

**INTERGOVERNMENTAL RELATONS AND
CO-OPERATIVE GOVERNANCE: THE TOOLS TO
ENHANCE SERVICE DELIVERY IN THE FREE STATE PROVINCE**

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DECLARATION

I declare that the work hereby submitted by me is my own original work. It has not been previously submitted to any University. I furthermore cede the copyright of the work in favour of the North West University.

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ABSTRACT

The purpose of the Intergovernmental Relations Framework Act 13 of 2005 is to facilitate co-operation among the three spheres of government. The implementation of this Act has posed many challenges for departments in Provincial Governments. Provinces lack monitoring and support mechanisms for the supervision of local government. In this study intergovernmental relations and co-operative governance are explored as tools to enhance service delivery in the Free State Province.

The primary objective of this study was to analyse the views of managers, staff members in public participation units, Speakers and Whips of municipalities in order to determine their level of understanding of intergovernmental relations and co-operative governance, and how these can enhance service delivery in the Free State Province. To attain this primary objective, the concept of intergovernmental relations and co-operative governance are explained. Structures that enhance service delivery in the Free State Provincial Government were analysed. Research on the successes and failures of Provincial Government and Free State Legislature in enhancing service delivery was conducted. Recommendations on how intergovernmental relations and co-operative governance can enhance service delivery are made.

The research was conducted in Free State Provincial Government and Municipalities in the Free State Province. The research comprised of literature study and an empirical survey using questionnaires to obtain data from managers, staff members in public participation unit, Speakers and Whips of municipalities. Respondents were tested on their views regarding their understanding of intergovernmental relations, co-operative governance and effective service delivery.

The findings of this research demonstrated that there is no frequent engagement of Provincial Government and Municipalities during IDP processes, there is no system of monitoring and oversight over municipalities, and that the Provincial Government does not work together with municipalities during public consultation processes. This, therefore, is an indication that intergovernmental relations and co-operative governance are not implemented effectively to enhance service delivery in the Free State.

The study ends with recommendations for political leadership and management to action on intergovernmental relations, co-operative governance and makes recommendations for further research.

The findings of the research demonstrate that:

- There is no regular or frequent communication among the Provincial Government and Local Municipalities during the process of public consultation on IDPs.
- Intergovernmental relations and co-operative governance are not implemented effectively.
- Municipal Speakers and Whips do not understand effective service delivery.
- There is no frequent monitoring and evaluation of service delivery by Provincial Government.
- There is little, if not none, financial, human and technical support from the Free State Legislature to Local Municipalities.
- There is no regular communication between the Free State Legislature and Municipalities during the processes of public consultation.
- There is no sharing of resources between the Provincial Legislature and Municipalities during the process of public consultation.

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CHAPTER ONE

INTRODUCTION AND SCOPE OF STUDY

1. INTRODUCTION

This Chapter provides the orientation and background of the study. Outlined in the chapter is also the problem statement and the reason for the need for the research. The hypothesis, the research questions, and objectives for the study are also outlined. The methods for the research that is literature review and empirical research as well as the design are described. Finally, the chapter is concluded by an outline of topics.

1.1 ORIENTATION AND BACKGROUND

The concept 'Governmental Relations' has been defined as "... the regulations controlling the orderly relations between individuals in power, government institutions and departments; as well as between governments at various levels with the aim to facilitate co-operation, co-ordination and decision-making"(Van Niekerk et al., 2002:69). According to Hattingh (1998:1), governmental relations are categorised into: "Intergovernmental relations," that is, relations between governmental bodies of a state; "intragovernmental relations" that is relations between the governmental bodies of State; 'intragovernmental relations' which refer to relations within government institutions; and "extra- government relations" which incorporates relations between government institutions and the community.

Levy and Tapscott (2002:1) state that fundamental changes to the form and function of state, were brought about by ending apartheid, thereby ushering in a transition to democracy in South Africa. This therefore led to the re-organisation of intergovernmental relations as well as the redefinition of what are to be the responsibilities of the different spheres of government. The system of intergovernmental relations that are enshrined in the 1996

Constitution of the Republic of South Africa differs significantly from that of the previous political dispensation, particularly in its intentions to realise democracy in order to improve service delivery to all South Africans. The Interim Constitution of South Africa, Act 100 of 1993, which was negotiated during the Conference for Democratic South Africa (CODESA) negotiations, led to South Africa being neither federal nor unitary. In terms of Chapter 6 of the Constitution of the Republic of South Africa, of 1996, Provinces were established and were given constitutional powers to make their own laws, as long as such powers are not in conflict with national legislation. The prominence of provincial governance has been emphasised by Smith (2002:10) who states that provincial governments, in respect of local governments, have an important role to play. In cases where local government has to participate in decision-making processes, the provincial government has to assist them by establishing forums Public participation units and Ward Committees and processes that will ensure their involvement. The establishment of such forums and processes promote horizontal co-operation and co-ordination within the jurisdiction of municipalities. A province, in order to enable local governments to perform their responsibilities and also to be able to manage their affairs, needs to develop them. It needs to play a vital co-ordination role in building the capacity of municipalities. This can be achieved by facilitating or funding training programmes as well as by providing technical assistance with municipal Integrated Development Plans(IDP).

Kalema (2000:13) points out, that provincial governments are tasked to develop sound intergovernmental relations systems that are conducive to socio-economic transformation, through which it can provide different forms of support to build the capacity of municipalities. Chapter 3 of the 1996 Constitution of the Republic of South Africa, outlines the principles of co-operative governance and intergovernmental relations, the details thereof will

be analysed in chapter 2. Shiceka (2010:2) opines that one of the key reasons for intergovernmental relations is that all spheres of government observe and respect the Constitution of the country. He further states that there needs to be co-operation and mutual respect among the spheres for the primary purpose of creating a conducive atmosphere for enhanced service delivery.

1.2 PROBLEM STATEMENT

The overall transformation of local government between 1999-2000 provided a test for the provincial system in that provinces could no longer distance themselves from what was happening in the municipalities, whose constituencies are larger and whose responsibilities for effective service delivery are greater. There is no monitoring and support mechanisms from provinces meant to supervise local governments. Significantly, despite its overlapping function for the oversight of municipalities, the national government has in practice left it to provinces to make formal interventions. As most municipalities are cash-strapped, provincial governments bear an enormous responsibility to ensure that local authorities have the capacities to deliver social services such as water and electricity (Levy and Tapscott, 2001:13).

Although the Constitution of the Republic of South Africa protects provincial governments as a second sphere of legislative and executive authority, the approaches taken by Provincial government and the Legislature on the one hand, and Municipalities on the other, have been conflicting. Consequently, there is no balance between competition and co-operation in intergovernmental relations and co-operative governance (Baatjies and Steytler 2006:26-27). Much has been written about Intergovernmental Relations and yet there are still aspects that have to be explored. These are explained in detail in Chapter 2. General activities of government should,

however, not be negatively affected. There should not be conflicts among respective spheres of government and the Provincial Legislature because the conflicts will affect service delivery. Municipalities, nevertheless, regard themselves as being undermined by both the Legislature and the Departments in both Provincial and National Governments. What is the concern of this study is that the relations between Provincial Departments and Municipalities are not fluid enough to enhance service delivery.

Executive Mayors of different municipalities, for example, complain that political heads of Provincial Departments, together with the Premier, give instructions that undermine their authority. "This transpires even though sound and effective intergovernmental relations and co-operative governance in South Africa and in other multi-sphered governmental systems are important to ensure that there is co-ordination of strategic plans to ensure a co-ordinated budgeting to enhance service delivery" (Kalema, 2000:18).

The summary of obstacles to effective governmental relations is what Steytler (2005:12) laments as "the absence of a coherent set of guidelines on the meaning of the functional areas of provincial and local governmental means." Due to this, inconsistencies are likely to occur. Malan (2009:14) adds that failure to keep the constitutional goal of intergovernmental process in mind, may compound difficulties as co-operation becomes viewed as the end rather than a means to an end. To conclude, the purpose of the Intergovernmental Relations Framework Act No 13 of 2005, is to facilitate the co-operation among the three spheres of government. Notwithstanding, the implementation of the Act has posed challenges because Departments of Provincial Government wobble in implementing the spirit and the letter of this Act, as well as the principles pertaining to co-operative governance as a result blurred and undefined guidelines.

1.3 HYPOTHESIS

The hypothesis for the study is stated as follows:

Intergovernmental Relations and Co-operative Governance may enhance service delivery in the Free State Province.

1.4 RESEARCH QUESTIONS

Arising from the problem statement, this study will focus on answering the following questions:

- What is meant by Intergovernmental Relations and Co-operative Governance?
- Which structures in the Free State Province may enhance Intergovernmental Relations and Co-operative Governance?
- What are the indicators of successes or failures of the Free State Provincial governments and the Free State Legislature in enhancing service delivery by means of Intergovernmental Relations and Co-operative governance?
- What recommendations can be made in order to enhance service delivery by means of Intergovernmental Relations and Co-operative governance in the Free State Province?

1.5 RESEARCH OBJECTIVES

From the problem statement and research questions outlined above, the objectives of the study are as follows:

- to provide a theoretical exposition of the concept Intergovernmental Relations and Co-operative governance;
- to analyse the structures and, their functions in the Free State Provincial government in enhancing service delivery by means of Intergovernmental Relations and Co-operative governance;
- to conduct research into the successes or failures of the Free State Provincial government and the Legislature in enhancing service delivery by means of Intergovernmental Relations and Co-operative governance; and
- to offer recommendations that may enhance service delivery by means of Intergovernmental Relations and Co-operative governance in the Free State Province.

1.6 RESEARCH METHOD

The study comprises a literature study and empirical methodology. Qualitative and Quantitative research methods will be employed.

1.6.1 Literature Study

The document analysis focuses on books, journal articles, legislation, policy documents and governmental reviews at National Department of Co-operative Governance and Traditional Affairs, Provincial Department of Cooperative Governance and Traditional Affairs and Municipalities. Books, journals, internet sources, theses and dissertations are also used in the study.

1.6.2 Empirical Research

The study is qualitative in nature and the following research instruments will be used to collect data in order to compare and analyse the results properly.

- Questionnaires;
- Face-to-face interviews; and
- Observation.

A sample population of 24 people from different sections under research is sourced. The questionnaires which comprise of open-ended and close-ended questions are expected:

- (a) to collect data from four (4) staff members in Public Participation Unit whose positions are Deputy Secretary Procedural, Director Public Participation, Manager Public Participation , Public Participation Officer on the role the Free State Legislature is playing in enhancing service delivery by means of intergovernmental relations and co-operative governance;
- (b) to collect data from Speakers of seven (7) Local Municipalities, e. g Kopanong, Matjhabeng, Moqhaka, Dihlabeng, Maluti –a-Phofung, Tswelopele, Nketoana, and three (3) District Municipalities e.g. Fezile Dabi , Lejweleputswa as well as Xhariep , on the role the Free State Legislature and Provincial government play in enhancing service delivery by means of intergovernmental relations and co-operative governance;
- (c) to collect data from Chief Whips of seven (7) Local Municipalities, on the role of the Free State Legislature and Provincial government in enhancing service delivery by means of intergovernmental relations and co-operative governance; and
- (d) to collect data from Head of Departments of Co-operative Governance and Traditional Affairs (COGTA), Treasury, as well as from the Director –General of the Province on the structural challenges to co-operative governance and service delivery.

1.7 PARTICIPANT OBSERVATION

Participant observation is also used as a data-collection instrument in order to record first-hand information. Information from the questionnaires is corroborated by years of un-obstructed observation by the researcher who had an opportunity of being an Executive Mayor in Northern Free State District Municipality, now Fezile Dabi District, Member of Executive Council for Sport, Arts and Culture in the Free State, and Speaker of the Free State Legislature. During the period, the researcher managed to observe the implementation of co-operative governance and intergovernmental relations at both provincial and local spheres of government. The involvement has equipped the researcher with information and practice of the phenomena being researched, and will enhance the research process.

1.8 CHAPTER LAYOUT

The chapter outline of the study is as follows:

Chapter ONE: Introduction: Orientation, Problem Statement, Research Method

Research objectives, Research questions, Chapter layout

Chapter TWO: Theoretical overview of Intergovernmental relations and Co-operative governance.

Chapter THREE: Intergovernmental Relations and Co-operative governance: the tools to enhance service delivery in the Free State province.

Chapter FOUR: Empirical Research Methodology

Chapter FIVE: Findings, Conclusions and Recommendations

CHAPTER TWO

THEORETICAL OVERVIEW OF INTERGOVERNMENTAL RELATIONS AND CO-OPERATIVE GOVERNANCE

2.1 INTRODUCTION

Chapter two provides a theoretical overview of intergovernmental relations and co-operative governance. The study is built on this chapter, with focus on how intergovernmental relations and co-operative governance impacts on service delivery in the Free State. Local government is at the coal face of service delivery and development and has to fulfil its rightful role in intergovernmental relations. Studies have shown that when there is lack of co-ordination of activities between Municipalities and Provincial Government, there is bound to be inefficiency and wastage of scarce resources. Proper planning and a working together between the two spheres of government provides efficiency and effectiveness in all activities related to service delivery.

