeting, which included the Members of Executive Council. The members of the Executive Councils decided at this meeting what would be included in the agenda, with the Premier having the final say.

#### **5.3.2.4 Do the Premier's Intergovernmental Forum meetings form a Quorum?**

As there were no clear terms of reference, or the terms of reference we are not considered by the current Premier's Intergovernmental Forum, eight (72.7%) of the respondents said that the meetings formed a quorum, and four (29,3% ) said that the meetings did not form a quorum because there were no guidelines to this effect. The fact that there is no approved term of reference makes it difficult to say what the quorum of the Premier's Intergovernmental Forum is. Because the issue of a quorum is not specified in the Intergovernmental Relations Framework Act 13 of 2005 and the fact that Section 33, states that every intergovernmental structure must adopt rules to govern its internal procedures, this is not taken into consideration by the Premier's Intergovernmental Forum. Thus, no quorum is expected although the indication is that members do make an effort to attend the meetings.

#### **5.3.2.5 Who chairs the meetings of the Forum in the absence of the Premier?**

According to the analysis conducted on the Northern Cape Premier's Intergovernmental Forum, the Act does not stipulate who must chair a meeting in the absence of the Premier. Of the 11 officials interviewed, six (54.5%) said that in the absence of the Premier the Provincial Chairperson of the South African Local Government Association chaired the meeting, while five (45.5%) said that in the absence of the Premier the Provincial Chairperson of the South African Local Government Association chaired the meeting, or the meeting was chaired by the Member of the Executive Council responsible for Cooperative Governance, Housing Settlements and Traditional Affairs.

Because of the lack of terms of reference the issue of how the alternative chairperson is chosen to chair the Premier's Intergovernmental Forum is not stipulated anywhere. Therefore, when the alternative person chairs the meeting it is done for the sake of expediency. Thus, there is nothing that guides the Premier's Intergovernmental Forum on this matter.

### **5.3.2.6 Is the composition of the Premier's Intergovernmental Forum constituted in terms of Section 17?**

Section 17 (1) of the Intergovernmental Framework Act 13 of 2005, provides guidance as to how the Provincial Coordinating Forum should be constituted and the Premier's Intergovernmental Relations is constituted correctly.

One (9.09%) of the respondents said it was composed in accordance with the terms of the reference which the current Premier's Intergovernmental Forum was not adhering to. Ten (90.01%) respondents said that the Premier's Intergovernmental Forum was constituted in accordance with Section 17 of the Intergovernmental Relations Framework Act 13 of 2005. It was composed as follows: the Premier; the Members of the Executive Council of all the provincial sector departments; the five District Mayors; National Departments which has a presence in the Province; The mayors of the local municipalities were invited to two meetings of the Premier's Intergovernmental Forum per year, but they were not standing members; the Director General; the Heads of the Provincial Departments; and the five District Municipal Managers attended alongside their principals to advise them.

### **5.3.2.7 Does the Premier's Intergovernmental Forum have disputes settlement procedures in place?**

Section 39 (1) (a) of the Intergovernmental Relations Framework Act 13 of 2006 stipulates that the settlement of specific intergovernmental disputes, in respect of other national legislation, provides resolutions mechanisms or procedures. In relation to the Northern Cape Premier's Intergovernmental Forum, eight (72.7%) of the 11 respondents alluded to the fact that there were dispute settlement procedures in place, although they were not written down. The way disputes were handled in the Premier's Intergovernmental Forum was that they were attended to as they arose, but in general there were not many disputes raised by members. This is because there are no opposition parties that sit on the Premier's Intergovernmental Forum. Three (27.2%) of the officials interviewed said there were no dispute settlement procedures in place.

### **5.3.2.8 What are the reasons for the lack of dispute settlement procedures in the Forum?**

All 11 (100%) respondents said that the issues raised were more complaints than disputes, but they said there should be dispute settlement procedures in place. The respondents further said that the reasons for the lack of dispute settlement procedures related to the fact that all members of the Premier's Intergovernmental Forum came from the same political organisation, the African National Congress, and as such they found ways of dealing with the disputes as they arose. The respondents were of the opinion, that this was highly unprofessional and went against the principle of good governance.

### **5.3.2.9 Does the Premier Intergovernmental Forum have approved terms of reference and does it abide by them?**

Section 33 of the Intergovernmental Relations Framework Act 13 of 2005, provides that every Intergovernmental Relations structure must adopt internal rules to govern its internal procedures. Section 33 (1)(a) of the Intergovernmental Relations Framework Act 13 of 2005 goes on to provide how those internal procedures should be addressed in the terms of reference.

The respondents were not in agreement on the issue of the terms of reference for the Premier's Intergovernmental Forum. Seven (63.3%) of the respondents said there were no approved terms of reference and the Forum operated on draft terms of reference, while one (9.08%) of respondents stated that the terms of reference were approved as far back as 2002. The respondents further said that the Premier's Intergovernmental Forum did not have terms of reference; therefore, it conducted its business without terms of reference, which still had to be approved. The danger with this was that the Premier's Intergovernmental Forum might be operating outside the parameters set by the Intergovernmental Relations Framework Act 13 of 2005. Three (27.3%) respondents agreed that there were terms of reference, but could not provide a copy or proof of them.

One (9.08%) of the respondents said that the Office of the Premier must take the lead in ensuring that the terms of reference were presented, discussed and approved by the Premier's Intergovernmental Forum.

**5.3.2.10 In the reports, it is stated that the Premier's Intergovernmental Forum meets for only half a day once a quarter.**

In terms of the duration of the meetings, ten (90.01%) respondents agreed that the Premier's Intergovernmental Forum meets for half a day once a quarter, They were of the opinion that is was not enough to do justice to the issues raised and they suggested that the Forum must at least meet for a full day once a quarter. One (9,09%) suggested that if the Technical Cluster did its job of processing the issues before the Premier's Intergovernmental Forum, then a half a day a quarter would be sufficient. This matter of how often the Premier's Intergovernmental Forum is to meet is not prescribed by the Intergovernmental Relations Framework Act 13 of 2005.

**5.3.3 Role of Cooperative Government in the Premier's Intergovernmental Processes**

**5.3.3.1 What is the role of the technical support structures in the Premier's Intergovernmental Forum?**

The Intergovernmental Relations Framework Act 13 of 2005 provides that an intergovernmental forum can establish a technical support structure to support its functioning. The technical support structure must consist of officials representing government or organs of state participating in the intergovernmental forum.

Of the 11 officials interviewed, one (9, 09%) said that there no technical structure and terms of reference for the Premier's Intergovernmental Forum, which spelt out how the technical structure should function. Ten (90.01%) of the respondents said that there was a technical structure and was chaired by the Director General of the Province. The ten (90.01%) respondents' further stated that the role of the technical structure is to deal with matters from the different district municipalities and Provincial Departments before they were presented to the broader

Premier's Intergovernmental Forum. In other words, they narrowed down the issues so that the Forum could deal with the business of the day, which is to discuss, consider and make decisions. One (9.1%) respondent further explained that in addition to the technical structure, the Member of the Executive Council responsible for the Department of Cooperative Governance and Traditional Affairs has MEC-Mayors' Forum meetings with all the Mayors and Municipal Managers on a quarterly basis to discuss their challenges and the issues that they feel need the attention of the Provincial Government.

#### **5.3.3.2 Which officials constitute the technical support structure?**

Section 30 (1) enjoins the Premier's Intergovernmental Forum to establish an intergovernmental technical support structure, if there is a need for formal technical support to the Forum. Because of the technical support structure, it is forum of technocrats. All (100%) of the respondents interviewed said that the technical structure is composed of the Director General; the Heads of Departments; Senior Managers responsible for Intergovernmental Relations in the office of the Premier and the Department of Cooperative Governance and Traditional Affairs, and District Municipal Managers. The technical support structure must consist of officials representing government or organs of state participating in the Forum and may include any other person who may assist in supporting the intergovernmental forum (Synthesis Report 2014: 55). One (9.1%) of the respondents interviewed said that the District Municipalities are the only role players whose work is tracked by providing the Department of Cooperative Governance, Human Settlements and Traditional Affairs with monthly reports, which makes the role players uneven partners in the Premier's Intergovernmental Forum. The respondent went further to suggest that all the provincial departments must also submit reports to the Premier's Intergovernmental Forum.