2.2 EVOLUTION OF THE INTERGOVERNMENTAL RELATIONS AND THE PREMISE OF CO-OPERATIVE GOVERNANCE

The purpose for which intergovernmental relations was developed is to bring together ideas in synergised manner, so that an integrated developmental planning is realised. The reasoning behind this is to avoid duplication as well as wastage of resources. However, the question is, does the current intergovernmental relations system in South Africa add value to service delivery the local sphere of government? This is a question asked against the backdrop of a myriad of questions, arguments, research findings in the contemporary body of knowledge and concerns on local government, indicating that most municipalities in South Africa, almost 90%, are unable to develop credible IDPs. Intergovernmental relations, therefore, are attempts to

establish a working together between Municipalities and Provincial government Departments, particularly the Department of Co-operative Governance and Traditional Affairs. The Intergovernmental Relations Framework Act NO 13 of 2005 came into effect on the 15 August 2005. The Act brought about the promise of cooperative governance as well as a 'problem-free' government, through which the constitutional ideals of cooperation in good faith and where there is mutual trust among the three spheres of government. It was hoped that this would result in spheres coordinating their actions and legislation, and assisting, supporting, and consulting one another. The advent of democracy ushered in the equalisation of resources in order to bring parity to development of the regions and enhancement of service delivery. Baatjies *et al* (2006:14) says that "... in the nearly five years since the Intergovernmental Relations Act was promulgated, relations have moved from informal arrangements to formal structures with specific focus areas and objectives as outlined in the policy and the legislative framework. There has been the proliferation of Intergovernmental Relations (IGR) structures and engagements by all governments."

Furthermore, Baatjies asks the following questions, with regard to the Act.

- Whether or not the legislative intent has been understood?
- To what degree, if any, has the IGR culture development given effect to that intent?
- How many structures are committed to the vision of the Act?
- What effect the proliferation of structures had on governance?

IGR is acknowledged in some quarters, as the oil in the government machinery, which is as good as being able to help make service delivery efficient and effective (Mahlangu, 2010:25). Therefore, "...poor intergovernmental relations can lead to duplication, inefficiency, and unnecessary competition." The spirit and the letter of the Constitution of the

Republic of South Africa and the Intergovernmental Framework Act No 13 Of 2005 assume that the spheres of government "...work together almost spontaneously and organically. However, there is argument that it is the failure of government to work this way, which has created a rationalised and more strategic IGR approach" (Mahlangu, 2010:26). South Africa, before 1994, was divided along racial lines. The system of Apartheid prescribed an unequal distribution of resources between Blacks and Whites, while at the same time the Indians and the Coloureds also, were subjected to conditions which discriminated along colour lines. This state of affairs made South Africa a divided country along racial lines. There were absolutely no relations between, and among, different regions of the Apartheid South Africa, thereby creating unequal distribution of resources. The Whites-Only suburbs were more developed in terms of infrastructure, than Blacks-Only townships. More resources were spent to improve urban areas at the expense of rural areas. In short, there was virtually no integrated planning. According to Ismail et al. (1997:4), the history of municipalities under Apartheid was characterised by the introduction of "own management" structures for Blacks, Indians, Whites and Coloureds residential areas.

The policy of Apartheid aimed at controlling the movement of people into white owned areas, which were managed by them. The policy of Apartheid also aimed to limit the extent to which white municipalities would carry financially, the disadvantaged black areas. The post-Apartheid government was therefore faced with a daunting task of dealing with imbalances caused by its past. The solution to this was then to introduce transformative measures that would deal with the imbalances once and for all. The measures were designed to deal with constitutional imperatives. Among them is to ensure effective and efficient service delivery, and also to ensure that the

three spheres of government work together harmoniously(Mahlangu,2010:26).

2.3 CONCEPT "GOVERNMENTAL RELATIONS"

Van der Waldt *et al.* (2002:346) define governmental relations as "...the orderly relations to control individuals in power, government institutions and departments; as well as between government departments at various levels with the aim to facilitate co-operation, co-ordination and decision-making." According to Hattingh (1998:19), there are three categories of governmental relations that occur within the geographic boundaries of a state. They are intergovernmental, intragovernmental as well extra-governmental relations. These are outlined in the following sections.

2.3.1 Intergovernmental Relations

According to Botha (1996:67) "the concept of intergovernmental relations (IGR) assumes importance where there is division of power between both administrative and legislative levels among different tiers of government. Put differently, it is a creative mechanism to maintain co-operative relationships and co-ordination among and between vertical and horizontal sites." Intergovernmental relations are relations that exist between two or more institutions of government. The 1996 Constitution of the Republic of South Africa, (hereinafter referred to as the 1996 Constitution) embodies the legislative framework for such relations. The 1996 Constitution provides a specific set of principles for intergovernmental co-operation (co-operative governance). The manner the state is made up is as follows: national, provincial and local spheres of government. The three spheres are interdependent, distinct and interrelated. (Hattingh, 1998:23). Tulloch *et al.* (1993:796), have the following to say about IGR "the concept of IGR has

many applications in the body of Public Administration and Public knowledge". The concept has two key words namely, "intergovernmental" and "relations" where "intergovernmental" is an adjective meaning that which concerns or is conducted between two or more governments; "relations" is a noun meaning the manner in which a person, thing, or entity is associated, connected, and linked to another. From the above dictionary explanation, intergovernmental relations may be regarded as interaction of different spheres (in the case of South Africa), tiers or levels of government. From other sources, intergovernmental relations are defined in the following manner: "Relationships that arise between different governments or between organs of state from different governments in the conduct of their affairs." (Intergovernmental Framework Act 2005:8). The Act is defined by other authors in the following manner:

- "Important interactions occurring between governmental institutions of all types in all spheres" (Anderson, 1997:3).
- "The regulation controlling the orderly relations between individuals in power, government institutions, and departments, as well as between governments at various levels with the aim to facilitate co-operation, co-ordination and decision-making" (Van der Waldt, *et al.* 2002:89).
- "The set of formal and informal processes as well as institutional arrangements and structures for bilateral and multilateral co-operation within and between the three spheres of government: national, provincial and local." (White Paper on Local Government 1998:38).
- "A mechanism for multi and bi- lateral, formal and informal, multi-sectoral and sectoral, legislative, executive and administrative interaction entailing joint decision-making, consultation, co-ordination, implementation and advice between spheres of government at vertical as well as horizontal levels and touching on every governmental activity" (Metzel, 1996 :101).

- “Intergovernmental relations specify that there has to be a mutual relationship among the three spheres of government to ensure that a common approach
- to handling issues is ensured. Intergovernmental relations at horizontal level refer to relations between or among different authorities of governance, or departments of the same sphere of government. For example, in South Africa there are nine provincial authorities as well as numerous relations that exists at local government sphere among the (approximately) 840 local government bodies” (Kalema, 2000:12).

2.3.2 Horizontal intergovernmental relations

“Relations at the horizontal intergovernmental level differ from vertical relations in three respects. First, there is no formal concept of power, although power may still be a factor in relations between a small and larger body, even if is perceived in terms of size. Second, there should be no difference in the negotiating ability and powers of governmental authorities on the same level of government. Third, although there is interdependence on the horizontal level, it differs in terms of resources needed. In vertical relations, resources such as policy and finances are relevant, while at horizontal level resources such as information and physical assistance are more applicable. For example, local authorities could agree to provide mutual assistance in areas such as traffic services” (Kalema, 2000:12).

2.3.3 Vertical intergovernmental relations

Vertical intergovernmental relations are relations that exist between and among governmental institutions in different spheres of government. In South Africa vertical intergovernmental relations refer to relations that exist among national, provincial and local authorities. “Power in a unitary state is a prominent feature of these relations since the national sphere holds more

power than the lower authorities and the lower authorities depend on the higher authorities. This dependence is apparent with resources they need in order to achieve their goals" (Kalema, 2000:12). Hattingh (1998:23) argues that, lower authorities also have the power to bargain or negotiate on their behalf, even though they are still dependent on higher authorities.

2.3.4 Intragovernmental Relations

Intragovernmental relations refer to relations that have been established officially within an institution. They are relations that function only within that institution. The prefix *intra* seems to identify the official relations within the sections of a department and that there still has to be relations that must enhance the smooth flow of activities of the same department. According to Kalema (2000:13) intragovernmental relations refer to internal relations of governmental authorities. The 1996 Constitutions only gives very broad guidelines for the establishment of internal structures for governmental bodies in all spheres of government. Within the parameters of these guidelines, governmental structures are given a significant degree of discretion to create extra internal institutions as they see necessary. The institutions come from out of an idea that is formulated and then identified as a need. The need may later translate in an institution forming a department, division, or a section. All formal institutions are established according to specific plan or structure that is known as the organisational structure (Kalema, 2000:13). The purpose of such formations is to achieve the goals of the institution.

2.3.5 Vertical intragovernmental relations

According to Kalema (2000:14) "government institutions and the individuals within governmental institutions are grouped according to vertical structure of authority.

At national sphere, the hierarchy of authority is the following:

- Parliament;
- The Provincial Legislature;
- cabinet ministers; and
- departments;
- At local sphere the hierarchy is as follows:
 - city or town council;
 - committees;
 - town clerk and;
 - departments”

Vertical intergovernmental relations and their accompanying structures are vital for three reasons. First, they are necessary for creating a hierarchy of authority and establishing accountability and authority. Second, they enable the far-reaching delegation of powers that takes place in most governmental institutions. Third, they enable control over the policy and decisions of higher authority that have to be executed and the allocation of resources that have to be effectively applied to accomplish the identified goals of the institution. Kalema (2000:14) have this to say about horizontal intragovernmental relations “Within government bodies, there is a horizontal relationship between the various executive departments that are on the same hierarchic level.” The formal location of horizontal intragovernmental relations between national departments is the cabinet and cabinet ministers.

2.3.6 Extra- governmental relations

“Extra-governmental relations refer to relations between government institutions and members of the public. Government institutions are involved in promoting the general welfare of the community and relations of various kinds do exist between government and the public” (Hattingh, 1998:30). This implies that the public also plays a role in formulating and influencing policy of government and also has the privilege to hold government accountable. Extra-governmental relations exist on the basis that the main goal of government is to promote the general welfare of society. “...even more importantly, although citizens want service delivery, they also want their views to be heard and their values and preferences to be respected.” (Kalema, 2000: 15). The implication here is that external parties can also influence the actions of governmental institutions and intergovernmental relations as the notion “relations” implies a reciprocal relationship.

2.4 CO-OPERATIVE GOVERNANCE

Co-operative governance means that there must be a working together among the three spheres of government so as to be able to provide citizens with affordable services. The 1996 Constitution states that there has to be assistance to one another, among the three spheres. There has to be sharing of information and co-ordination of their efforts. Close cooperation between the spheres of government, especially at executive level is required in order to implement policies of government. The dictionary explanation of “co-operative” includes, in the list of many, some of the following:

- collaboration;
- teamwork;

- interaction;
- co-ordination;
- assistance; and
- sponsorship (Malan, *et al* 1998:20)

2.4.1 Improving Intergovernmental Relations

According to Tengeni (2007:30) the following are recommendations to improve Co-operative governance:

- “Strengthening co-ordination: Planning, policy activities and budgets need to be co-ordinated in order to better intergovernmental relations between the three spheres of government. A number of national, provincial and local government. Departments should monitor performance of service delivery and clear performance indicators should be set while the national government should set policy and deadlines for implementation cognisant of the financial and organisational implications for the province and local government. Co-ordination should also be strengthened in order to prevent the duplication and overlapping of functions between the three spheres of government and intergovernmental structures and institutions.
- Operating Principles Regulating Intergovernmental Structures: Operational principles regulating intergovernmental structures need to be established because the relationship between intergovernmental structures and institutions is not always as clear as it could be. The relationship between executive intergovernmental structures and legislatures should be clearly defined particularly in terms of the coordinating role of the second chambers.
- The Reporting Role of Intergovernmental Structures: The reporting roles of intergovernmental structures, that were established informally, need attention

- because the performance needs to be evaluated to ensure their effectiveness and efficiency. It is therefore necessary to formalise the reporting role of intergovernmental structures. All structures of intergovernmental relations need to be stable and durable to promote the principle of cooperation. The formalisation of intergovernmental structures will lead to national legislation concerning intergovernmental relations and subsequently to provincial legislation on such matters. The results of the research concerned may be a valuable source for the formulation of legislation pertaining to intergovernmental relations.
- Institutional Capacity of Provincial and Local Government: The devolution of functions to provincial and local government should be in line with their capacity [i.e. incremental] to implement these functions in order to prevent unfunded mandates being devolved to provincial and local government. It is necessary that national government, but also on the resumption of functions delegated to other spheres of government.”

2.4.2 Principles of co-operative government and intergovernmental relations

Intergovernmental relations and co-operative governance have a set of principles that may be a determination as to whether or not good governance fails or succeeds. The principles are fundamental to ensuring successful service delivery. In terms of Chapter 3 of the 1996 Constitution, all spheres of government and all organs of state within each sphere must ensure that-

- the peace, national unity and the indivisibility of the Republic are preserved;
- the well being of the people of the Republic is secured;
- effective, transparent, accountable and coherent government for the public as a whole is provided;

- public servants are loyal to the Constitution, the Republic and its people;
- public servants respect the constitutional status, institutions, powers and functions of government in other spheres;
- not to assume any power or function except those conferred on them in terms of the Constitution;
- to exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere; and
- ensure cooperation with one another in mutual trust and good faith by
 - i. ensuring friendly relations
 - ii. giving support to one another;
 - iii. informing one another of, and consulting one another on matters where the other also has interest;
 - iv. coordinating their actions and legislation with one another;
 - v. keeping to agreed procedures; and
 - vi. staying away from legal proceedings against one another.

The 1996 Constitution further binds all spheres of government and organs of state to three basic principles which are as follows:

- First, loyalty to the state as a whole is common. This means that all spheres, without exception, should be committed to a common goal which is to secure the well being of all the people in the country and,

- Second, there must be safeguarding at all times of the distinctiveness of each sphere. The constitutional existence of each sphere must be respected, and each sphere must keep to its constitutional powers which at the same time should remain forever respectful to the geographical, functional or integrity of the other.
- Third, spheres of government must take convincing steps to make sure that co-operative governance is a reality by, among others, giving assistance and support to one another. Disagreements between the Provincial and Local spheres of government in the Free State Province do exist sometimes even when the principles of government on intergovernmental relations and co-operative governance are fundamentally to create harmony between the two spheres. There is a disjuncture in the way the two spheres relate.