#### **5.3.3.3 Is the monitoring and reporting by the Premier's Intergovernmental Forum done?**

Section 20 of the Intergovernmental Relations Framework Act 13 of 2005 enjoins the Premier's Intergovernmental Forum to report annually to the Presidential



Coordinating Council on progress with regard to the implementation of national policy and legislation within the Province.

In terms of the Intergovernmental Relations Framework Act 13 of 2005 Section 20, the intergovernmental relations structures are forums for intergovernmental consultations and discussions. They are not executive decision-making bodies; they may however adopt resolutions or make recommendations in terms of agreed procedures.

Three (27.2%) of the respondents said that there are no reporting and monitoring mechanisms in place. According to them, they do not know if there are any monitoring and reporting done by the role players or members of the Premier's Intergovernmental Forum. One (9.1%) of the three (27.2%) respondents further said that the Intergovernmental Relations Directorate in the office of the Premier does not understand their roles, therefore the issue of monitoring and reporting is not receiving adequate attention. The other eight (72.2%) respondents agreed that monitoring and reporting is done, three (27%) of these eight (72.2%) respondents further stated that the reporting is done by the directorate responsible for Intergovernmental Relations in the Office of the Premier. They do this by drafting the reports and disseminating such reports with clear resolutions to the members to inform them about who must do what and by when.

#### **5.3.3.4 How regularly does the Premier's Intergovernmental Forum report to the Presidential Coordinating Council?**

Section 20(a) of the Intergovernmental Relations Framework Act 13 of 2005 stipulates that the Premier's Intergovernmental Forum must report at least annually to the President's Coordinating Council on progress on the implementation of national policy and legislation within the Province. Nine (81.8%) of the respondents agreed that the Premier's Intergovernmental Forum reports to the Presidential Coordinating Council once a year and this reporting by the Provincial Coordinating Forum to the Presidential Coordinating Council is done in terms of Section 20(a) of the Intergovernmental Relations Framework Act 13 of 2005. Two (18.18%) of the respondents agreed that the Premier's

Intergovernmental Forum reports to the Presidential Coordinating Council on a quarterly basis adding that this reporting by the Provincial Coordinating Forum to the Presidential Coordinating Council is done in terms of Section 20(a) of the Intergovernmental Relations Framework Act 13 of 2005.

**5.3.3.5 Is there a specific format that is prescribed for the reporting by the Premier's Intergovernmental Forum to the Presidential Coordinating Council?**

The Intergovernmental Relations Framework Act 13 of 2005 does not stipulate a prescribed format for reporting by the Provincial Intergovernmental Forums. Emanating from the interviews, six (54.5%) respondents said that there is no specific format that is used by the Premier's Intergovernmental Forum to report to the Presidential Coordinating Council. Five (45.5%) respondents said that there is no specific prescribed reporting format used, but all the members of the Presidential Coordinating Council report by making presentations. On the regularity of the reporting by the Premier's Intergovernmental Forum to the Presidential Coordinating Council, the respondents offered different explanations. One (9.01%) respondent said the reporting is bi-annually, four (36.3%) respondents said the reporting is quarterly and six (54.5%) respondents said the reporting is annually.

**5.3.3.6 Do all the District Municipalities form part of the Premier's Intergovernmental Forum?**

Section 17(d) of the Intergovernmental Relations Framework Act 13 of 2005, stipulates that the mayors of District and Metropolitan Municipalities form part of the Premier's Intergovernmental Forum in the Province. Therefore, on the matter of the District Municipalities forming part of the Premier's Intergovernmental Forum, all the 11 (100%) officials interviewed said that all five District Municipalities form part of the Premier's Intergovernmental Forum.

### 5.3.3.7 Are the districts allowed to propose items for the agenda to the Premier's Intergovernmental Forum?

According to all 11 (100%) respondents interviewed all the district municipalities do submit proposed agenda items to the Office of the Premier to be included in the agenda, but one (9.09%) respondent said that the Executive Council decides on which items are included on the agenda, even after the District Municipalities have submitted their agenda items.

### 5.3.3.8 What are the roles of the District Municipalities on the Premier's Intergovernmental Forum?

Section 26(1) of the Intergovernmental Relations Act 2005 stipulates that the role of the District Municipalities is to serve as a consultative forum for the District Municipality and Local Municipalities within the district to discuss and consult with each other on matters of mutual interest. The 11 (100%) officials interviewed were asked what the roles of the District Municipalities are on the Premier's Intergovernmental Forum. This they answered by choosing amongst the following three categories of roles:

**Table 3: Categories of roles**

Roles	Officials	Percentages
Is the role of consultation only	1	9.09%
Is the role consultation with the intention joint decision-making	6	54.5%
Is the role of making presentations to the PIGF	4	36.3%

Source: Own

In terms of the three roles identified above one (9.09%) respondent was of the opinion that the role of the District Municipalities on the Premier's Intergovernmental Forum is consultation only. Six (54.5%) of the respondents said that the District Municipalities' role is consultation, with the intention of joint decision-making. Four (36.3%) of the respondents stated that the role of the District Municipalities is making presentations.

#### **5.3.3.9 Are there any reasons why the Local Municipalities only form part of the Premier's Intergovernmental Forum meetings twice a year?**

Two (18.1%) of the 11 respondents said the meetings were insufficient; they also did not know why the local Municipalities were only invited to the Premier's Intergovernmental Forum twice a year. Four (36.3%) of the respondents said the local municipalities did not form part of the Premier's Intergovernmental Forum because they were part of the District Intergovernmental Forums. One (9.09%) of the respondents did not know why the local municipalities were invited only twice per year, as it had never been explained, but was of the opinion that it was because the Local Municipalities form part of the District Intergovernmental Forums meetings which were held on a quarterly basis and preceded the Premier's Intergovernmental Forum meetings. Another one (9.09%) respondent also said that it was not clear why the Local Municipalities were only invited twice a year to the Premier's Intergovernmental Forum meetings. The respondent added that it did not make sense and would only make sense once there were an effective Municipalities and Members of the Executive Council (MINMEC) Forum. Two (18.1%) of the respondents said the Premier invited the Local Municipalities only when there were burning issues to be addressed. An example in this regard was the 13 Municipalities which were to have their electricity supply cut-off by Eskom. The Premier together with the Member of the Executive Council responsible for the Department of Cooperative Governance, Human Settlements and Traditional Affairs had to intervene to solve this major issue. This respondent (9.09%) opined that the Intergovernmental Relations Framework Act 13 of 2005 was clear on the composition of the members of the Premier's Intergovernmental Forum; apart from the composition the Local Municipalities were represented in the District Intergovernmental Forum.

#### **5.3.3.10 What could the reasons be for the Premier's Intergovernmental Forum meeting outside of the normal quarterly meeting?**

The Provincial Intergovernmental Forum meets regularly, that is, at least four times a year, and also when there is a burning need for the Forum to meet and discuss specific matters (Chapter 1). Out of the 11 officials interviewed, only one

(9,09%) said that the only time that the Premier's Intergovernmental Forum meets outside the normal scheduled quarterly meetings is when there is a government lekgotla, which is coordinated by the Office of the Premier. Ten (90.01%) of the officials interviewed said that the meetings of the Premier's Intergovernmental Forum are called outside the normal scheduled quarterly meetings when the Executive Council or the Premier has made a determination or deems it fit to have a meeting to address burning issues in the Province.

**5.3.3.11 Are there no reporting mechanisms for reporting within the Premier's Intergovernmental Forum?**

The Premier's Intergovernmental Forum does not have a system in place to follow up on resolutions made at the Forum and this attributes to the lack of capacity in the Intergovernmental Relations Unit (Chapter 4). Four (36.3%) of the responders answered the question on the reporting mechanisms by stating that they were not available at all. One (9.09%) respondent said that the role players use the decision register to report to the Department of Cooperative Governance, Human Settlement and Traditional Affairs, which prepared the report for the Premier's Intergovernmental Forum. Six (54.5%) officials said that there were no mechanisms, but stated that the Premier's Intergovernmental Forum had resolved that the district must submit their reports to the Department of Cooperative Government, Human Settlements and Traditional Affairs, and the Department, in turn would report to the Premier's Intergovernmental Forum.

**5.3.3.12 Is there provision made for National Departments, with a presence in the Northern Cape, to participate in the Premier's Intergovernmental Forum?**

According to the Intergovernmental Relations Framework Act 13 of 2005 provisions must be made for several inter-ministerial committees on National and Provincial level, which Deal with issues of Intergovernmental Relation that involve the Premiers Provincial Intergovernmental Relations and inter-provincial forums (Chapter 3).

Ten (90.01%) of the 11 respondents agreed on the issue of the representation of the National Departments with a presence in the Northern Cape, although they differed on the exact number and national departments, state owned enterprises and other government institutions. These ten (90.01%) respondents further mentioned the following state-owned enterprises and other government institutions that should be represented in the Premier's Intergovernmental Forum. They are the Department of Water and Sanitation; Department of Labour; the Department of Mineral Resources; the Department of Justice; the Department of Home Affairs; the South African Social Security Agency; the South African Police Services and the Department of Correctional Services; the Statistics South Africa; Government Communication and Information Services; Department of Land Affairs; the Department of Energy; the Department of Cooperative Governance and Traditional Affairs; the Department of Public Works and Eskom. Although not all of the National Departments has a presence in the Province in terms of offices they do request to make presentations to the Premier's Intergovernmental Forum on matters of national importance. Only one (9.09%) of the 11 respondents said that the National Departments, with a presence in the Northern Cape, should not be represented in the Premier's Intergovernmental Forum.

#### **5.3.4 Administration and support of the Premier's Intergovernmental Forum Structures**

##### **5.3.4.1 Is there a dedicated team, in the form of a Directorate, in the office of the Premier that deals with the Premier's Intergovernmental Forum matters?**

Section 19 of the Intergovernmental Relations Framework Act 13 of 2015, provides that a department of the Premier should be responsible for providing administrative and other support to the Provincial Coordinating Forum (Chapter 4). Regarding the administration and support of the Premier's Intergovernmental Forum structures ten (90.09%) of the respondents said that there is a directorate that assists with the administration and support; the directorate is called Intergovernmental Relations. Only one (9.09%) respondent said that there is no administration and support of the Premier's Intergovernmental Forum.

#### **5.3.4.2 Who plays the secretariat role of the Premier's Intergovernmental Forum?**

According to the Synthesis Report (2014: 62), In the Northern Cape the Premier's Intergovernmental Forum secretariat support was provided by the Intergovernmental Relations Unit in the office of the Director General. The post of the Chief Director was however vacant, and in the interim the secretariat responsibility was taken over by the Provincial Executive Council Secretariat.

Two (18.18%) of the respondents said that the secretariat role of the Premier's Intergovernmental Forum was played by both the Executive Council Secretariat and the Intergovernmental Relations Directorate, but they were of the opinion that the Executive Council Secretariat focused more on the work of the Executive Council than on work of Intergovernmental Relations probably because of the work load of the secretariat. Seven (63.3%) respondents said that the secretariat role is played by the Intergovernmental Relations Directorate, although opined that the fact that the Intergovernmental Relations Directorate was short-staffed made them not play their role effectively. Two (18.18%) respondents said that the office of the Director General was responsible for the secretariat.

#### **5.3.5 Decision-making of the Premier's Intergovernmental Forum structure**

##### **5.3.5.1 How are the resolutions of the Premier's Intergovernmental Forum made?**

Section 30(1) stipulates that an Intergovernmental Forum may establish an intergovernmental technical support structure if there is a need for formal technical support structures. According to one respondent (9.09%) of the respondents, the resolutions were in accordance with the meeting procedures of the Premier's Intergovernmental Forum. Seven (63.3%) respondents said the resolutions were made through discussions in the meetings which culminate in collective decision-making. Another respondent (9.09%) said the resolutions and decisions were left to relevant structures which sit in the Premier's Intergovernmental Forum, but the challenge was that there was no monitoring

mechanisms. One (9.09%) respondent mentioned that the resolutions were taken at the level of the Premier's Intergovernmental Forum and communicated officially to the members of the Forum, while another respondent (9.09%) respondent indicated that the resolutions and decisions were taken by the Executive Council.

#### **5.3.5.2 Are there procedures for making recommendations by the Premier's intergovernmental Forum?**

According to the Synthesis Report (2014: 62), the Intergovernmental Relations structures are forums for intergovernmental consultations and discussions. They are not executive decision-making bodies; they may adopt resolutions or make recommendations in terms of agreed procedures (Chapter 4). In this regard one respondent (9.09%) respondent said that the procedures in making recommendations were done in accordance with the meeting procedures of the Premier's Intergovernmental Forum. Three respondents (27.2%) said there were no procedures for making recommendations; whilst seven respondents (63.3%) said when an issue arose, it was presented to the Premier's Intergovernmental Forum for discussion, and then a decision was taken on the issue.

#### **5.3.5.3 Does the Premier's Intergovernmental Forum have systems in place for the implementation of decisions?**

According to six respondents (54.5%) the Premier's Intergovernmental Forum does have systems in place to track decisions, decisions were tracked through the resolution communicated to the different role players and the decision matrix developed by the Department of Cooperative Governance, Human Settlements and Traditional Affairs. Three (27.2%) respondents said the systems were not developed, as yet; whilst one (9.09%) said that the system that was used was an action template to track the decisions made in the Premier's Intergovernmental Forum. One (9.09%) of the respondents said there were no systems for the implementation of decisions.



#### **5.3.5.4 How are the Premier's Intergovernmental Forum decisions communicated?**

According to one (9.09%) respondent, decisions that were communicated to the role players through the Department of Cooperative Governance, Human Settlement and Traditional Affairs. Another (9.09%) respondent said the decisions were communicated through the Municipal Manager and the Infrastructure Directorate. Seven (63.3%) respondents said the decisions of the Premier's Intergovernmental Forum were communicated through the meeting's minutes; whilst another respondent (9.09%) said they were communicated by being forwarded to members after the meetings, but there were no time frames attached. A further respondent (9.09%) said the decisions of the Premier's Intergovernmental Forum were communicated to all members through a decision matrix, which was coordinated by the Department of Cooperative Governance, Human Settlements and Traditional Affairs, in conjunction with the Intergovernmental Relations Directorate in the Premier's office. Although, according to 63.3% of the respondents, the decisions of the Premier's Intergovernmental Forum were communicated through the meetings' minutes, a clear mechanism for communicating the decisions or resolutions must still be developed and approved by the Forum.

#### **5.3.5.5 Do the decisions of the Premier's Intergovernmental Forum impact on the service delivery?**

On the impact of the Premier's Intergovernmental Forum on service delivery, seven respondents (63.3%) said it did impact service delivery, albeit to a lesser extent. One respondent (9.09%) further cited the example of the 13 municipalities, which Eskom had threatened to cut their electricity supply, was through the intervention of the Premier's Intergovernmental Forum that the electricity was not cut. Two (18.18%) respondents said there was an impact on service delivery, but could not provide evidence on the extent of the impact. One (9.09%) respondent said it had an impact on service delivery since it helped municipalities to link their work back to the basics pillars. Another (9.09%) respondent said there was no impact on service delivery because most of the

small municipalities did not have the budgets to implement some of the decisions taken at the level of the Premier’s Intergovernmental Forum. The Premier’s Intergovernmental Forum formalises the relations between and within the three spheres of government. It promotes better coordination to improve the effective provision of services that require a combined action to ensure that its legislative intention translates into tangible results (Northern Cape Premier’s Intergovernmental Forum Framework Document 2013: 2).

**5.3.5.6 The table below lists the different types of decision-making. Which type of best depicts the decision-making used by the Premier’s Intergovernmental Forum?**

**Table 4: Types of Decision-making**

<b>Decision-making type</b>
Intuitive
Impulsive
Non-programmed
Programmed

Source: Own

Public manager are faced with different types of decision-making therefore it is important for this study to indicate what type decision-making is followed by the Premier’s Intergovernmental Forum. Of the 11 officials interviewed, one (9.09%) could not identify a decision-making type that best described how decision-making was done in the Premier’s Intergovernmental Forum. Seven (63.6%) respondents were of the opinion that the decision-making type used is non-programmed decision-making (see Chapter 3). Whilst another (9.09%) said programmed decision-making was used when decisions were made. Two (18.18%) respondents opined that the Premier’s Intergovernmental Forum used both non-programmed and programmed decision-making. Although it was difficult to get respondents to identify the type of decision-making, but at the end most respondents identified with non-programmed decision-making.

**5.3.5.7 From the definitions of decision-making theories outlined below, which decision-making theory best depicts the theory used by the Premier's Intergovernmental Forum?**

As public managers are expected to make decisions on a daily basis, they employ different decision-making theories knowingly or unknowingly. Ten (90.9%) of the 11 respondents were of the opinion that the Premier's Intergovernmental Forum used the Participative Decision-making Theory. Only one opined that the decision-making theory used by the Premier's Intergovernmental Forum was the Communication in Decision-making Theory.