2.5 POWERS OF PROVINCES

The legislative authority of provinces is outlined in Chapter 6 of the 1996 Constitution. Section 104 (1) states that the legislative authority of provinces is vested in its provincial legislature, and confers on the provincial legislature the power to-

- (a) "Pass a constitution for its province or to amend any constitution passed by it in terms of section 142 and 143;
- (b) To pass legislation for its province with regard to-
 - (i) Any matter within a functional area listed in Schedule 4;
 - (ii) Any matter within its functional area listed in Schedule 5
 - (iii) Any matter outside those functional areas, and that is expressly assigned to the province by national legislation; and

(iv) Any matter for which a provision of the Constitution envisages the enactment of provincial legislation; and

(c) To assign any of its legislative powers to a Municipal Council in that province.

(d) The legislature of a province, by a resolution adopted with a supporting vote of at least two thirds of its members, may request Parliament to change the name of the province.

(e) A provincial legislature is bound only by the Constitution and, if it has passed a constitution for its province, also by that constitution, and must act in accordance with, and within the limits of the Constitution and that provincial constitution.

(f) Provincial legislation with regard to a matter that is reasonably necessary for, or incidental to, effective exercise of power concerning any matter listed in Schedule 4.

(g) A provincial legislature may recommend to National Assembly legislation concerning any matter outside the authority of that legislature, or in respect of which an Act of Parliament prevails over a provincial law.”

2.5.1 Powers and functions of Municipal Councils

The powers and functions of municipalities are enshrined in Chapter 7 of the 1996 Constitution. Section 157(10) outlines these in the following manner:

“A municipality has executive authority in respect of, and has the right to administer

(a) The local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and

(b) Any other matter assigned to it by national or provincial

legislation;

- (2) A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer.
- (3) Subject to section 151(4), a by-law that conflicts with national or provincial legislation is invalid. If there is a conflict between a by-law and national or provincial legislation that is inoperative because of a conflict referred to in section 149, the by-law must be regarded as valid for as long as that legislation is inoperative.
- (4) The national government and provincial governments must assign to municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5 which necessarily relates to local government, if-
 - (a) that matter would most effectively be administered locally
 - and
 - (b) the municipality has the capacity to administer it.
- (5) A municipality has a right to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions."

2.6 SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA)

The South African Local Government Association is an autonomous association of municipalities. It has been formed in terms of Chapter 7 of the 1996 Constitution, subsection 163 (a) and (b). The mandate of SALGA is derived from the Constitution which defines SALGA as "the voice and the sole representative of local government" (SALGA document 1999:2). It works together with Parliament, National Council of Provinces, cabinet and provincial

legislatures. The association has a membership of 278 (slightly less after 2011 local elections) municipalities. Its national office is in Pretoria. The section stipulates that an Act of Parliament which is in accordance with the procedure established by section 76 must-

- (a) "provide recognition of national and provincial organisations representing municipalities ; and
- (b) determine procedures that will ensure that local government may-
 - (i) consult with the national or a provincial government;
 - (ii) designate representatives to participate in the National Council of Provinces; and
 - (iii) nominate a person to the Financial and Fiscal Commission."

2.6.1 The Role of SALGA

SALGA is a body that represents the interest of local government. Its purpose is to ensure that even the poorest of the poor's interest are taken into cognisance. The responsibility of SALGA is based on six pillars for which it was founded namely to:

- Promotion, protection and to represent local government interests.
- Enable local government to fulfil its developmental role by transforming it.
- Ensure that the profile of local government is raised.
- Ensure women participate fully in local government.
- Perform its function as employer body.
- Ensure that capacity within municipalities is developed.

Local government, through SALGA, is represented in the National Council of the Provinces as well as in other important organs like the Financial and Fiscal Commission (FFC) and the Budget Forums.

2.7 NATIONAL COUNCIL OF PROVINCES (NCOP)

The National Council of Provinces (NCOP) is established in terms of section 60 of the 1996 Constitution. Its composition is in terms of section 60 (1) (2) and (3) which is thus:

- (1) The National Council of Provinces is made up of one delegate from each province. It consisting of ten delegates who are
 - (i) the Premier of the province or, if the Premier is not available, any member of the provincial legislature who has been designated by the Premier either generally or for any specific business that is before the National Council of Provinces.
 - (ii) Three other special delegates; and
- (3) If the Premier is not available, a Member of the province's delegation designated by the Premier will lead the delegation.

As the 1996 Constitution states, that the responsibility of the NCOP is to provide a national forum whereby public issues will be considered. It exists for the purpose of representing provinces and also to ensure that interests are taken into account in the national sphere of government. The NCOP also provides a national forum whereby public issues that affect the nine provinces are considered. It makes it possible to encourage greater participation in government business, on an ongoing basis, by as many people as possible.

2.7.1 Powers of National Council of Provinces

The powers of the National Council of Provinces are legislated in terms of section 68 of the 1996 Constitution. In exercising its legislative power the National Council of Provinces may-

- (a) make consideration, pass, amend, propose amendments to, or even reject any legislation that is before it, in accordance with Constitution, and
- (b) initiate or prepare legislation that falls within a functional area listed in Schedule 4 of the Constitution or other legislation referred to in section 76 (3). It may not initiate or prepare money Bills.

According to the 1996 Constitution, "the National Council of Provinces, which functions as the second house of parliament, serves to safeguard the interests of the provinces in the deliberations of the national sphere of government". (Kalema 2011:83). It is therefore an important instrument of IGR in South Africa. The Financial Fiscal Commission (FFC) is an independent body that is set up in terms of the Constitution to advise government on the portion of revenue that must be given to Provincial and Local government, with the sole aim to subsidise services for poor people. This is known as equitable share.

2.8 THE DIVISION OF REVENUE ACT (DoRA)

Division of Revenue Act is another piece of legislation that spells out how revenue should be divided and distributed between the spheres of government, as well as within government. The DoRA therefore serves as a catalyst for IGR.

2.8.1 Objects of the DoRA

The objects of this Act are to-

- (a) make provision for the equitable division of revenue that was raised nationally among the three spheres of government;
- (b) promoting a better coordination between policy, planning, budget preparation and execution processes within the different spheres of government;
- (c) promoting a predictable way and certainty in the manner all allocations to provinces and municipalities will be done, so that such governments may plan their budgets over a multi-year period;
- (d) promotion of transparency and equity in the resource allocation process; and
- (e) promotion of accountability by ensuring that all allocations are reflected on the budgets of receiving provinces and municipalities, and by ensuring that receiving provinces and municipalities report on the allocations.

The spirit and the letter of this Act encourage full cooperation between different spheres of government, with much emphasis on mutual respect for each other. However, in the case of the Free State this does not seem to be the case. Some Municipalities do not take the process of intergovernmental relations and co-operative governance very seriously, thereby leading to a situation where the Provincial government has to intervene. Money allocated is not spent on time, or on items which they were budgeted for. (Kotsoane, 1998:3) There is also another institution which deals with allocation of revenue to which municipalities are represented. The Budget Council is a

forum where the Minister of Finance discusses the proposed budget with provincial and local governments, thereby promoting intergovernmental relations.

2.8.2 The Budget Council

The Budget Council is composed of

- (a) the Minister of Finance and
- (b) the MEC for finance of each province, where the Minister is the Chairperson.

The Budget Council is a platform where the national government and the provincial government consult on-

- “(a) any fiscal, budgetary or financial matter affecting the provincial sphere of government;
- (b) any proposed legislation or policy which has a financial implication for the province, or for any specific province or provinces;
- (c) any matter concerning the financial management, or the monitoring of the finances, of the provinces, or of any specific province or provinces;
or
- (d) any other matter which the Minister has referred to the Council.”

Pre-1994 South Africa, which was marred by racial inequality and disrespect for human dignity, was divided along racial lines with unequal distribution of resources. There was no co-operation among Provinces that promoted IGR. There was no arrangements made for any kind of dispute that may arise, therefore, the spirit of co-operative governance was not on the agenda. It was only after 1994 that South Africa began to look into ways of ensuring

teamwork, interaction and collaboration between and among different levels of governance ; the reason for this was to manage tension that may develop.

In order to address the imbalances created by Apartheid, government introduced structures such as the Budget Council and the Budget Forum whose main purpose was to look into a fair and equitable distribution of resources among the provinces. These structures take into consideration; requests from all provinces, and then allocate financial resources according to the availability of the funds. According to Levy *et al* (2001:20) although the concept co-operative government rests on a conscious effort to achieve consensus in the polity, it is not without inherent tensions...in order to manage the tensions, the 1996 Constitution provides broadly defined principles on which intergovernmental relations were to take place. These principles are achieved in chapter three of the 1996 Constitution under the heading "Co-operative Government."

Any discussion of the powers, relationships and functional states of the different spheres of government has to be located in this particular chapter of the 1996 Constitution (Levy, *et al* 2001:9). It is during the period that preceded the Interim Constitution of 1993, that the "founders accepted that trust and respect for our constitutional arrangement would need to rest on a common understanding that the new democratic state would be a developmental one.

It would need to address past imbalances for which co-operative governance is an imperative for stability and peace" (Levy, *et al* 2001:10).

Chapter Three cannot be separated from the Bill of Rights, which precedes it in the Constitution. There are intergovernmental institutions such as Minister and MECs (MINMECs) and the formal ones such as the Budget Council and the

Council of Ministers that propel intergovernmental relations and co-operative governance. All these bodies are in place to enable the spheres and the vertical and horizontal organs of governmental to work within the understanding of the framework of

the principle of co-operative government. Among the principles of cooperative government, section 1(c) and (h) of what imply mutual respect for one another where section 1(c) in particular makes reference to:

- provision of effective, transparent, accountable and coherent government for the Republic of South Africa in a holistic manner, and (h) (ii) making reference to assist and support each other. (South African Government Information 1996:1). These two principles are the cornerstone of the research because they speak on what should happen, which seems not to be happening.

2.8.3 MINMECs

MINMECs are informal governmental structures that emerged in 1999, relatively soon after South Africa began its experiment in decentralization of government. Due to constitutionally dispersed nature of authority, provinces and national Government have original as well as exclusive responsibilities to develop policies, legislate, and act within their specific areas of competencies. "The critical element is the shared responsibility assigned concurrently to two spheres (national and provincial) by Schedule 4 of the Constitution over, and among other areas such as education, health and social welfare..." (Rapoo policy brief no 18, Dec 1999:10). "...the problems posed by MINMECs are a result, not of systems flaws but of capacity imbalances between national and provincial governments"(Rapoo policy brief no 18, Dec 1999:10).

MINMECs are forums that bring together ministers at national level and their equivalent members of the Executive Council at provincial level. In the

beginning, the structure existed without any legislation guiding how they should function thereby creating statutory and non-statutory MINMECs. According to Kalema (2000:76) the enactment of the Intergovernmental Relations Framework Act in 2005 covered their legal existence. They play an important role of co-ordinating activities between national and provincial governments. MINMECs are sector-based meetings that have been created to promote co-operation, co-ordination and communication between the national departments and their provincial counterparts.

The responsibilities of MINMECs are:

- “the harmonisation of legislation within a given sector;
- the division and deployment of resources;
- the harmonisation of programmes on national basis;
- consultation and negotiations on national norms and standards;
- the integration of intergovernmental policies and strategy;
- the formulation of joint programmes and projects;
- the sharing of sectoral information; and
- the assignment of roles and responsibilities between spheres of government.”

MINMECs act as a platform that enables provinces and national government to tackle challenges encountered by each, in a co-ordinated way. Further, it is a platform that enables provinces to explain the uniqueness and peculiarity of their areas to each other. This is the platform where the MEC is able to interact directly with the national Minister.

2.8.4 Intergovernmental Forum (IGF)

Kalema (2000:78) asserts that “ Intergovernmental Forum (IGF) was created to provide an opportunity whereby consultation and joint decision making between ministers and premiers will be made easier especially on matters of common interest. It is an informal body which has no legal basis for decisions

made by its members. This therefore implies that governmental institutions are not bound to comply with the decisions taken by the IGF.

The IGF is composed of the following:

- the Minister of Co-operative governance and Traditional Affairs;
- the Minister of Public Service and Administration;
- the Minister of Finance;
- the Director General of the president's office; and
- the nine provincial premiers and, ex officio, the president and the deputy president."

2.9 PLANNING

"Planning is the analytical process which encompasses an assessment of an existing scenario, the outlining of the vision for the future, the determination of desired objectives in the context of that future, and the development of course (or courses) of action from among these alternatives. Planning is the means to set purposes, provide direction, and prescribe a method of execution. It includes all activities that lead to setting goals, objectives, strategies and the determination of an appropriate course of action" (Ta'i, 2010:1). Planning requires bringing ideas together, charting a way together, so that the intended results can be achieved without hiccups. Where there is proper planning there is always best outcomes (Kotsoane, 2005:15).

According to Cronje *et al* (1987:83) planning is the first point in the process of management. It is the key element of management that determines in advance what the organisation intends to accomplish and how it will accomplished what it wants. In other words it is concerned with setting the goals of the organisation and determining how they are to be attained" (Cronje *et al* ,1987:83). "Planning is done for various purpose and, may be for

short period of time (short term planning) or longer (long term planning). Lack of effective planning has been identified as the main cause for weak performance, weak governance, unsustainable development and poverty” (Ta’i, 2010: 1).