Ten (90.01%) respondents were of the opinion that the Premier's Intergovernmental Forum used the Participative Decision-Making Theory in arriving at its decisions. This can be ascribed to the nature of the composition of the Premier's Intergovernmental Forum as not only the highest ranking political leadership in the Province is involved; even the lower-rank politicians in the form of Mayors are involved. The Municipal Managers of the District Municipalities and officials of the Provincial Departments, who include the Heads of Departments, are also involved in the decision-making processes. One (9.09%) respondent opined that the decision-making theory used by the Premier's Intergovernmental Forum was the Communication in Decision-Making Theory, as the Forum members had to deliver services, taking into account what the organizational context was and due to the fact that they were viewed by the general public as the people who must deliver services at all times.

From the information gathered in the interviews and the literature review in Chapter three, which dealt with Governance and Decision-making, it can be concluded that the Premier's Intergovernmental Forum uses the Participative Decision-making Theory in deciding on the agenda items for meetings.

### **5.3.6 Challenges of the Premier's Intergovernmental structures**

#### **5.3.6.1 Name the most critical challenges of the Premier's Intergovernmental Forum?**

The respondents raised different challenges of decision-making for the Premier's Intergovernmental Forum. The following challenges were raised by the respondents:

- Lack of capacity – the respondents stated that the fact that the Premier's Intergovernmental Forum was not performing at expected levels could be ascribed to the fact that there was no capacity within the Directorate of Intergovernmental Relations, both at the level of suitably qualified officials and the number of officials who deal with Intergovernmental Relations in the Directorate. They further said that more skilled people should be appointed so as to deal effectively with Intergovernmental Relations in the Province;
- Lacks of resources – the respondents were of the opinion that the Intergovernmental Relations Unit did not have people with the requisite qualifications and also that the Unit was understaffed;
- Lack of coordination – the respondents were of the view that there was no effective and proper coordination of the activities of the Premier's Intergovernmental Forum, particularly as it related to the follow-up on decisions;
- Lack of training – the lack of training was identified by the five respondents as a challenge. They stated that the Office of the Premier should take bold steps to deal with the training of the officials in the Directorate of Intergovernmental Relations, or this challenge would persist for a long time;
- Reporting – five respondents were of the opinion that the internal reporting by the Intergovernmental Relations Directorate should not be directly to Policy and Planning, but to the office of the Director General;

- Lack of capacity at local government level – the respondents opined that as long as the issue relating to the capacity of the local government sphere was not addressed, the proper functioning of the Premier’s Intergovernmental Forum would always be a challenge;
- Budgets – the respondents were of the opinion that most of the Local Municipalities in the Province were cash-strapped and, as a result, even if they brought a matter to the attention of the Premier’s Intergovernmental Forum, they would always be unable to implement major decisions and
- The Executive Council Cabinet Secretariat and the Directorate of Intergovernmental Relations – in the Office of the Premier operated in silos; thus, there was a need for these two directorates to work more closely in order to ensure the effectiveness of the Premier’s Intergovernmental Relations.

There is a correlation between what was found in the review of the literature and the actual data gathered in the interviews in that the challenges identified in both the literature review and the interviews are similar.

#### **5.4 Conclusion**

In a quest to understand how Intergovernmental Relations is organised, both the theoretical (legislation, policies, reports, journals and text books and practical aspects (pertaining to intergovernmental relations in the Northern Cape Province) needed to be tested against each other. In this Chapter, the analysis with regard to the Premier’s Intergovernmental Forum in the Northern Cape Province was discussed. This was done by interviewing officials of both the Provincial and Local Government, who work directly with Intergovernmental Relations. The questions were developed to gather data for the study; however, the information gathered from the interviews had to be interpreted and analysed against what was depicted in the previous Chapters, particularly in Chapter four. Therefore, the perspective of Intergovernmental Relations within the Northern Cape Province was viewed from a national perspective, to a provincial

perspective, whereby the relevance of Intergovernmental Relations in the Northern Cape was outlined. In essence, the information emanating from the interviews was presented in this chapter.

From the analysis and interpretation of the information gathered, it can be said that the study has highlighted certain issues, and in some instances these issues will need to be addressed. The issues revealed by the study include the following: the lack of proper mechanisms for members of the Premier's Intergovernmental Forum to raise agenda points for meetings; the lack of a prescribed format for the Premier's Intergovernmental Forum for reporting to the Presidential Coordinating Council; the lack of capacity in the Directorate of Intergovernmental Relations in the Office of the Premier; the lack of approved terms of reference; and lack of a quorum for Forum meetings.

The study also brought forth positive aspects of the Premier's Intergovernmental Forum. They include the following: involving the National Departments with a presence in the Province to be part of the Premier's Intergovernmental Forum, including allowing the National Departments to make presentations on matters of national priority; solving problems that municipalities on their own could not have solved (the Eskom issue where the Premier and the Member of the Executive Council intervened in the 13 municipalities within the borders of the Province of the Northern Cape, whose electricity was to be switched off due to non-payment); regular quarterly meetings and ensuring that the District Municipalities form part of the Premier's Intergovernmental Forum on a regular basis. This Chapter sketches a picture of the effectiveness of the Northern Cape Premier's Intergovernmental Forum, Thereby identifying gaps that need to be addressed so that the Forum can function optimally.

## **Chapter 6: Findings, Recommendations and Conclusion**

### **6.1 Introduction**

Chapter six will be based on the review of the entire study, which is the effectiveness of Intergovernmental Relations in the Northern Cape, with a focus on the Premier's Intergovernmental Forum. This Chapter will be a summary of the first five Chapters, and it will deal with the findings, recommendations and conclusion. A shortened version of the description of the study in relation to the research problem, aims and objectives will be aligned to this chapter.

The research question of the study related to the effectiveness of Intergovernmental Relations in the Northern Cape, with a focus on the Premier's Intergovernmental Forum, in as far as the decision-making and ensuring the implementation of such decisions was concerned. This was primarily covered in Chapter one. Chapter two dealt with the legislative environment in terms of Intergovernmental Relations, which provides the three spheres of government with the requisite prescribes to operate Intergovernmental Relations. As the focus of this study is on decision-making in the Premier's Intergovernmental Forum, the Intergovernmental Relations creates an environment for the joint provision of services to the respective communities by ensuring that the three spheres of government work together in the attainment of such objectives.

### **6.2 Overview of the study**

The study, in its endeavor to establish how effective intergovernmental Relations are in the Northern Cape Province, was structured into six Chapters. They are as follows:

#### **6.2.1 Chapter One: Actuality of Research**

This chapter presented the research proposal of the study, whereby the research questions; aims and objective; and research methodology (including the research design) were discussed. In addition, the Chapter also provided the structure of the entire study to create a scientific study that flows.

### **6.2.2 Chapter Two: Intergovernmental Relations**

This chapter dealt with in-depth information regarding intergovernmental relations. It reviewed the views of different authors and researchers on what they perceived Intergovernmental Relations to be, these perspectives were linked to the relevant legislation, particularly Chapter three, in the Constitution of the Republic of South Africa Act 108 of 1996. In this Chapter it was imperative to elaborate on the concepts that were aligned with intergovernmental relations.

### **6.2.3 Chapter Three: Governance and Decision-making**

In this Chapter, the importance of any sphere of government to provide good governance in the execution of its duties and in making effective decisions for the benefit of the people was highlighted. There are certain fundamentals of Intergovernmental Relation which must be achieved; they include issues such as cooperative governance; good governance; elements of good governance; decision-making; decision-making types and decision-making approaches; and theories of decision-making. All of the aforementioned Intergovernmental Relations fundamentals were reviewed in this Chapter.

### **6.2.4 Chapter Four: Analysis of the Premier's Intergovernmental Forum**

Chapter four dealt with the analysis of Intergovernmental Relations as it pertains to the Northern Cape Province. In an attempt to do justice to the actual analysis the objectives, functions and role of cooperative governance; compliance to the Intergovernmental Relations Framework Act 13 of 2005; and the challenges of Intergovernmental Relations and reporting by the Premier's Intergovernmental Forum to the Presidential Coordinating Council, including the processes followed to decision-making were examined.



### **6.2.5 Chapter Five: Interpretation and Analysis**

Emanating from the previous Chapter, which dealt with the reality of Intergovernmental Relations in the Northern Cape Province, a set of questions were prepared with the intention of interviewing officials who work directly with Intergovernmental Relations. The questions were developed to gather data for this study; however, the information gathered from the interviews had to be analysed against what was gathered in the previous chapter (Chapter four).

### **6.2.6 Chapter Six: Findings, Recommendations and Conclusion**

In Chapter six, this is the last chapter of the mini-dissertation, the research findings, recommendations, and including conclusion, which is geared towards contributing to the field of study, will be dealt with.

## **6.3 Assessment**

It is imperative to note that the notion of Intergovernmental Relations is a global phenomenon, as many countries are involved in Intergovernmental Relations in one way or the other, and not only a South African one, although it can be mentioned that Intergovernmental Relations is institutionalised in South Africa. In order to understand how Intergovernmental Relations is implemented, different perspectives from different researchers and/or authors were reviewed. Graythorne (2003: 16) encapsulates the concept when he defines Intergovernmental Relations as “the relationships that arise between different governments or organs of state from different governments in the conduct of their affairs”.

In the South African context, the Constitution of the Republic of South Africa Act 108 of 1996, in particular Chapter three and the relevant legislation of intergovernmental relations enable and entrenches Intergovernmental Relations such as the Intergovernmental Relations Framework Act 13 of 2005.

Furthermore, the crux of Intergovernmental Relations was reflected by different researchers, such as Coetzee (2010: 88 – 89), who said that the important principle in Intergovernmental Relations is public participation and the need for sufficient power-sharing should in order to meet the needs of communities.

After the research problem was thoroughly explained, which is the assessment of the effectiveness of Intergovernmental Relations in the Northern Cape Province, with a focus on the Premier's Intergovernmental Forum, the aims and objectives of the study were clearly articulated, including the research methodology and the research design. In order to understand Intergovernmental Relations and how it is implemented from a South African perspective, the legislative environment had to be examined by scrutinising the relevant acts of parliament and any legislation that has a bearing on the effective implementation of Intergovernmental Relations in the country.

The Constitution of the Republic of South Africa Act 108 Of 1996, together with the relevant legislation, was interrogated to determine to what extent they must be utilised in the governance and decision-making processes. As indicated in Chapter three, governance, which according to Peter and Pierre (1998: 17-18) is more than a new set of managerial tools, is ultimately about achieving greater efficiency in the production of public services and decision-making. According to Fikizolo (2005: 10), the decision-making process can range from a simple individual decision that affects only the decider, to the extremely complex decisions that affects many within the affected area or institution. These complex decisions are generally a result of a series of debates and discussions by all stakeholders through consensus or voting amongst themselves. Because the thrust of this study is decision-making in the Northern Cape Premier's Intergovernmental Forum, both governance and decision-making are the perfect measures to be used to determine the effectiveness of Intergovernmental Relations in the Province (see Chapter 3).

Now that there was a clearer understanding of the legislative environment and legislation, the governance aspects and the decision-making processes in relation to Intergovernmental Relations, it was imperative to check all these issues practically. The question whether the Northern Cape Premier's Intergovernmental Forum adheres to the fundamentals, which include functions and objectives, was considered.

In order to test what was gathered through desk top research, and what happened in reality, questions were developed which were used in the interviews. From these interviews, the information was analysed and interpreted to make sense of the topic under study.

#### **6.4 Findings**

After a thorough assessment of the literature, which included the Constitution of the Republic of South Africa Act 108 of 1996, (in particular Chapter 3), and brought into sharp focus the concept of cooperative governance and the Intergovernmental Relations Framework Act 13 of 2005, the following was done. The researcher; firstly thoroughly reflected on the concept of decision-making, including governance and decision-making, and the types and theories of decision-making. Thereafter, an analysis was done of the current situation, as it relates to how the Northern Cape Provincial Government implements Intergovernmental Relations, and then interviews were conducted with officials involved in the public sector who deal with the implementation of Intergovernmental Relations as part of their work.

Given the above, the study delivered the following findings:

#### **Reporting by members of the Premier's Intergovernmental Forum is uneven:**

The theoretical descriptions and various legislative frameworks on Intergovernmental Relations enjoins all three spheres of government to the implementation thereof, including the various matters relating to the Intergovernmental Relations such as how the members Premier's Intergovernmental forum is reporting to the Forum. The interviews conducted

with the officials gave them the opportunity to reflect on reporting in the Premier's Intergovernmental Relations Forum. In this regard there was a question included that related to monitoring and reporting by the Premier's Intergovernmental Forum. In this question, the officials interviewed had to explain how the reporting was done. A total of 72.2% of the respondents agreed that monitoring and reporting was done. Furthermore, these respondents said that the only members of the Premier's Intergovernmental Forum who were compelled to report to the Forum through submitting reports, and in some instances, making presentations were the District Municipalities, whilst the Provincial Departments as members of the Forum did not send in reports or make presentations to the Forum (see Chapter 5). Thus, it is imperative that all members of the Premier's Intergovernmental Forum should be afforded equal status in as far as reporting to the Forum is concerned.

- **Dispute settlement procedures are non-existent:**

Given the analysis of the Premier's Intergovernmental Forum (Chapter 4) and the interpretation and analysis of the information gathered (Chapter 5), Section 39 (1) (a) of the Intergovernmental Relations Framework Act 13 of 2006 stipulates that settlement of specific intergovernmental disputes, in respect of which other national legislation provides resolutions mechanisms or procedures. Given this, the question asked is whether the Premier's Intergovernmental Forum does has dispute settlement procedures in place, while the other question related to the reason for not having dispute settlement procedures. It can thus be concluded, from the responses received from interviewing the officials and the literature reviewed, that no dispute settlement procedures existed in the Northern Cape Premier's Intergovernmental Forum. According to the study, 72.7% of the respondents said that disputes were handled in the Premier's Intergovernmental Forum by attending to them as they arose, but in general not many disputes were raised by the members of the Forum (Chapter 5). On the question of the reasons for not having dispute settlement procedures, 100% of the respondents said that the issues that were raised were more complaints than disputes, but they opined that there should be dispute settlement procedures in place. The respondents further said that the reason for the lack of dispute settlement procedures was

related to the fact that all the members of the Premier's Intergovernmental Forum came from the same political organisation, the African National Congress (Chapter 4) Therefore, this study finds that if there are no properly crafted and approved dispute settlement procedures in place the risk is that the Forum will miss crucial matters that need it's their attention, particularly if there are a opposition parties present in the Forum.

- **Non-compliance with Section 33 and 33 (1)(a) of the Intergovernmental Relations Framework Act 13 of 2005 by the Premier's Intergovernmental Forum:**

Compliance with legislation is vital when it comes to intergovernmental relations. This also involves ensuring that all the issues pertaining to the Premier's Intergovernmental Forum should be implemented, with regard to compliance. The analysis of the Northern Cape Premier's Intergovernmental Forum (Chapter 4) provides a clear guide on this matter. It also indicates that avoidance to comply with legislation might put the legitimacy of the Forum at risk. Section 33 of the Intergovernmental Relations Framework Act 13 of 2005, provides that every Intergovernmental Relations structure must adopt internal rules to govern its internal procedures and Section 33 (1)(a) of the Intergovernmental Relations Framework Act 13 of 2005 goes on to provide how those internal procedures should be addressed (Chapter 5). From the analysis of the Premier's Intergovernmental Forum (Chapter 4) and the interpretation of the data gathered through the interviews with officials responsible for Intergovernmental Relations in the Province, it can be suggested that there is minimum compliance with section 33 of the Intergovernmental Relations Act 13 of 2005.

- **The Premier's Intergovernmental Forum meetings do not form a quorum:**

The number of members or role players attending the Premier's Intergovernmental Forum is important in regards to decision-making. In this instance, the analysis of the Premier's Intergovernmental Forum (Chapter 4) clearly indicated that a quorum for meetings of the Premier's Intergovernmental Forum is crucial, because the decisions taken will have more legitimacy if a

certain number of role players is present in the meetings. The structure does not have procedural rules and therefore does not have a set level or number of role players who constitute a quorum; however, it was found that the meetings are well attended (Chapter 4). A total of 72.7% of the respondents also indicated that the meetings did form a quorum. This does however not take away the fact that no approved quorum is set by the Forum; this is because there are no approved terms of reference, which could have reflected on how many members constitute a quorum. Section 33 of the Intergovernmental Relations Framework Act 13 of 2005, states that every intergovernmental structure must adopt rules to govern its internal procedures. This is sufficient to enjoin The Northern Cape the Premier's Intergovernmental Forum to prioritise terms of reference, which will address the issue of a quorum.