2.9.1 Benefits of Strategic Planning

Strategic planning serves a variety of purposes in organisations. It helps to:

- define the purpose of an organisation and to establish its realistic goals and objectives which are consistent with the organisation’s mission clearly, within a defined time frame for implementation;
- organisation’s resources are used most effectively by focusing on key priorities;
- providing a base from which to measure progress can be measured and to establish a mechanism for informed change when needed; and
- listening to everyone’s opinions in order to build consensus about the direction of the organisation.(Ta’i, 2010:1).

Scientific Research by Statistics South Africa has shown that poor service delivery in the Free State has been as a result of no coordination of, or poor alignment of service delivery plans of municipalities with the Free State Growth and Development Strategy. This has made it difficult to deliver national priorities into provincial and municipal strategic planning. It has been difficult to match what local municipalities have in their IDPs with the resources that have been allocated to them by national and provincial governments.

2.9.2 Integrated Development Planning (IDP) and IGR

The IDP is defined as “the process by which the municipalities prepare their five-year strategic plans that are reviewed annually in consultation with communities and stakeholders” (South Africa Yearbook, 2006:324). It is prescribed in the Municipal Systems Act of 2000 that the IDP is “a single inclusive plan of a municipality that links, integrates, and co-ordinates service delivery; forms the basis for annual budget; and is adopted by the municipal council as the principal strategic planning instrument”. The IDPs are formulated with the intention to ensure that integrated service delivery and development goals in municipal areas are realised in an effective and sustainable way by ensuring that there is a balance in social, economic and ecological pillars of sustainability. This must be done without compromising the capacity of institution for development programmes and projects (South African Yearbook, 2006:289). The IDP document of a municipality is therefore, the bedrock of successful service delivery.

Section 6 of the Municipal Systems Act of 2000 prescribes that the IDP should reflect the following:

- the municipality’s vision for the long-term development of the municipality with special emphasis on the municipality’s most critical development and internal transformation;
- an assessment of the existing level of development in the municipality, which must include an identification of communities which do not have access to basic municipal services;
- the council’s development priorities and objectives for its elected terms, including its local economic development strategies, which must be aligned

- with national or provincial sectoral plans and planning requirements binding on the municipality in terms of legislation;
- a spatial development framework, which must include the provision of basic guidelines for a land use management system for the municipality;
- the council's operational strategies
- applicable disaster management plans;
- a financial plan; and
- the key performance indicators and targets as determined in terms of section 41 of the Act.

By means of an IDP, municipalities in the context of the developmental state in South Africa with the aim to address the past imbalances, aims to:

- restructure cities,
- develop towns and rural areas;
- eradicate poverty;
- create wealth;
- improve municipal government;
- consolidate local government transformation;
- ensure more effective and efficient allocation and utilisation of resources;
- fast-track service delivery;
- engender the culture of political and administrative accountability;

- monitor and evaluate municipal performance; and
- foster co-operative governance” (GTZ and Department of Provincial and Local Government, 2000:17).

In terms of the Municipal Systems Act of 2000 the process of compiling an IDP requires that the three spheres of government must within the context of intergovernmental relations systems, be engaged in municipal planning. Contrary to the contentions that the IDP is a tool for co-ordination of actions across various sectors in the governing dynamic and spheres of government, there is a strong view that it is a cumbersome planning process that creates insurmountable intergovernmental relations challenges.

2.9.3 IDP, Budgeting and Intergovernmental Relations

“Many scholars on intergovernmental relations have raised the importance of integrated planning and budgeting, in order to achieve fruitful outcomes and quality service delivery. In many platforms where the efficiency of government in relation to achievement of intergovernmental relations was interrogated, it has been found that there are indications that the three spheres of government do not relate effectively to each other to attain the goals of the developmental state. Deliberations have indicated that the three spheres are working in isolation from each other. There is a glaring fragmentation and that the operations are far apart from each other. The Free State province is not different in that planning has been done in isolation from the main stake holders like local and district municipalities” (Kotsoane, 1998:10). The outcomes of this isolated planning, are being felt now, and manifest themselves in forms of service delivery protests and the perception that Councillors are stealing public funds meant for service delivery (Kotsoane, 1998:10).

2.10 INTERGOVERNMENTAL FISCAL RELATIONS

According to Levy *et al* (2002:125), "intergovernmental fiscal relations, or "federalism" as it is sometimes known, are concerned with the structure of public finances in a state with more than one level of government. This involves how taxing, spending and regulatory functions are allocated to the different tiers of government, as well as the nature of transfers between national, provincial and local governments." Intergovernmental Fiscal Relations, in simple terms, means the manner in which finances are allocated to the three spheres of government according to their needs, depending on the availability of national revenue, and the manner by which budgetary decisions are generally made at different spheres of government (Kotsoane, 1998: 15).

2.10.1 Constitutional Fiscal Arrangements

It has been noted earlier, that the 1996 Constitution establishes three spheres of government namely national, provincial and local which are "distinctive, interrelated and interdependent". Provincial governments have been assigned powers to establish their own political structures and processes and elect their own leaders. Powers and functions, as stated in chapter one of the research, have been assigned to the provinces. All residual powers, in a unitary state, not specifically designated as exclusively provincial, concurrent or local government accrue to the national government (such as policing, defence, foreign relations, economic policy) Levy *et al*. (2002:130). Under certain circumstances, if provincial legislation conflicts with national legislation, national legislation will prevail (section 44(2) and section 146). The provinces have constitutionally designated oversight role over local government.

2.10.2 Intergovernmental transfers to municipalities

Provinces are constitutionally mandated to impose tax. Though this has been a mandate for long, provinces have not exercised this power. The Constitution permits a province to impose taxes, levies and duties other than income tax, Value Added Tax, rates on property or customs duties. Most productive taxes are reserved for national government (e.g. personal and corporate income tax and VAT), although a provincial surcharge may be permitted on the national personal income tax base. There is therefore a very significant mismatch between the revenue-raising powers of provinces and the expenditure responsibilities imposed upon them. This is sometimes referred to as a vertical fiscal imbalance (Levy, *et al*/2002:130).

2.10.3 The Vertical Division of Revenue

The vertical division of revenue allocates funds to the national, provincial and local spheres of government in line with their functional responsibilities. This decision is a political one taken by the Budget Council and subsequently ratified by Cabinet. The pool of funds going to the provincial sphere is then distributed by formula to each of the nine provincial governments. Local governments' own revenue account for over 90 percent of their budgets in aggregate (Levy, *et al*/2001: 130).

2.10.4 The Horizontal Division of Revenue

The horizontal division of revenue entails the distribution of the total provincial pool of revenue among the nine provinces. Intergovernmental transfers to provinces consist of the "equitable share" grants which are unconditional, as well as other conditional grants. The distribution of equitable share transfers is effected by a mainly demographically driven formula constructed by the

Department of Finance. The details of the formula are negotiated in the Budget Council and subsequently approved by extended Cabinet, after consideration of recommendation of the Financial Fiscal Commission. The vertical and horizontal divisions are made in the context of the three-year rolling medium- term expenditure framework (MTEF) budgets.

2.10.5 Borrowing Powers of Provinces

Provinces are empowered to raise loans in order to supplement fiscal transfers they received from national government. The empowerment to do so is in terms of The Borrowing Powers of Provincial Governments Act of 1996. This Act outlines the conditions under which provinces may borrow. Loans may be raised only to finance capital expenditure (e.g. roads and other infrastructure) and not for current expenditure (e.g. wages). The only exception to the ban on borrowing to finance current expenditure is for bridging finance, in which case such finance may be redeemed within twelve months. A provincial government has to assume all its responsibilities for its debt obligations. The national government does not undertake to guarantee provincial loans for obtaining bridging finance or domestic rand de- nominated loans. The Provincial government may not undertake to guarantee the loans incurred by local governments, agencies or corporations unless the FFC has verified the need for a guarantee (Levy, *et al*/2001: 135).

The Borrowing Powers of Provincial Governments Act also establishes a Loan Coordinating Committee (LCC) which consists of the Minister of Finance and the provincial MECs for Finance. As its name suggests, the LCC coordinates the borrowing requirements of the nine provincial governments in a particular year, after taking into consideration the aggregate demand for capital market fund in that year. The LLC also considers the total debt of each provincial

government and the bodies controlled by it, as well as each province's contingent liabilities and the ability to service their debt.

2.11 OVERSIGHT OVER SPHERES OF GOVERNMENT

Oversight is a mandated function that has been given in terms of the 1996 Constitution to legislative organs of state to look into, and to watch over executive action of any organ of state. It entails the formal and informal ways of looking into the way an organ of state runs its business. It requires looking also into the manner public funds that have been disbursed to the organ is being used. The concept of oversight contains many aspects which include political, administrative, financial, legal and strategic elements.

The functions of oversight are:

- detection and prevention of abuse, arbitrary behaviour or illegal and unconstitutional conduct displayed the government and public agencies. The core intention of this function is the protection of the rights and freedom of citizens.
- holding the government to account how the taxpayers' money is used. It detects wastage of resources within the machinery of government and
- public agencies. It improves the efficiency, economy and effectiveness of government operations.
- ensuring that policies announced by government and authorised by Parliament are actually implemented. This function includes monitoring and evaluation of the achievements of goals set by legislation and the government's own programmes.

- improving the transparency of government operations and to enhance public trust in the government, which is itself a condition of effective policy delivery (Baatjies, 2010:10).

2.12 POLITICAL PARTY RELATIONS IN THE FREE STATE LEGISLATURE

The Free State Legislature consists of 30 seats, with four political parties, represented proportionally to the number of votes they acquired during the April 2009 elections. The parties are:

- African National Congress (ANC) 22 seats
- Congress of the People (COPE) 4 seats
- Democratic Alliance 3 seats
- Freedom Front Plus 1 seat

Each of the political parties has a representative or representatives on the Portfolio Committees of the Legislature, which exercise oversight role over the Executive Council and Municipalities. The Free State Provincial government, Municipalities, as well as the Provincial Legislature, in order to promote intergovernmental relations and co-operative governance, make use of structures such as:

- Speakers' Forum;
- Ward Committees;
- Mayors Co-ordinating forum;
- Whips' Forum;
- Public Participation and Education Unit;
- Municipal infrastructure Grant (MIG);
- Equitable shares
- Premier's Co-ordinating Forum (PCF);
- Monitoring & Evaluation Unit(Office of the Premier)

2.13 CONCLUSION

Chapter TWO focused mainly on the explanation of different concepts and how they function to enhance intergovernmental relations and co-operative governance. The key role played by each concept is primarily emphasised by their inter-connection and inter-relationship. For example, the different ways through which intergovernmental relations take place within sections of government departments, among departments individually, as well as within the three spheres of government have been explained in the chapter. Furthermore, Chapter TWO has indicated that intergovernmental relations system in South Africa evolve within a political system characteristic of a federal, and also a unitary state. Chapter THREE involves the structures that enhance service delivery by means of Intergovernmental Relations and Co-operative Governance in the Free State province.

CHAPTER THREE

INTERGOVERNMENTAL RELATIONS AND CO-OPERATIVE GOVERNANCE STRUCTURES IN THE FREE STATE

3.1 INTRODUCTION

This Chapter focuses on the structures, and their functions as well as the three spheres of government that promote Intergovernmental Relations and Co-operative governance in order to enhance service delivery. The Free State Legislature uses of Portfolio Committees, Public Participation and Education Unit, as well Legislation and Oversight activities. Municipalities use Ward Committees, Public Participation, Section 79 Committees, District Inter Governmental Relations Forums (DIGR). The Provincial government uses the Premier's Co-ordinating Committee as well as MECs and Local Government structures (MECLOGA).

3.2 STRUCTURES PROMOTING INTERGOVERNMENTAL RELATIONS AND CO-OPERATIVE GOVERNANCE

There are specific structures created by Government for the purpose of promoting effective service delivery in provinces. The following is a discussion of these in the Free State province.

3.2.1 Public Participation and Education Unit

Public participation is a unit responsible for public participation in a legislature that makes certain that the Legislature plays a key role in assisting with the co-ordination and liaison with civil society groups. Additionally, this unit must:

- ensure that there is sufficient involvement of people through publicising scheduled committee meetings;
- ensure that the performance plans are available to the people and stakeholders for effective input; and

- invite stakeholders of a committee and affected communities to attend meetings where departments will be presenting performance plans (Manual Protecting your Rights, 2011:103). The other purpose of the unit is to ensure that the three spheres of government complement one another during the process of public consultation on issues of service delivery. Their programmes are combined so that there is no repetition of activity. As the legislative branch of Government and representative of the electorate, the Constitution places an obligation on Parliament, Provincial Legislatures and Municipal Councils to involve the electorate in their legislative and other processes. In particular, section 59(1) (a), 72(1) (a) and 118(1)(a) of the 1996 Constitution place such obligation on the National Assembly (NA), National Council of Provinces (NCOP) and Provincial Legislatures, respectively, to facilitate public participation in the legislative and other processes. The Free State Legislature goes to different Municipal areas to consult with communities on issues that affect them. This is done in consultation with the municipality where it is conducting its business. The two spheres of government draw a joint programme in order to ensure that effective public consultation is achieved (Manual Protecting your Rights, 2011:103).

3.2.2 Portfolio Committees of the Free State Legislature

Portfolio Committees are key mechanisms that have been established in terms of the 1996 Constitution to assist Parliament and Provincial Legislatures to fulfil their functions of oversight and accountability in order to ensure intergovernmental relations and co-operative governance.(Sesele, 2009:10).

These committees play the role of monitoring and reviewable of actions of different departments of provincial government and municipalities. They also hold officials of departments and MECs accountable. In addition to the roles in terms of the budget and legislation, they may monitor, investigate, enquire

into and make recommendations on any matter within the mandate of Departments. The Free State Legislature uses Portfolio Committees such as:

- **Public Accounts, Finance, Office of the Premier, and the Legislature Committee**

Sesele (2009:10:) asserts that Public Accounts, Finance, Office of the Premier and the Legislature Committee ensures accountability by municipalities, provincial government departments and the legislature in their use of public funds. It also monitors the implementation of financial laws governing municipal councils and provincial departments. Where shortfalls are identified, the Committee makes recommendations as to how to deal with the shortfalls that have been identified. This is the most important committee of the legislature which controls and monitors how public funds are expended, to promote Intergovernmental Relations and Co-operative governance.

- **Agriculture and Rural Development Committee**

Agriculture and Rural Development Committee works together with local municipalities, and the provincial government department, to look into areas of common interest that need attention. It also assists to identify and address areas that may hamper service delivery to the communities. The Committee interacts regularly with Farmers and farm workers on issues that affect them. The department then intervenes by giving financial assistance to those who need the assistance. The Committee ensures that the department budgets enough money for disasters that frequently occur, and that the money allocated for such disasters is used properly. This process enhances intergovernmental relations and co-operative governance (Sesele, 2009:10)

- **Police, Roads and Transport Committee**

The function of Police, Roads and Transport Committee oversees the implementation of programmes that have been adopted by the department, as well as the proper use of money allocated to them. The Committee works together with Committee of the Metro municipality Committee to ensure that proper and effective oversight is done and assist them with resources where necessary. Lately, provincial government has taken upon itself to help build roads in municipalities, as well as to assist in monitoring public transport in an attempt to avoid conflicts between and among taxi operators. The Committee promotes intergovernmental relations and co-operative governance by conducting oversight and accountability functions over the provincial department on the work it does in municipalities (Sesele, 2000:11).

- **Education, Sport, Art, Culture and Recreation Committee**

According to Sesele (2009:11) Intergovernmental relations and Co-operative governance are promoted when local municipalities are assisted in issues of sport, art, culture and recreation which are also competencies of local municipalities. Municipalities get assistance in the form of grants, and human resources that are available in provincial government to train officials that are in charge of the sections. Financial grants are given to municipalities to build sport grounds, and also to promote art and culture (Sesele, 2009:11).

- **Economic , Tourism and Environmental Affairs Committee**

Intergovernmental Relations and Co-operative Governance are promoted when the Committee of Economic Development, Environmental Affairs & Tourism consults municipalities on issues that affect tourism, the environment, as well as the economy in their areas. When the time for Budgeting by Government Departments arrives, the Committee highlights issues that must be considered, and be budgeted for, for the municipalities (Sesele, 2009:10).

- **Cooperative Governance and Traditional Affairs Committee**

Intergovernmental Relations and Co-operative governance are promoted in situations whereby the Committee requires assistance for municipalities in the form of financial bail-outs for cash-strapped ones. The Committee also makes recommendations to the Department to train staff of municipalities that need skilling where shortfalls are identified. Sesele (2009:11) asserts that the Committee is responsible for, among others, dealing with problem areas that are encountered at municipalities, by requiring them to report to it any matter that it may have interest in.

- **Health and Social Development Committee**

According to Sesele (2009:11) the Health and Social Development Committee promotes intergovernmental relations and co-operative governance by ensuring that issues of health and social development that affect the community are taken seriously by the two Departments. The Committee engages with health department and social development to emphasise that clinics and old-age homes are monitored and are also given sufficient resources. During site visits the committee looks into how departments deliver service according to how their strategic plans have outlined. The Committee will then make recommendations when and where it is necessary.

3.2.3 Legislation and Oversight Unit.

The Legislation and Oversight Unit, deals with co-ordination of activities of the entire Legislature; from preparation of events of Committees to execution of their plans and programmes. It organises community meetings whenever Committees are to inform the public about new Bills. The major purpose of oversight is to go out to the field to see as to whether or not what the Departments of government have reported about, in their Annual Reports, are

indeed as they have been reported. (Tsenoli, 2003:13). Oversight is done by visiting sites where service delivery is reported to have taken place. Portfolio Committees conduct "on the spot" inspection and evaluation of projects, as well as finding out if the beneficiaries of the service are happy about the service rendered. Where service is of poor or of good quality, reports are compiled to indicate such. These Committees of the Legislature work hand in hand with Committees of Municipal Councils. The reason is to co-ordinate activities where the Legislature and the Municipality may have common interest, and also to ensure that service delivery is not compromised. Intergovernmental relations and co-operative governance are promoted in this manner (Sesele, 2009/10:99).

3.3 THE ROLE OF PROVINCIAL SUPPORT UNIT IN ENHANCING SERVICE DELIVERY

According to Sebegu (2011:23) all activities of Provincial Support Units relating to provincial government or municipalities will be undertaken in collaboration with the Office of the Premier, and the provincial department responsible Co-operative Governance, Local Government and Traditional Affairs. The main areas of focus include:

- The successful realisation of Outcome 9 on local government;
- Providing appropriate support for the implementation of the other Outcomes;
- Supporting the establishment of the result-oriented monitoring and evaluation system in provinces and municipalities;
- Facilitating intergovernmental relations, co-operation and actions to address critical threats to service delivery and good governance; and
- Contributing to the knowledge management strategy of the department and government as a whole.

3.3.1 Premier's Co-ordinating Forum (PCF)

The Premier's Co-ordinating Forum is composed of Mayors of Local Municipalities in the Province, MECs, SALGA representatives and their senior officials. The purpose of the forum is to align programmes of Provincial government with those of Local Municipalities, in order to produce a co-ordinated Free State Growth and Development Strategy need to meet the demands of the province. Its Chairperson is the Premier. This structure promotes intergovernmental relations and co-operative governance. It holds quarterly stakeholders' meetings (Ramakarane, 2011:12).

3.3.2 Monitoring and Evaluation Committee

The Monitoring and Evaluation Committee has been established to monitor and to evaluate the work of both provincial and local governments on the implementation of their programmes. The Committee has dedicated staff that reports to the Premier and the Director –General. The Committee has to meet regularly with other stake holders, to discuss progress or otherwise, with the intention to solve that may have been encountered. Where intervention is needed, the committee makes recommendations for it (Ramakarane, 2011:12).

3.3.3 Speakers' Forum

The Speakers' forum is composed of the Speakers of twenty-five Municipalities of the Free State Province as well as the Speaker, the Deputy-Speaker, and the Chairperson of Chairpersons of the Free State Legislature. The purpose is to co-ordinate activities of the Speakers in the Province. The forum is under the chairpersonship of the Speaker, or the Deputy Speaker, or the Chairperson of Chairpersons in the absence of the Speaker. The forum deals with matters promoting participation of the public in issues that affect them. Logistical as

well as technical assistance are a shared responsibility of municipalities and the Legislature. The reason for this is to enhance service delivery and also to promote intergovernmental relations and co-operative governance (Sesele, 2010:10).

3.3.4 Whips' Forum

The Whips forum is composed of the Whips of local municipalities and the Whips of the Free State Provincial Legislature. The forum is chaired by the Chief Whip or the Deputy Chief Whip of the Free State Legislature. The purpose of the forum is to monitor participation of public representatives in community affairs, and to ensure that public representatives deliver services as required and also to attend to their political responsibilities. They also share approaches to common issues that confront their institutions. The purpose for this approach is to promote intergovernmental relations and co-operative governance, as well as to enhance service delivery. Because Members of Parliament (MPs) are elected public representatives, they must be accountable to the people of the province and must act in the public interest (Sesele, 2009:116).

3. 4 STRUCTURES PROMOTING INTERGOVERNMENTAL RELATIONS AND CO-OPERATIVE GOVERNANCE IN MUNICIPALITIES

“Municipalities are the core institutions within the sphere of local government” (Smith 2001: 3). Municipalities are organs of state that consist of political structures (i.e. municipal council, portfolio/executive committees, and political office-bearers of municipality) and administration of the municipality and the community in the municipal area (Section 2 (c) Municipal Systems Act 32 of 2000). Smith (2001:5) argues that a “municipality” is a much broader concept and a more inclusive collection of institutions or structures than a municipal

council. The objects of local government represent the core functions of the municipality and the reasons why municipalities exist, which are:

- Provision for local communities of democratic and accountable government;
- Ensuring that there is sustainable provision of services to communities;
- Provision of social and economic development for communities;
- Promotion of a safe and healthy environment; and
- Encouragement of communities and their organisations to become involved in local government matters (Sec 19 (1) of the 1998 Municipal Structures Act). At local level section 152 (1) (e) of the 1996 Constitution enjoins municipalities to encourage the involvement of communities and community organisations in the Matters of local government. Moreover, section 160 (4) (b) of the 1996 Constitution requires that all proposed by-laws be published for public comment before they can be passed by Municipal Council. Municipalities use structures such as the following:

3.4.1 Ward Committee System and Service Delivery

Participation and empowerment. Section 152 of the 1996 Constitution confirms a number of citizens' rights and more specifically, the right of communities to be involved in local governance. Government Gazette NO 32627, 8 October 2009 also outlines the Object of the National Framework as follows:

- Improving the functionality of ward committee by ensuring that ward committee members are actively involved in the affairs of the ward and are able to effectively support their elected ward councillors to serve the community;
- Reimbursement of ward committee members with any expenses they may have incurred while undertaking their day to day responsibilities; and

- providing guidelines for development of specific framework for provinces within which metropolitan and local councils should set policies for the payment of out of pocket expenses for ward committee members.

In accordance with the National Framework, municipalities have an obligation to encourage communities and community organisations in local government to be involved in matters that affect them. This extends to the entire way a municipality operates and functions. Ward Committees are composed of members of the community of the ward to which the ward committee belongs. The Committee members are elected democratically, by voters of the community in the ward. The main function of the ward committee is to be the "eyes and ears" of the Ward Councillor. They report about issues of service delivery that need the attention of the Ward Councillor. Issues raised, sometimes relate directly to provincial departments or national departments. The assistance of ward committees enhances intergovernmental relations and co-operative governance. Ababio (2007:614) describes ward committees as forming bridges by facilitating communication between Councils they represent, and actively participating in determining core municipal processes.

"Without ward committees as partners the system of democratic governance and developmental local government cannot be said to be rooted among the people" (Ababio, 2007:616). Hetherington (2011:20) asserts that improving more on intergovernmental relations and co-operative governance will require to strengthen and to empower Ward Committees in order to improve community participation. *Output 5 of Outcome 9* on delivery agreement serves as a refined Ward Committee model to deepen democracy. Ward Committees could involve themselves in development plans that would match with, and respond to IDPs. They can also organise annual profiles of the community in the ward. They could also oversee the delivery of services. Ward Committees can also play a role of assessing service delivery in its ward. It could be

argued that, without involvement of communities in the affairs that concern them, there will be no good relations and co-operation.

3.4.2 Objectives of Ward Committees

The objectives of Ward Committees are to:

- “Create a formal and unbiased communication channels between and among stakeholders, as well creating co-operative partnership between the municipality and the community within a ward;
- Ensure that there is contact between the municipality and the community it serves by using payment of services and other activities in the municipality;
- Create a warm atmosphere between residents of a ward, the ward councillor, and geographic community and the municipality;
- Facilitate public participation in the process of development, review and implementation management of the IDP of the municipality;
- Act as a body that advises council on policies and matters affecting communities in the ward;
- Serve in officially recognised and specialised participatory structures in the municipality;
- To assist Council through the ward councillor to facilitate council programmes and to make recommendations on matters affecting the ward to the ward councillor and to council;
- Serve as a mobilising agent for community action and assist the ward councillor to facilitate council programmes; and
- Monitor development, and advise the ward councillor and the municipality on the implementation process for ward-based projects
-

- and discretionary funds ;”(Policy document Sol Plaatjie Municipality, 2010:5).

3.4.3 The Role of Municipalities in Supporting Ward Committees

Municipalities must ensure that ward committees are effectively supported.

This support ought to include:

- Access to office space and equipment;
- Technical and administrative assistance through dedicated staff;
- Communication material and community interaction systems and campaigns; and
- Out of pocket expenses for ward committee members. (Government Gazette NO 32627, 8 October 2009).

3.4.4 Public Participation

“Public Participation is a process in which stakeholders influence and share control over development initiatives and the decisions, and the resources which affect them” (Centre for Public Participation, 2007:5). Public participation is an activity whereby municipalities involve the community in the process of consultation and decision-making. The community is consulted in many instances where decisions that are going to affect them will be taken at a later stage. This process is foolproof because the municipality does not thumb-suck what the community prefers. This process enhances intergovernmental relations and co-operative governance because during the process issues that impact on both provincial and national competencies come to the fore (Tsenoli, 2003:8).

3.5 PROCESSES ENHANCING PUBLIC PARTICIPATION

Processes that enhance public participation are the following:

Public meetings are called by a ward councillor or by the Mayor to consult the community on issues like budget proposals and IDPs. The community is then given an opportunity to interact with the proposals and then make comments and inputs.

3.5.1 Public Hearings

“Public hearings are very important to the operation of open and democratic government administrations. While local authorities are engaged in policies and other administrative matters, public hearings extend an opportunity to the citizens to address policy makers on important local issues, particularly budgetary concerns. In the same vein, it allows public officials to gather comments and information and access expert advice from the public. Public hearings mean public deliberation and debate and can hold the key to engendering transparent decision-making process”(Sesele, 2009:117).

3.5.2 Public Watchdog Groups

“Public Watchdog groups are community based organisations or grassroots associations, whose main aim is civic activism and dissemination of information pertaining to government initiatives. Unlike citizen advisory boards, these groups have no formal relationship with government entities. Such groups monitor local government issues and policies, correspond with media and government authorities, attend public hearings, and speak for or against public policy proposals. Humans, more importantly than finance, drives the success or so of these watchdog groups. The groups generate visibility with government and entities while simultaneously remaining independent from government. Public watchdog groups are not a common in the Free State, however, they are very necessary for promoting intergovernmental relations and co-operative governance” (Tsenoli, 2000:7).