- **The setting of an agenda for the meeting of the Premier's Intergovernmental Forum is not done in accordance with the Act:**

Based on the theoretical descriptions and the different legislation/s which guide the effective implementation of Intergovernmental Relations in the Northern Cape Province, a central question was included in the question on who is responsible for setting the agenda for the Forum's meetings. The officials interviewed had to respond by indicating who is sets the agenda. All (100%) of the respondents agreed that the agenda was set by members of the Premier's Intergovernmental Forum, which is contrary to what is stipulated in the Act. The Intergovernmental Relations Framework Act 13 of 2005 provides that as the chairperson of the Provincial Coordinating Forum, the Premier convenes the meetings of the Provincial Coordinating Forum and determines the agenda for the Provincial Coordinating Forum meetings. The respondents further said that the agenda items are discussed at meetings of the Executive Council which include Members of the Executive Council. The Executive Council decides at the meeting what will be included in the agenda, with the Premier having the final say. The Act is clear on this matter it is the Premier, as the custodian of the setting of the agenda, who must take the lead in this regard.

- **There is no clarity on who chairs the meetings of the Premier's Intergovernmental Forum in the absence of the Premier:**

From what was found in the analysis of the Premier's Intergovernmental Forum (Chapter 4) and the interpretation and analysis of the information gathered (Chapter 5), the Act does not stipulate who must chair the meetings in the absence of the Premier. In answering the question on who chairs meetings in the absence of the Premier, 54.5% of the respondents said that in the absence of the Premier the Provincial Chairperson of the South African Local Government Association chaired the meetings; whilst 45.5% of the respondents said that in the absence of both the Premier and the Provincial Chairperson of the South African Local Government Association, the meetings were chaired by the Member of the Executive Council responsible for Cooperative Governance, Human Settlements and Traditional Affairs (Chapter 4). The functions of the chairperson are not defined in the rules or terms of reference for the Premier's Intergovernmental Forum, nor are there clear procedures for the designation of a person to preside at the meeting in the absence of the chairperson (Chapter 4). Therefore, the terms of reference should be revised and the issue dealing with the appointment of a chairperson in the absence of the Premier should be reflected clearly, and should include a second alternative.

- **The lack of terms of reference for the Premier's Intergovernmental Forum:**

The interviews conducted, the interviews revealed that the Northern Cape Premier's Intergovernmental Forum does not abide by its terms of reference. Section 33 of the Intergovernmental Relations Framework Act 13 of 2005, provides that every Intergovernmental Relations structure must adopt internal rules to govern its internal procedures, and Section 33 (1)(a) of the Intergovernmental Relations Framework Act 13 of 2005 goes on to provide how those internal procedures should be addressed in the terms of reference (Chapter 4). From the analysis of the Premier's Intergovernmental Forum (Chapter 4) and the interpretation of the information gathered (Chapter 5), 63.3% of the respondents said that there were no approved terms of reference and that

the Premier's Intergovernmental Forum operated on draft terms of reference. Some of the respondents said that the Premier's Intergovernmental Forum did not have terms of reference and therefore it conducted its affairs without terms of reference (Chapter 4). This study thus suggest that the Premier should take the lead in ensuring that the terms of reference are presented, discussed and approved by the Premier's Intergovernmental Forum. This will assist in ensuring that the decision-making in the Forum is done on a professional basis.

- **There is no specific format prescribed for reporting by the Premier's Intergovernmental Forum to the Presidential Coordinating Council:**

After a thorough assessment of the literature, analysis of intergovernmental relations in the Province and interpretation of the information gathered through conducting interviews with officials, it was established that there is no specific format prescribed by the Presidential Coordinating Council for the Forum to report to it. Furthermore, it was established that the Premier's Intergovernmental Forum must report to the Presidential Coordinating Council on progress with the implementation of national policy and legislation within the Province and may report on matters of national interest that have arisen in the Provincial Coordinating Forum. A total of 54.5% of the respondents said that no specific format was used by the Premier's Intergovernmental Forum to report to the Presidential Coordinating Council. These respondents added that the reporting occurred annually. It can therefore be said that without specific described reporting mechanisms, the issues for consideration and implementation might not be reported on; as a result the role players might miss the opportunity to present their challenges.

- **The secretariat role of the Premier's Intergovernmental Forum is ineffective:**

The secretariat plays an important role in ensuring that the administrative matters of the Premier's Intergovernmental Forum are streamlined to give the Forum the supports it needs. The literature reviewed points to the fact that a secretariat is a cornerstone of any forum, in implementing and ensuring that the work it does is complemented by an effective administration. The question that needed to be



answered in this study was what the role of the secretariat was in the work of the Premier's Intergovernmental Forum. A total of 63.3%) of the respondents said that the secretariat role was played by the Intergovernmental Relations Directorate, although they were of the opinion that the fact that the Intergovernmental Relations Directorate was short-staffed made it not to play its role effectively (Chapter 5). Therefore, if the directorate responsible for Intergovernmental Relations is not capacitated to deal with all the aspects of Intergovernmental Relations, the likelihood is that the Premier's Intergovernmental Forum will remain a forum where role players get together, without making the necessary impact.

- **There is no clear explanation on how the resolutions and the communication of the resolutions are done including the system used in the Premier's Intergovernmental Forum:**

From the interviews conducted, it was found that interviews revealed that the Premier's Intergovernmental Forum does make resolutions and communicate such resolutions. The system of communicating the decisions of the Premier's intergovernmental Forum was also examined and in this regard there were different answers from the respondents (Chapter 5). Managers are required to make decisions in cooperation with the public, as, this is a desirable strategy for the successful implementation of government goals, which require public acceptance and managers cannot just assume something without involving the public (Chapter 3). On the question of how are the resolutions of the Premier's Intergovernmental Forum are communicated, 63.3% of the officials interviewed said that the decisions of the Forum are communicated through minutes of the meetings. Further, on the procedures for making recommendations by the Premier's Intergovernmental Forum, 63.3% of the respondents said that the resolutions were made through discussions in the meetings, which culminated in collective decision-making. Lastly, on the question of the systems used by the Premier's Intergovernmental Forum for the implementation of decisions, 54.5% of the respondents said that the Forum had a system in place to track decisions and

decisions are tracked through the resolution that was communicated to the different role players and the decision matrix developed by the Department of Cooperative Governance, Human Settlements and Traditional Affairs.

Three aspects of the Premier's Intergovernmental Forum were tested, namely how resolutions are made, how they are communicated, and the system used to communicate those decisions. Given these aspects, the system of communicating the resolutions or decisions is not clear. It is unclear whether it is done through distributing the minutes to the role players, or by communicating the decisions to the role players through the decision matrix.

- **The different opinions on decision-making types and, decision-making theories used by the Premier's Intergovernmental Forum were tested:**

Given the theoretical descriptions and legislative frameworks outlining Intergovernmental Relations, the types and theories of decision-making were tested to establish what type of decision-making and what theory of decision-making is implemented by the Northern Cape Premier's Intergovernmental Forum (Chapter 5). Decision-making is central to a government and governance, and how those decisions are made is important, especially if the whole issue of decision-making might be seen to compromise the accepted standards of politics (Chapter 3). In this regard, the question that must be answered is what decision-making type is employed by the Premier's Intergovernmental Forum and what theory of decision-making is employed by the Premier's Intergovernmental Forum (Chapter 5). On the question of the type decision-making, 63.6% of the respondents said that the type of decision-making used by the Premier's Intergovernmental Forum is non-programmed decision-making. Non-programmed decision-making is a type of decision-making that requires a great measure of discretion and a large measure of creativity; these decisions are normally made for a special purpose (Chapter 3). Furthermore, on the question of the decision-making theory used by the Premier's Intergovernmental Forum, 90.9% of the respondents were of the opinion that the Forum used the Collective Participative Decision-making Theory. Collective Participative Decision-Making is the most common decision-making theory used by leaders. It is where the leader

involves the members of the organisation, and the members sharing of information, ideas and perceptions emanates from the fact that they feel they are involved in the decision-making by the leader (Chapter 3). It can therefore be said that the study revealed, firstly, that the type of decision-making used by the Premier's Intergovernmental Forum is non-programmed decision-making, and secondly, the decision-making theory used by the Premier's Intergovernmental Forum is the Collective Participative Decision-making Theory.