3.5.3 Municipal Finance Management Act 56 of 2003

Municipal Finance Management Act 56 of 2003 is a legislation that guides municipalities on how to expend their finances. The Act prescribes, among others, how tendering procedures have to be followed. Portfolio Committees of the Legislature, for example, Co-operative governance and Traditional Affairs as well as Public Accounts, Office of the Premier and the Legislature plays oversight over the affairs of the municipalities. This is done in promoting intergovernmental relations and co-operative governance.

3.5.4 District Intergovernmental Forum (DIF)

District Intergovernmental Forum is a structure that brings together municipalities in the same district together to look at matters of common interest. All district municipalities must create DIFs to realise the goal of co-operative government. The purpose is the promotion and facilitation of intergovernmental relations between the district municipality and local municipalities in that district. The convenor of the structure is the Mayor of the District Municipality. The District Mayor sometimes represents Mayors of Local Municipalities in *urgent* meetings that may be called by the Premier (Ramakarane, 2011:20).

3.6 DEFINITION OF SERVICES

Kotler (1999:97) defines a service as "Any act or performance that one party can offer to another that is essentially intangible and that does not result in the ownership of anything. Its production may not be tied to a physical produce." Marx *et al* (1998:52) define service as "intangible utilities applied for the satisfaction of needs of consumers." Whereas Rubinstein (1999: 617) defines service as "a product in the form of performance, deeds or acts."

3.6.1 Principles of Service Delivery

The Municipal Systems Act 2000 (Act No 32 of 2000) hereinafter referred to as Systems Act 2000) asserts that Municipalities have the following to consider in order to enhance service delivery:

- accessibility of services;
- affordability of services;
- sustainability of services;
- integrated development and services; and
- value for money.

These principles imply that there has to be proper administration which will ensure that delivery of service is done in the most effective and efficient manner. Also, that service delivery must benefit communities. The Municipal Systems Act provides a framework within which service delivery is to be implemented. It provides checks and balances that must be adhered to when a municipality is to ensure proper ways of meeting the demands of communities in a sustainable way.

3.6.2 The Five-year Strategic Agenda for Local Government versus Service Delivery

In January 2006, Cabinet tabled a five-year strategic plan for local planning. The decisions were that:

- "Planning capability in all spheres of government must be improved;
- Municipal plans should include concrete and realistic localised service delivery and development targets which will inform performance contracts;
- Requirement of certainty in relation to location of national responsibility for spatial and land use planning;

- Introduce regulations to transform District and Metro IDPs into local expressions of government-wide commitments; and
- National Strategy on Development and Planning must evolve into a stronger and more directional national development planning instrument” (Richards, 2005: 45).

It could be argued that, government had clear plans to deal with service delivery challenges. The implementation of the plans could be a challenge due to lack of financial viability of many municipalities.

3.6.3 Intergovernmental Relations Challenges that affect Service Delivery

The Policy Review Committee on Provincial and Local Government and the latest State of Local Government report released in 2009, highlighted a number of challenges. These include:

- “Weak intergovernmental support, monitoring, and oversight over local government sphere.
- Shortage of capacity and skills within local government.
- Lack of transfer of skills from national and provincial levels.
- Absence of integration and co-ordination of work among the three spheres.
- National sector departments’ lack of a consistent and coherent vision of the ongoing reform of decentralised local government.
- Under- monitoring or, a complete lack thereof” (Nel, 2006:106).

It could be argued that government does not have properly trained human resource to handle the task of guiding municipal officials. The number of municipalities, and their ill-trained human resource could also be a problem.

3.7 SALGA AND INTERGOVERNMENTAL RELATIONS AND CO-OPERATIVE GOVERNANCE

According to Public Administration, Leadership and Management Academy (2010:34), at National sphere, each Ministry has an intergovernmental forum, where the Minister, the MEC and a representative from SALGA meet. The forums are attended by senior officials of the stakeholders.

SALGA (2007-2008: 46) states that for SALGA to participate meaningfully and effectively in IGR structures, it must crystallise its mandate and strive to meet its strategic objectives, which are, among others, the following:

- “Facilitate the strengthening of the system of communication in local government sphere.
- Promote a lawful governance system which will enable service delivery in a developmental state.
- Promote the credibility and relevance of the local government agenda in national policy programmes.
- Support municipalities as they embrace broad local economic development in pursuit of ASGISA initiatives.
- Facilitate the development of municipal finance and fiscal management capacity towards sustainable service delivery.”(SALGA 2007/2008:28)

In addition to what is stated above, in the provinces, SALGA officials hold regular briefing sessions with officials of municipalities. The purpose of the sessions is to get first-hand information about the performance of each section of the municipality.

3.8 CONCLUSION

In this Chapter, focus was on structures that enhance intergovernmental relations and co-operative governance specifically in the Free State Province. An outline of the roles played by portfolio committees of the Provincial Legislature as well as the Legislation and Oversight Unit was done. There was also an outline of the role of municipalities and SALGA, in promoting intergovernmental relations and co-operative governance. The principles governing service delivery were also outlined. The next Chapter will focus on empirical research methodology.

CHAPTER FOUR

RESEARCH DESIGN AND METHODOLOGY

4.1 INTRODUCTION

This chapter focuses on the description as well as the explanation of the methodology of research. According to Asmah-Andoh (2012:114) a research methodology can be explained as a manner of conducting a research study with adequate consideration of the research problem, objectives and hypothesis. This study has aspects of other methods, though in the main, qualitative research method is used. Using qualitative data allows for the gathering of rich, detailed data that leave the participants' perspective intact while at the same time providing a context to understand behaviour and is particularly suitable in Public Administration research (Asmah-Andoh, 2012:114). The chapter describes which methodology can be chosen for the study. Furthermore, a motivation as to the choice of the data gathering instrument is made. The data collecting instruments are also described and their utilisation explained. There will also be the analysis of qualitative data gathered. According to Cloete (2007:513) data gathering instruments in qualitative methodology are also appropriate for studying and understanding social forces through wide-ranging and open-ended techniques and documentary studies.

4.2 RESEARCH DESIGN

Fundamental to every scientific research project is a research design depicting the elements, their interrelationships, the data collection and the analysis processes to "ensure that the final report answers the research question" (Asmah-Andoh, 2012:115). Research design is seen as [the process of

designing] the plan for collecting and analysing data, including specifications for enhancing the internal and external validity of the study (Asmah-Andoh, 2012:115). Quite different from the situation in the physical and earth sciences, and on a much larger scale than in the biological sciences, the participants in research in the social sciences are, to a greater or lesser extent, aware of the fact that they are being studied (Mouton, *et al.* 1990:75). The methodology that will be employed for the collection of data, as well as its analysis, is explained.

4.3 RESEARCH METHODOLOGY

Research methodology involves the application of a variety of standardised methods and techniques that increases the likelihood of attaining validity in the scientific endeavour (Asmah-Andoh, 2012:116). De Vos, *et al.* (2005 :50) asserts that the choice of methods of data collection for the researcher who is working from a quantitative approach can be in categories namely questionnaires, checklists, indexes and scales.

4.3.1 The aim of empirical research

Toury (1995:9) has this to say "empirical science has two major objectives: to describe particular phenomena in the world of our experience and to establish general principles by means of which they can be explained and predicted. The explanatory predictive principles of scientific discipline are stated in its hypothetical generalisation and its theories; they characterise general patterns or irregularities to which the individual phenomena conforms and by virtue of which their occurrence can be systematically anticipated"

4.4 RESEARCH INSTRUMENT

Reliability and validity of data measuring instruments are crucial to scientific research (Ludidi, 2009:60).

4.4.1 Reliability

“Reliability is the consistency or “repeatability” of an instrument. It is concerned with the accuracy of the actual measuring instrument or procedure” (Ludidi, 2009:60). Creswell (1994:159) asserts that, in research, no study is original therefore, the study has a chance of being replicated in another setting. These definitions of reliability imply that the researcher should have a thorough choice of data collecting instrument so that if one reader decides to follow up on the published research using the same instrument, the results produced should be more or less similar (Ludidi, 2009:60).

4.4.2 Validity

“Validity refers to the degree to which a study accurately reflects or assesses the specific concept which the researcher is attempting to measure. The researcher is concerned with both internal and external validity” (Ludidi, 2009:60). Hanekom et al. (2006:47) assert that validity is the ability of an instrument to achieve or measure what it is supposed to achieve or measure. It also guides researchers as to what data collection procedures and methods are employed in the research study.

4.5 DATA COLLECTION INSTRUMENT

“Data collection is an activity which must be done so as to find the extent to which intergovernmental relations and co-operative governance may enhance service delivery. Data collection instrument is an integral part of all research studies because it constitutes the basic information of a research” (Mzini 2006:65).

4.5.1 Interviews and questionnaires

“Interviews are particularly useful for getting the story behind a participant’s experience. They are useful during the process of follow up with other respondents. Interviews are completed by the interviewer based on what the respondent says during the interview” (Ludidi, 2009: 61). During the process of interviews, the researcher gets an opportunity to ask follow-up questions. Ludidi (2009:61) asserts that even the interviewer is considered as part of the measuring instrument.

4.5.2 Questionnaires

De Vos, *et al.* (2005:166) define a questionnaire as “a set of questions on a form which is completed by a respondent in respect of a research project.” Longman (2004:602) defines a questionnaire as “a set of questions that you answer in order to give information about something.” Questionnaires will be the instrument used to collect data from respondents, for purposes of the research. The basic objective of a questionnaire is to obtain facts and opinions about the phenomenon from the people who are informed about the particular issue (De Vos, *et al.* 2005:166).

4.5.2.1 Types of questionnaires

- *Mailed questionnaires*

A mailed questionnaire is a questionnaire which is sent off by mail with the hope that the respondent will complete and return it. However, this does not always happen as the response rate is normally low (De Vos, *et al.* 2005:167). The researcher compiles the questionnaire and it is accompanied by clear, carefully worded instructions at the level of understanding of the target population to be reached.

- *Telephonic questionnaires*

Telephonic questionnaires are conducted by means of a telephone with a respondent. The respondent responds to questions directly as they are being asked by the interviewer. The disadvantage of telephonic interview is that they are expensive to run, because of the distant calls that sometimes are made.

- *Self-administered questionnaires*

In this case the questionnaire is handed to the respondent, who completes it by him/herself. The researcher is available in case problems are experienced. The researcher (fieldworker) limits participation in the completion of the questionnaire as far as it is possible. The researcher largely stays out of the activity, but can at most encourage the respondent with a few words to continue with his contribution, or lead him back to the subject (de Vos et al. 2005:168).

- *Questionnaires delivered by hand*

"The questionnaires can be delivered by hand, to respondents, so that respondents complete them at their own time, and then collect them later. It is important that an appointment be made for collecting the questionnaires again, and this should preferably not be more than 48 hours after delivery"(De Vos *et al.* 2005:168).

- *Group administered questionnaires*

In this case a questionnaire or questionnaires are completed by respondents who are in the group on their own. Each respondent should receive own questionnaire and complete them without discussing with other group members.

4.5.2.2 Advantages of questionnaires

- The responses are gathered in a standardised way, so questionnaires are more objective, certainly more so than interviews.
- It is relatively quick to collect information using a questionnaire. However, in some situations they can take a long time not only to design but also to apply and analyse.
- Potential information can be collected from a large portion of a group. This potential is not often realised, as returns from questionnaires are usually low (Cookbook, 1995:25).

4.5.2.3 Disadvantages of questionnaires

- "Questionnaires, like many evaluation methods occur after the event, so participants may forget important issues.
- Questionnaires are standardised so it is not possible to explain any points in the questions that participants may misinterpret.
- Open-ended questions can generate large amounts of data that can take a long time to process and analyse.
- Respondents may answer superficially if the questionnaires take a long time to complete" (Cookbook, 1999:25).

4.6 HOW QUESTIONNAIRES ARE DESIGNED

According to Burns (2000: 570), "three kinds of items generally are used to construct questionnaires: closed items, open-ended items, and scales items". In this research the researcher has used closed items mainly because of advantages thereof. According to De Vos *et al.* (2005:170) "before a researcher can decide on the nature of the questionnaire, there must be clarity on precisely what information is to be obtained". Strydom *et al.*

(2005:170) state that "the format of a questionnaire will be influenced by whether it will be a mailed, telephonic, group-administered or other type of questionnaire, as well as where, and under what circumstances, and by when it will be completed. On the one hand questionnaires should be brief, including only those questions that are absolutely necessary to collect all the relevant information." Respondents were required to indicate their responses by selecting on a five-point scale. For example:

I understand what intergovernmental relations is all about.

1=strongly agree

2=Agree

3=neither agree/Disagree

4=Disagree

5=strongly disagree

According to Burns (2000: 572) they have, for example, the advantage of achieving greater uniformity of measurement and therefore, greater reliability of making the respondents to answer in a manner befitting the response category.

Advantages and Disadvantages of closed questions.

4.6.1 Advantages

- It easier and quicker for respondents to answer questions;
- The answers of different respondents are easier to compare;
- Answers are easier to code and statistically analyse;
- The response choices can clarify question meaning for responses;
- Respondents are more likely to answer about sensitive topics.

4.6.2 Disadvantages

- Respondents with no opinion or no knowledge can answer anyway.
- Respondents may be frustrated because their desired answer is not a choice.
- It is confusing if many (e.g. 20) response choices are offered.
- Misinterpretation of questions can go unnoticed.

4.7 STRUCTURED AND UNSTRUCTURED INTERVIEWS

Greeff (2005:287) asserts that "interviewing is the predominant mode of data or information collection in qualitative research. All interviews are interactional events and interviews are deeply and unavoidably implicated in creating meanings that ostensibly reside within the participants. Interviews attempt to understand the world from the participant's point of view, to unfold the meaning of people's experiences, and to uncover their lived world prior to scientific explanation."

There were follow-up interviews that were held with some of the respondents like Whips and Speakers of municipalities. Ten (10) Whips and Speakers were interviewed, as a follow-up after questionnaires were returned. A sample method was used to identify respondents. The Head of Department Co-operative Governance and Traditional Affairs (COGTA), as well as the Director Public Participation of the Provincial Legislature were also interviewed. This was a follow up interview after the questionnaires were returned.

4.8 POPULATION AND SAMPLING

Powers *et al.* (1985:235) define a population as "set of entities in which all the measurements of interest to the practitioner or researcher are represented. The entities may be people, such as all the clients comprising a particular worker's case-load, or things, such as all the research books housed in a

specific library." Seaberg (1988:240) defines population as "the total set from which the individuals or units of the study are chosen." Sampling, according to De Vos *et al.* (2005:192) means "taking any portion of a population or universe as representative of that population or universe". Arkava *et al.* (1983:27) have this to say about a sample "it comprises elements of the population considered for actual inclusion in the study, or can be viewed as a subset of measurements drawn from a population in which we are interested." Good sampling reduces the chances of the researcher picking wrong people or unit of analysis for study. In addition, good sampling reduces error and maximises validity (Balnaves *et al.* 2001:92). In the study a selected group (sample) of councillors, officials of the Provincial Legislature, as well as of the provincial government were identified because of their relevant knowledge and experience in the field of study. Due to the nature of study as qualitative approach, the relevant and most appropriate method would therefore be mailed questionnaires as well as interviews. The process came out (i) cheaper and, (ii) they reached the respondents within a short time.

4.9 DATA ANALYSIS AND DISCUSSION

Asmah-Andoh (2012:127), asserts that analysis of data is "organising collected data in a way to answer the research question. As data themselves do not answer the research questions the collected data must be processed and analysed in some orderly manner so that patterns and orderliness can be discerned." De Vos *et al.* (2005:172) assert that "in view of comprehensive work involved in the classification and analysis of data collected in large investigations, mechanical and electronic facilities are utilised as far as possible." Qualitative data analysis refers to a systematic search for meaning through the processing of collected data so that what has been learnt can be communicated to others (Asmah-Andoh, 2012:128). Qualitative data analysis is thus the non-numeric examination and interpretation of observations and

data: organising and interrogating data in a way that allows the researcher to see patterns, identify themes, discover relationships, develop explanations, make interpretations, mount critiques or generate theories(Asmah-Andoh, 2012:128). The response- results were analysed after they were received from the respondents.

The following data relates to the frequency of counts of the data collected:

Data on understanding of intergovernmental relations (Managers and staff members in public participation unit).This section indicates the level at which there would be service delivery if the Managers and frontline staff understood intergovernmental relations.

Table 4.9.1 Data on understanding of intergovernmental relations

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Managers & Staff members in PP unit	7	0	0	0	0	7
%	100	0	0	0	0	100

Source: Own research

There were seven (7) responses to this questionnaire. Table 4.9.1 indicates that hundred percent (100%) of respondents strongly agree that they understand intergovernmental relations. The fact that 100% of respondents strongly agree, indicates that there has been intensive training of the managers on intergovernmental relations. There may possibly have been regular workshops conducted on intergovernmental relations.

Data on understanding of co-operative governance (Managers and staff members in public participation Unit)

Table 4.9.2 Data on understanding co-operative governance

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Managers & PP unit	7	0	0	0	0	7
%	100	0	0	0	0	100

Source: Own research

There were seven (7) responses to this questionnaire. Table 4.9.2 indicates that hundred percent (100%) of the respondents strongly agree that they understand co-operative governance. This may be as a result of trainings and workshops, and maybe seminars that have been conducted for them.

Table 4.9.3 Data on understanding of effective service delivery

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Managers & PPU	7	0	0	0	0	7
%	100	0	0	0	0	100

Source: Own research

There were seven (7) responses to this questionnaire. Table 4.9.3 indicates that hundred percent (100%) of respondents strongly agree that they understand effective service delivery. This percentage indicates that there is proper understanding of how service delivery must be obtained. This is probably as a result of trainings that have taken place on how to ensure that service delivery is achieved.

Table 4.9.4 Data on provision of overall legislative framework for intergovernmental relations by Provincial government

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Managers & PPU	0	1	4	1	1	7
%	0	14	57	14	14	100

Source: Own research

There were seven (7) responses to this questionnaire. Fourteen percent (14%) of respondents agree that provincial government provides an overall legislative framework for intergovernmental relations. Fifty-seven percent (57%) of the respondents neither agree nor disagree. Fourteen percent (14%) disagrees whereas another fourteen percent (14%) strongly disagrees. This means that only a certain section of the staff may have been exposed to the trainings or workshops, while another may not have had the opportunity to undergo the trainings.

Data on strategic role for economic, social and community development municipality by provincial government. (Managers and staff members in public participation unit)

Table 4.9.5 Data on strategic role for economic, social and community development for municipalities by provincial government

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Managers & PPU	2	5	0	0	0	7
%	29	71	0	0	0	100

There were 7 responses to this questionnaire. Twenty-nine percent (29%) strongly agrees that provincial government plays a strategic role for economic, social and community development for municipalities. Seventy-one percent

(71%) agrees. This means that knowledge of what kind of information the provincial government dispenses is only known or received by senior management of government.

Table 4.9.6 Data on frequent engagement in municipal IDPs by Provincial government

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Managers & PPU	0	0	0	0	7	7
%	0	0	0	0	7	100

Source: own research

There were seven (7) responses to this questionnaire. Hundred percent (100%) of respondents strongly disagree that there is frequent engagement in municipal IDP process by Provincial government. This is an indication that provincial government has neglected its mandate of assisting municipalities, or it may be that there is no monitoring of provincial government staff to ensure that they assist municipalities as required by law.

Table 4.9.7 Data on availability of technical support in service delivery for municipalities by provincial government

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Managers & PPU	2	5	1	0	0	7
%	14	71	14	0	0	100

Source: own research

There were seven (7) responses to this questionnaire. Twenty-eight percent (28%) strongly agree that provincial government makes available technical support to municipalities on service delivery. Seventy-two (72%) agrees.

Twenty-eight percent (28%) neither agrees nor disagrees. This may indicate that it is only a few staff members, mostly in senior management positions who are aware of the support being given to municipalities. This may also indicate a lack of communication between and among different levels of operations in the municipalities and/or provincial government.

Table 4.9.8 Data on provision of support for municipal administrative transformation through training by provincial government

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Managers & PPU	0	1	4	1	1	7
%	0	14	57	14	14	100

Source: own research

There were seven (7) responses to this questionnaire. Fourteen percent (14%) of the respondents strongly agree that provincial government provides support municipal administrative transformation through training. Fifty-seven percent (57%) agrees. Fourteen percent (14%) disagree and fourteen percent (14%) strongly disagree. The largest percentage of respondents, who agree, indicated that provincial government does give support to municipalities, though the information may be known by few people.

Table 4.9.9 Data on development of an overall framework for a system of monitoring and oversight for municipalities by provincial government

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Managers & PPU	0	0	0	5	2	7
%	0	0	0	71	29	100

Source: own research

There were seven (7) responses to this questionnaire. Seventy-one (71%) of respondents disagrees that provincial government has developed an overall framework for a system of monitoring and oversight for municipalities. Twenty- nine percent strongly disagrees that provincial government has developed a framework for a system of monitoring and oversight. This therefore means that there is non- existence of a framework for a system of monitoring and oversight.

Table 4.9.10 Data on intervention of Free State Legislature /Provincial government where municipalities fail to provide affordable services to communities

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Managers & PPU	0	2	5	0	0	7
%	0	29	71	0	0	100

Source: own research

There were seven (7) responses to this questionnaire. Twenty-nine percent (29%) of respondents agrees that the Free State Legislature and Provincial government do intervene where municipalities fail to provide affordable services to communities. Seventy-one percent (71%) of respondents neither agree nor disagree. This may be as a result of the communities not seeing the

Provincial Legislature intervening practically when there are problems of service delivery issues, except when the Legislature has visited communities on other issues not related to services.

Data on understanding of intergovernmental relations. (Speakers and Whips)
The rationale of the question is to find out whether or not the politicians that lead municipalities do understand what intergovernmental relations is all about.

Table 4.9.11 Data on understanding of intergovernmental relations

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Speakers and whips	8	5	4	0	0	17
%	47	29	24	0	0	100

Source : own research

There were seventeen (17) responses to this questionnaire. Forty-seven percent (47%) of respondents strongly agree that they understand intergovernmental relations. Twenty-nine percent (29%) agrees and twenty-four percent (24%) neither agrees nor disagrees. This means that there was some level of training given to Speakers and Whips at some stage during their political term. This may have been before those who neither agree nor disagree came to be Councillors.

Data on understanding of co-operative governance (Speakers and Whips)

Table 4.9.12 Data on understanding co-operative governance

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Speakers and whips	8	6	3	0	0	17
%	47	35	18	0	0	100

Source : own research

There were seventeen (17) responses to this questionnaire. Forty-seven percent (47%) of the respondents strongly agree that they do understand co-operative governance. Thirty five percent (35%) agrees and eighteen percent (18%) neither agrees nor disagrees. This indicates that the respondents who strongly agree, may have received training while during their previous term in the same positions because, some of them are in their second term as Speakers and Whips. Those who neither agree nor disagree, may be new in the positions they have occupied.

Data on understanding of effective service delivery. (Speakers and Whips)

Table 4.9.13 Data on understanding of effective service delivery.

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Speakers and whips	13	4	0	0	0	17
%	76	24	0	0	0	100

Source : own research

There were seventeen (17) responses to this questionnaire. Seventy-six percent (76%) of the respondents strongly agree that they understand effective service delivery. Twenty-four percent agrees. This is an indication

that the respondents may have been given training on service delivery and how to make it effective.

Data on monitoring of service delivery (Speakers and Whips)

Table 4.9.14 Data on monitoring service delivery

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Speakers and whips	0	0	5	8	4	17
%	0	0	29	47	24	100

Source : own research

There were seventeen responses to this questionnaire. Twenty-nine percent (29%) of respondents neither agree nor disagree that monitoring of service delivery takes place in their municipalities. Forty-seven percent (47%) disagrees and twenty-four (24%) strongly disagrees. This indicates that there is no monitoring of service delivery by in the municipality by any of the departments of Free State government.

Data on supervision of service delivery by Provincial government (Speakers and Whips)

Table 4.9.15 Data on supervision of service delivery

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Speakers and whips	0	0	5	8	4	17
%	0	0	29	47	24	100

Source: own research

There were seventeen (17) responses to this questionnaire. Twenty-nine percent (29%) of respondents neither agree nor disagree that provincial government supervises service delivery in municipalities. Forty-seven percent (47%) disagrees and twenty-four percent (24%) strongly disagrees that the provincial government supervises service delivery in municipalities. This indicates that the two spheres of government work in isolation.

Table 4.9.16 Data on consultation of communities by municipalities during IDP processes

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Speakers and whips	17	0	0	0	0	17
%	100	0	0	0	0	100

Source: own research

There were seventeen responses to this questionnaire. Hundred percent (100%) of respondents strongly agree that municipalities do consult communities during IDP process. This indicates that municipalities adhere to prescripts of Municipal Systems Act prescribing consultation of communities during the process.

Data on regular communication between Free State Legislature and Provincial Government during IDP process. (Speaker and Whips)

Table 4.9.17 Data on regular communication between Free State Legislature and Provincial government during IDP process.

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Speakers and whips	0	0	3	11	3	17
%	0	0	18	65	18	100

Source: own research

There were seventeen responses to this questionnaire. Eighteen percent of respondents neither agree nor disagree that there is a regular communication between the Free State Legislature and Provincial government during IDP processes of municipalities. Sixty-five percent (65%) disagrees and eighteen percent (18%) strongly disagrees. This indicates that there is no communication between the two during IDP process in municipalities.

Data on sharing of resources between Free State Legislature and municipalities during public participation (Speaker and Whips)

Table 4.9.18 Data on sharing of resources between Free State Legislature and municipalities during public participation process.

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Speakers and whips	0	0	0	0	17	17
%	0	0	0	0	100	100

Source : own research

There were seventeen responses to this questionnaire. Hundred percent of the respondents strongly disagrees that the Free State Legislature and municipalities share resources during the process of public participation. This indicates that there is no working relationship between the two. This may also mean that there has not been any thought of the two forming a relationship.

Data on working together of Municipalities and Provincial government during public participation process.

Table 4.9.19 Data on working together of municipalities and Provincial Government during public participation process

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Speakers and whips	0	0	0	0	17	17
%	0	0	0	0	100	100

Source : own research

There were seventeen responses to this questionnaire. Hundred percent of respondents strongly disagree that municipalities and provincial government work together during public participation process. This indicates that the two spheres work in isolation. There is no consultation of one by another, when the public is consulted. Data on provision of financial, human or technical support by Free State Legislature to Local Government (Speakers and Whips)

Table 4.9.20 Data on provision of financial, human and technical support by Free State Legislature to Local Government.

Scale	Strongly Agree	Agree	Neither Agree Nor disagree	Disagree	Strongly Disagree	TOTAL
Speakers and whips	0	0	0	11	6	17
%	0	0	0	65	35	100

Source: own research

There were seventeen (17) responses to this questionnaire. Thirty-five percent (35%) of the respondents strongly disagree that Free State Legislature provides financial, human and technical support to local government. Sixty-five percent (65%) disagrees. This implies that there is little or no support at all that the Free State Legislature gives to local government.