- **The Premier's Intergovernmental Forum faces certain challenges:**

The challenge faced by the Premier's Intergovernmental Forum were tested by comparing what was ascertained from the analysis of the work of the Premier's Intergovernmental Forum and the interpretation of the information gathered through the interviews (Chapter 4 and 5). With regards to the question, which was the identification of the challenges faced by the Premier Intergovernmental Forum, the following challenges were identified: lack of capacity of the Intergovernmental Relations Directorate; lack of terms of reference; lack of resources; lack of coordination; lack of training; lack of reporting; lack of capacity at local government level; insufficient budgets; the Executive Council secretariat and the Directorate of Intergovernmental Relations; the influence of party politics; and the time available for meetings. Therefore, it can be concluded that if the Premier's Intergovernmental Forum is faces all of the above-mentioned challenges, it can be considered a threat to the effectiveness of the Forum in the Northern Cape Province.

- **The elements of good governance were also identified:**

Good governance refers to an empirical observable politico-administrative way of making, reforming and organising public policy-making. (Chapter 3). The following elements of good governance were considered by the study: Accountability; Transparency; Efficient and Effectiveness and Public

Participation. Hereunder are short definitions of the four elements of good governance:

- Accountability can be defined as government and its agents' responsibility towards the public to achieve previously set objectives and to account for them in public (Chapter 3). Accountability was displayed by the Premier's Intergovernmental Forum as the Executive Council, which includes the Members of the Executive Council and the Director General of the Province are constantly in touch with the communities of the Northern Cape. The Executive Council runs a well-coordinated Executive Council Meets the People Programme, which touches base with the entire Community of the Northern Cape Province;
- Transparency is the principle according to which the people affected by administrative decisions, business transactions or charitable work are allowed to know the basic facts, figures, mechanisms and processes about what is happening and how it is done (Chapter 3). The Municipal Systems Act 32 of 2000, Section 16 (1), obliges both District and Local Municipalities to cultivate a culture of municipal governance that complements the formal representative government (elected leaders) with a system of participatory governance (community participation). Therefore, the District and Local Municipalities effectively show their transparency by informing the people about the intended service delivery in their communities through ward meetings in particular during the Integrated Development Plan meetings that are held annually;
- One must be both effective and efficient in the implementation of policy, because the two practices are not in competition with each other. They make up a perfect pair; the only factor to consider is that they must be managed in the correct proportions. Effectiveness relates to the quality and quantity of services provided, whilst efficiency implies the satisfying of the most

essential needs of the community to the greatest possible extent (Chapter 3). The Premier's Intergovernmental Forum effectively takes these two aspects of good governance into consideration. The fact that the District Municipalities, on their behalf and on behalf of their Local Municipalities, attempt at all cost to provide quality services to the communities of the Province bears testimony to an efficient and effective system of intergovernmental relations and

- Public participation is viewed as the cornerstone of democracy, which is central to any democratic order. Public participation supports a culture of good governance and through public participation there is improved accountability and governance is attained (Chapter 3). Section 16 (1)(a) of the Municipal Systems Act 32 of 2000 further requires municipalities to encourage, and create conditions for the locals to participate in the affairs of local government including in the preparation, implementation and review of its Integrated Development Plan (Chapter 2). Because the district and local municipalities' Mayors and Ward Councilors are enjoined by the above-mentioned section 16 (1) (a) of the Municipal Systems Act 32 of 2000, they therefore continue to institutionalize public participation through their annual community meetings to discuss the Integrated Development Plan.

## **6.5 Recommendations**

Considering the literature review, the analysis of the Premier's Intergovernmental Forum, interviewing relevant officials in the Northern Cape Provincial Administration, and the interpretation of the gathered information (including the findings that emanated from the Findings), in order to achieve a more effective

Premier's Intergovernmental Forum, we the following recommendations are made:

- To ensure that the future success of the Premier's Intergovernmental Forum, it is important that reporting and monitoring be given more attention to ensure that all the role players involved in the Forum report regularly, and that not only the District Municipalities are expected to report regularly. The reporting should be done in such a way that all the role players feel they are part of the Premier's Intergovernmental Forum, and that they are equal role players. This recommendation emanated from question 5.3.3.3 "Is the monitoring and reporting by the Premier's Intergovernmental Forum done?" One respondent said that the only members of the Premier's Intergovernmental Forum are compelled to report to the Forum by submitting their reports, and in some instances making presentations, whilst the Provincial Departments, as members of the Forum, do make presentations. Therefore, the Premier's Intergovernmental Forum should review this notion of allowing only the District Municipalities to prepare reports, but rather the Provincial Departments must also prepare reports for the Forum on a regular basis.
- A clear dispute settlement procedure should be developed for the Premier's Intergovernmental Forum. This recommendation results from the Question 5.3.2.7: "Does the Premier's Intergovernmental Forum have dispute settlement procedures in place?" and Question 5.3.28: "What are the reasons for not having dispute settlement procedures?" to which 72.7% of the respondents said that there were dispute settlement procedures?" in place, although they were not written down. But the way disputes are handled in the Premier's Intergovernmental Forum is that they are attended to as they arise, but in general there are not many disputes raised by members. All (100%) of the respondents further said that the reason for the lack of dispute settlement procedures is related to the fact that all the members of the Premier's Intergovernmental Forum come from the same political organisation, the African National Congress. The Premier's Intergovernmental Forum must

give attention to Section 39 (1)(a) of the Intergovernmental Relations Framework Act 13 of 2005 by ensuring that it immediately develops clear dispute settlement Procedures to ensure that there are no situations that are not resolved, and that those disputes that are resolved are done so effectively. This should happen irrespective of which political party is dominant in the Premier's Intergovernmental Forum.

- Compliance to Section 33 of the Intergovernmental Relations Framework Act 13 of 2005 by the Premier's Intergovernmental Forum is important. This important point emanates from the question 5.3.2.9: "Does the Premier's Intergovernmental Forum comply with Section 33 and 33 (1) (a) of the Intergovernmental Relations Framework Act 13 of 2005?" From the answers of the respondents it can be concluded that certain aspects of Section 33 are not implemented; therefore, the Premier's Intergovernmental Forum must ensure that the entire section 33 of the Intergovernmental Relations Framework Act 13 of 2005 are fully implemented at all times.
- The determination of a clear quorum for the meeting of the Premier's Intergovernmental Forum is imperative. This will assist in ensuring that there is clear consensus on the decisions or resolutions of the pertinent issues of the Premier's Intergovernmental Forum. The quorum should also be determined in accordance with the Intergovernmental Relations Framework Act 13 of 2005. This recommendation emanates from the question developed from Question 5.3.2.4: "Do the Premier's Intergovernmental Forum meetings form a quorum?" whereby 72.7% of the respondents said that the meetings do form a quorum, but there are no guidelines. This does however not take away the fact that there is no approved quorum set by the Forum, this is because there are no approved terms of reference, which could reflect on how many members constitute a quorum. Therefore, the determination of a quorum by the Premier's Intergovernmental Forum would provide a fair mechanism for making decisions or resolutions in the event that the Forum is not well attended, but the attendees are of such a nature that they are able to take binding decisions or resolutions.

- Terms of reference and adherence to them should receive attention. This recommendation emanates from Question 5.3.2.9: “Does the Premier Intergovernmental Forum have approved terms of reference, and does it abide by them?” in which 63.3% of the respondents said that there were no approved terms of reference, and that the Premier’s Intergovernmental Forum operates on draft terms of reference. Therefore it can be said that the Forum conducts its business without terms of reference, as those that exist still need to be approved. Therefore, terms of reference should be developed and be approved and should be adhered to as this is crucial for the professional conduct of the Premier’s Intergovernmental Forum.
- The non-existence of a specific format, which is prescribed for reporting by the Premier’s Intergovernmental Forum to the Presidential Coordinating Council, a major challenge and needs to be attended to. This recommendation emanates from the Question 5.3.3.5: “Is there a specific format that is prescribed for reporting by the Premier’s Intergovernmental Forum to the Presidential Coordinating Council?” in which 54.5% of the respondents said that there was no specific format used by the Premier’s Intergovernmental Forum to report to the Presidential Coordinating Council. Therefore, a prescribed reporting format must be developed and approved for the Premier’s Intergovernmental Forum to use when reporting to the Presidential Coordinating Council.
- For the success of the Premier’s Intergovernmental Forum, both for support and administration, it would be essential that the secretariat is effective. The secretariat must ensure that administrative support receives the necessary attention. This recommendation arises from Question 5.3.4.2: “Who plays the Secretariat role of the Premier’s Intergovernmental Forum?” in which 63.3% of the respondents said that the secretariat role was fulfilled by the Intergovernmental Relations Directorate, although they were of the opinion that the fact that the Directorate was short-staffed resulted in it not playing its role effectively. Therefore, there is a need to capacitate the



Intergovernmental Relations Directorate by appointing properly qualified people who have qualifications, either in Intergovernmental Relations or good governance or any relevant qualification. This will go a long way in ensuring that the Intergovernmental Relations function is executed effectively. There is also a need to have effective monitoring and evaluation, specifically on the work of the Premier's Intergovernmental Forum.

- The Premier's Intergovernmental Forum decisions have to impact on service delivery:

The Northern Cape Premier's Intergovernmental Forum formalises the relations between and within the three spheres of government. It promotes better coordination to improve the effective provision of services that require a combined action to ensure that its legislative intention translates into tangible results (Northern Cape Premier's Intergovernmental Forum Framework Document 2013: 2). This recommendation emanates from the Question 5.3.5.5 "Is the Premier's Intergovernmental Forum improving service delivery?" A total of 63.3% of the officials interviewed said that there was an impact on service delivery, albeit to a lesser extent. They further cited the example of the 13 municipalities which Eskom had threatened to cut off their electricity supply. However, through the intervention of the Premier's Intergovernmental Forum the electricity supply was not cut off. Therefore, the Forum promotes better coordination to improve the effective provision of services, which requires combined action to ensure that its legislative intention translates into tangible results.

- The establishment of mechanisms for making recommendations, and the system used for tracking such resolutions or decisions, is non-existent. It would be essential for the Premier's Intergovernmental Forum to have such mechanisms in place. This recommendation comes from the following questions:

- Question 5.3.5.2: "Are there procedures for making recommendations by the Premier's Intergovernmental Forum?" in which 63.3% of the respondents said that the resolutions are made through

discussions in the meetings, which culminate in collective decision-making. Therefore, there is a need to develop clear and effective procedures for making recommendations, including decision-making and resolutions. Further, such procedures should form part of the terms of reference of the Premier's Intergovernmental Forum.

- Question 5.3.5.3: "Does the Premier's Intergovernmental Forum have systems in place for the Implementation of decisions?" in which 54.5% of the respondents said that the Premier's Intergovernmental Forum does have a system in place to track decisions. Decisions are tracked through the resolution communicated to the different role players and the decision matrix developed by the Department of Cooperative Governance, Human Settlements and Traditional Affairs. Therefore, a system for the implementation of the resolutions and decisions must be developed for the Premier's Intergovernmental Forum; such a system should be an electronic system, which will allow the role players to input into it from where they are as Intergovernmental Relations operates in a highly technological era.
- The intention of the following questions was to establish the type of decision-making and the decision-making theory used by the Premier's Intergovernmental Forum. This is not a legislative requirement as such, but the study wanted to establish what decision-making type and decision-making theory are used, since there is a focus on resolutions or decision-making. This recommendation emanates from the following questions:
  - Question 5.3.5.6: "Decision-making types which best depict the type of decision-making used by the Premier's Intergovernmental Forum?" in which 63.6% of the respondents said that the decision-making type used by the Premier's Intergovernmental Forum is

non-programmed decision-making. Therefore, this decision-making type must be institutionalised by the Premier's Intergovernmental Forum.

- Question 5.3.5.7: "Decision-making theories which best depict the decision-making used by the Premier's Intergovernmental Forum?" in which 90.9% of the respondents answered that the Premier's Intergovernmental Forum uses the Collective Participative Decision-making Theory. It is therefore recommended that this decision-making theory must be used in order to enhance and encourage meaningful participation by all the role players, irrespective whether they are from the Municipalities (Local Government) or from the Province (Provincial Government).
- The challenges experienced by the Premier's Intergovernmental Forum in Intergovernmental Relations are stipulated below, and these challenges need to be addressed. This recommendation emanates from the Question 5.3.6.1: "Name the five most critical challenges of the Premier's Intergovernmental Forum?" in which the challenges were stipulated as follows: lack of capacity in the Intergovernmental Relations Directorate; lack of terms of reference; lack of resources; lack of coordination; lack of training; lack of reporting; lack of capacity at local government level; insufficient budgets; the Executive Council Secretariat and the Directorate of Intergovernmental Relations; the influence of party politics; and time available for meetings. The Premier's Intergovernmental Forum must therefore analyse the impact of the aforementioned challenges with the purpose of addressing them as issues that emanated from this study.
- The intention of this study was to establish to what extent the Premier's Intergovernmental Forum complies with the elements of good governance. This recommendation comes from the question on adherence to the elements

of good governance. The four elements of good governance, namely, accountability; transparency; efficient and effectiveness and public participation, must be taken into consideration with the implementation of resolutions or when decisions are made by the Premier's Intergovernmental Forum.

- **Accountability:** The Executive Council's Meets the People Programme must be intensified to ensure that the communities of the Northern Cape Province are kept abreast of developments.
- **Transparency:** The District and Local Municipalities must entrench or even institutionalise the way they deal with transparency by informing the people about the intended service delivery projects or programmes in their communities through ward meetings, in particular during the Integrated Development Plan meetings.
- **Efficiency and Effectiveness:** Although the two cannot be mentioned as if they are synonyms both efficiency and effectiveness must be utilised by the Premier's Intergovernmental Forum, to ensure that whatever is done in the name of the people or service delivery is done efficiently and effectively.
- **Public Participation:** Mayors and Ward Councilors are enjoined by Section 16 of the Municipal Systems Act. They must continue to institutionalise public participation through the calling of meetings for the sole purpose of allowing the communities to participate in the development of their communities, especially in the Integrated Development Plan.

## 6.6 Conclusion

From the beginning of this study, the intention was to assess the effectiveness of Intergovernmental Relations in the Northern Cape Province, with particular focus on the Premier's Intergovernmental Forum. Given the above the purpose of the study was therefore to establish whether the Premier's Intergovernmental Forum

is effective as it relates to decisions-making processes; whether good governance and the elements of good governance regulate the functioning of the Forum; and whether the implementation and most importantly the management of such decisions benefit the communities in the Province of the Northern Cape. As part of the research problem, the study attempted to answer the following questions: What role do the Intergovernmental Relations Structures play in the decisions that are made? And how effectively are the Forums decisions communicated and implemented in order to give effect to service delivery to the communities of the Northern Cape?

In order for the study to respond to the abovementioned questions, a thorough assessment of the effectiveness of Intergovernmental Relations in the Northern Cape Provincial Government was done with the sole purpose of achieving the following objectives: to analyse the legislative framework that governs Intergovernmental Relations in the Republic of South Africa; to identify and analyse the different principles, elements and core values of Intergovernmental Relations in the Northern Cape Province; to identify the challenges and problems in the implementation of Intergovernmental Relations; to assess the effectiveness of the relationship between the two spheres of government, and specifically Local Government, in relation to service delivery; and to reflect on the effectiveness of the structures and instruments of Intergovernmental Relations. The study was able to answer all of the aims and objectives with a certain level of accuracy and the findings and the recommendations that emanated from the study bear testimony to this fact.

Given the work that went into this study one can conclude that it was worthwhile because it was able to identify the gaps that exist in the current implementation of the Premier's Intergovernmental Forum, particularly when the findings and the recommendations are taken into consideration. The lessons learnt from the study itself is, firstly, the fact that cooperative governance is a reality and a phenomenon that makes the implementation of policies of any government much more vigorous; secondly, that there is a need for the Premier's Intergovernmental

Forum to look at every aspect of Intergovernmental Relations and ensure its full institutionalisation in accordance with the relevant government prescripts; thirdly, that all three spheres of government are crucial in the implementation of Intergovernmental Relations; fourthly, that the elements of good governance that include accountability, transparency, public participation and efficiency and effectiveness were adequately addressed during the course of the work of the Premier's Intergovernmental Forum; and finally, that the resolutions, including the decisions of the Premier's Intergovernmental Forum if implemented effectively will most definitely benefit the communities of the Northern Cape Province. Therefore the Premier's Intergovernmental Forum must ensure that it takes a close look at the recommendations and implement them for the benefit of both the Premier's Intergovernmental Forum and service delivery in the Northern Cape Province.

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