4.10 CONCLUSION

This chapter briefly presents the research design. The research method and the development of the research process were outlined. The questionnaires were used as tools to gather data from managers, staff members in the public participation unit, and Speakers and Whips in municipalities. A description of data analysis and interpretation with regard to this study is given in this chapter. The researcher used tables to explain the responses of the respondents from the questionnaires. The next chapter will deal with the conclusions, findings and recommendations of the research.

CHAPTER FIVE

FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

In the previous chapters the focus was on , chapter one- introduction and scope of study, chapter two- the theoretical overview of intergovernmental relations and co-operative governance, chapter three- intergovernmental relations and co-operative governance in the Free State, and chapter four- the research design and methodology. In this chapter, the findings about the research are outlined. Conclusions and recommendations regarding the research are also outlined. Finally recommendations for further research are given.

5.2 FINDINGS FROM THE RESEARCH ON THE QUESTIONNAIRE FOR MANAGERS AND STAFF MEMBERS IN PUBLIC PARTICIPATION UNIT

The following findings regarding intergovernmental relations and co-operative governance were made:

5.2.1 Findings on understanding of intergovernmental relations

The research indicates that Managers and staff members in this unit do understand what intergovernmental relations entail. It is a requirement for managers and staff members to understand fully what intergovernmental relations entails, in order for them to be able to apply the policy correctly for effective service delivery.

5.2.2 Findings on understanding of co-operative governance.

The research revealed that managers and staff members do understand what co-operative governance entails. It is important that managers and staff members understand the concept, so that they enable the province to meet its challenges without problems. The respondents' responses indicate that managers and frontline staff do understand what co-operative governance is.

5.2.3 Findings on understanding effective service delivery

The research revealed that managers and staff members in this unit do understand what effective service delivery is all about. Understanding of effective service delivery will ensure that managers and staff members will enhance what they know, and that effective service delivery is the success for good governance.

5.2.4 Findings on the provision of an overall legislative framework for intergovernmental relations by Provincial Government.

The research revealed that Provincial Government does not provide adequate overall legislative framework for intergovernmental relations. If the Provincial Government does not provide adequate overall legislative framework for intergovernmental relations, it will not be easy to realise the distinctiveness, interdependence, and interrelatedness of the three spheres of government.

5.2.5 Findings on the strategic role played by Provincial Government for economic, social, and community development for its municipalities.

The research revealed that the Provincial Government plays a strategic role for economic, social, and community development for its municipalities to a very large extent. This will ensure that local government operates within an enabling framework that promotes the development of citizens.

5.2.6 Findings on frequent engagement in Municipal Integrated Development Plans by Provincial Government

The research revealed that Provincial Government totally not frequently engaged in municipal integrated development plans. If Provincial Government does not play a role in the integrated development plans of municipalities, there is no way there will be a co-ordinated delivery of service. The two spheres of government will operate in silos, and this will hamper service delivery. This is against the spirit of Section 153 of the Constitution of the Republic of South Africa.

5.2.7 Findings on availing technical support in service delivery for municipalities by Provincial Government

The research revealed that Provincial Government does, to a large extent, make available technical support to municipalities to enhance service delivery. This will enable municipalities to plan strategically and also be able to assess which are the priorities of communities.

5.2.8 Findings on provision of support to municipal administrative transformation through training by Provincial Government.

The research has revealed that Provincial Government does not provide support for municipal administrative transformation through training. Training programmes for managers or management and other workers can be an effective tool in building a common understanding work ethics and procedures, challenges, and approaches towards attaining service delivery.

5.2.9 Findings on development of an overall framework for a system of monitoring and oversight, over municipalities by Provincial Government and Provincial Legislature.

The research revealed that there is no system of monitoring and oversight over municipalities. If there was a system in place, both Provincial Government and the Provincial Legislature would be able to detect quickly when service delivery was not taking place in municipalities. This lack of system of monitoring and oversight has the potential to ensure poor standard of service delivery by public servants thereby bad governance.

5.2.10 Findings on intervention by Provincial Legislature and Provincial Government where municipalities fail to provide affordable services to communities.

The research has revealed that there is adequate intervention by both where municipalities fail provide affordable services to communities. This is in compliance with Section 139 of the Constitution that gives provincial government the power to intervene when a municipality cannot fulfil its executive obligations in terms of the legislation.

5.3 FINDINGS FROM THE RESEARCH ON THE QUESTIONNAIRE FOR SPEAKERS AND WHIPS OF MUNICIPALITIES

5.3.1 Findings on understanding of intergovernmental relations

The research revealed that Speakers and Whips in municipalities understand what intergovernmental relations entail. The understanding of intergovernmental relations will ensure that Speakers and Whips of municipalities need to ensure that the two spheres of government work together. The two spheres therefore have an obligation to co-operate under all circumstances in order to achieve the mandate of government.

5.3.2 Findings on understanding of co-operative governance

The research revealed that the majority of Speakers and Whips in municipalities understand what co-operative governance entails. This will ensure that they also encourage co-operative governance to prevail under all circumstances. This also indicates that they understand their roles and responsibilities emanating from co-operative governance setup.

5.3.3 Findings on understanding of effective service delivery

The research revealed that the majority of Speakers and Whips understand what effective service delivery implies. The understanding of effective service delivery is key to its implementation. Speakers and Whips therefore have to ensure that municipal officials implement services in the manner required by communities they are serving.

5.3.4 Findings on monitoring and oversight over service delivery in municipalities

The research has revealed that Speakers and Whips do not agree that monitoring and oversight of service delivery takes place in their municipalities. If service delivery is not monitored in municipalities, both national and provincial governments will not be able to determine an extent to which local government policies are making impact on the lives of the citizens.

5.3.5 Findings on supervision of service delivery in municipalities

The research has revealed that Provincial Government does not supervise service delivery in municipalities. When service delivery is not supervised in municipalities, managers may give misleading reports about the extent of service delivery. Provincial Government may also not be able to plan for future programmes properly.

5.3.6 Findings on consultation of communities by municipalities during IDP processes

The research revealed that to a large extent municipalities do consult communities during IDP processes. Consultation is the most important tool that will enhance service delivery. It is the major principle of Batho Pele which suggests that people must be consulted on any development initiative that is going to affect them directly or indirectly.

5.3.7 Findings on regular communication among Local Municipalities, Free State Legislature, and Provincial Government during IDP processes

The research revealed that there is poor communication among the three during the IDP processes. Communication is one of the best tools for achieving good results universally. Poor co-ordination and integration undermine development.

5.3.8 Findings on sharing of resources with municipalities by the Free State Legislature and Provincial Government during public participation processes

The research revealed that there is no sharing of resources during the processes of public consultation. The Constitution of South Africa obligates all spheres of government to collectively work towards harnessing public resources behind a common goal, co-ordinate activities, use resources effectively and maximise efficiency.

5.3.9 Finding on working together by public participation staff in municipalities, Free State Legislature and Provincial Government during public participation processes

The research revealed that public participation staff in municipalities, Free State Legislature and Provincial Government does not work together during the process of public participation. In order to build and strengthen local democracy, there is a need for public participation staff of all three entities to work together during public participation.

5.3.10 Findings on provision of financial, human resource or technical support to municipalities by Free State Legislature and Provincial Government

The research revealed that Provincial Government provides adequate financial, human resource and technical support to municipalities. Though there is some support from the Provincial Legislature, the support is minimal. National and Provincial Governments are committed to providing support to municipalities in order to ensure that there is provision of services to communities.

5.4 CONCLUSION AND RECOMMENDATIONS

On the basis of the findings of the research, the following conclusions and recommendations are made:

5.4.1 Conclusion

The results of the research demonstrated that managers, staff members in public participation unit, Speakers and Whips of Local Municipalities understand what intergovernmental relations, as well as co-operative governance are all about. Managers, staff members in public participation unit, Speakers and Whips of municipalities also understand what effective service delivery is all about. This highlights the importance of intergovernmental relations and co-operative governance for all three spheres

of government. It is therefore evident that intergovernmental relations and co-operative governance are necessary tools to enhance service delivery in the Free State. There is total absence of frequent engagement by Provincial Government in integrated development plans of municipalities. Provincial Government does not provide adequate legislative framework for intergovernmental relations, within which the spheres of government must operate. Provincial Government does not provide the necessary support for municipal administrative transformation through training. Monitoring and oversight over service delivery by Provincial Government is poor. Provincial Government does not share resources with municipalities during public participation processes; communication during consultation of communities during IDP processes does not exist. Municipalities do consult communities during IDP processes, and Provincial Government does intervene where and when municipalities fail to provide services. Free State Legislature does provide technical and human resources to municipalities. The scenario above indicates the need for Provincial Government, Free State Legislature and Municipalities to strengthen their intergovernmental relations and co-operative governance for they would enhance effective service delivery in the Free State; they are effective tools to enhance service delivery.

5.4.2 Recommendations

In the light of the literature and the empirical studies, the following recommendations are made:

Recommendation 1

National Government may directly intervene to assist municipalities that fail to deliver services as a result of not applying the law as urgently as possible. The reason for this is that Provincial Government seems to be lethargic in intervening decisively in failing municipalities. The lack of decisiveness by

Provincial government leads to collapse of services in many municipalities in the province.

Recommendation 2

There is a need for the development of standing procedures to ensure that different departmental objectives are integrated into one system of regulations. This will ensure that all municipalities have one common approach, enriched by provincial departments on how services must be rendered.

Recommendation 3

According to the findings, the senior are familiar with the concept. The National and Provincial governments may intensify capacity building through training programmes for politicians and officials on intergovernmental relations and co-operative governance. This will enhance the implementation of the two concepts with ease. Government will be certain that everybody who is tasked with that responsibility knows what is expected. There may also be a yearly review of how intergovernmental relations and co-operative governance are being implemented.

Recommendation 4

There needs to be a division in each of the three spheres of governments that will deal with the monitoring of implementation of intergovernmental relations and co-operative governance. The divisions may co-ordinate their activities, and establish lines of communication that will assist in monitoring what each sphere is doing. The Department of Co-operative Governance and Traditional Affairs (COGTA) must monitor and evaluate service delivery implementation in Municipalities on a regular basis.

Recommendation 5

The Provincial Government may appoint a programme manager and a project manager whose responsibilities will be to ensure and monitor co-operative

governance and intergovernmental relations. These officials would be expected to draw programmes that are relevant to what must be achieved, as well as ensuring that there is proper implementation thereof by the three spheres of government.

Recommendation 6

There must be a coherent strategy for public consultation among the Provincial Legislature, Provincial Government departments and Local Municipalities. The strategy will ensure that no sphere is left out during the process of public consultation. Local Municipalities will also be able to include, without a doubt, projects that Provincial Government have for them, in their IDPs. Also, all will be able to account to the public at the same time.

Recommendation 7

The Free State Legislature may also ensure that its Members attend and participate when the public is consulted on IDPs. It is encouraged that it should be Members who serve in a Committee that deals with COGTA issues. This will ensure monitoring of the processes from the moment they start to be implemented. An effective communication channel must be established, for the promotion of intergovernmental relations and co-operative governance.

5.4.3 RECOMMENDATIONS FOR FURTHER RESEARCH

Further research can be undertaken on whether or not lack of service delivery implementation can affect intergovernmental relations and co-operative governance. Another area of further research to be undertaken can be on the commitment of Public Officials in implementing intergovernmental relations and co-operative governance in order to provide delivery of service effectively. Further research can also be undertaken in the investigation of Provincial Government's capacity to assist Municipalities that are failing to implement service delivery effectively.

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ANNEXTURE A

10 Volschenk Crescent

Morewag

Kroonstad

9503

The Secretary to the Legislature

Free State Province

Bloemfontein

9300

Dear Sir

APPLICATION FOR PERMISSION TO CONDUCT STUDY

I hereby apply to conduct a study on Intergovernmental Relations and Co-operative governance in the Free State Legislature. During the process, some of staff members in the frontline will be approached for their opinions.

For that reason, interviews will be conducted, thereby enriching the content and the context of the matter being studied.

I hope that the permission will be granted.

Yours faithfully



ANNEXTURE B

*Our reference:
Ons verwysing:
Tshupo ya rona:*

To whom it may concern

Dear Si/Madam

20 August 2011

Subject: PERMISSION TO CONDUCT STUDY

The above-mentioned matter refers.

This letter serves to inform your goodself that permission to conduct study on Inter-governmental Relations and Co-operative Governance by Mr. M.B. Sesele is hereby granted.

Hoping that you will find this in order.

Yours faithfully

M.L. Mogotsi
Manager: Office of the Speaker
Free State Legislature

ANNEXTURE C

QUESTIONNAIRE FOR WHIPS AND SPEAKERS OF LOCAL MUNICIPALITIES

ITEM	RESPONSE				
	Strongly Agree	Agree	Neither Agree/Disagree	Disagree	Strongly Disagree
1. I understand what intergovernmental relations is all about.	5	4	3	2	1
2. I understand what co-operative governance is all about.	5	4	3	2	1
3. I understand what effective service delivery is.	5	4	3	2	1
4. Monitoring and evaluation of service delivery takes place in our municipality.	5	4	3	2	1
5. Provincial government monitors and evaluates service delivery in our municipality.	5	4	3	2	1
6. The municipality consults the community during IDP process.	5	4	3	2	1
7. There is a regular communication among the municipality, Free State Legislature and Provincial government during IDP process.	5	4	3	2	1
8. The staff (public participation) of municipality, provincial government departments and the Free State Legislature work together during public participation process.	5	4	3	2	1
9. The Free State Legislature and provincial government department provide human , financial and/or technical support to the municipality.	5	4	3	2	1
10. The Free State Legislature and Provincial Government department share resources e.g. machinery with the municipality during public consultation process.	5	4	3	2	1

ANNEXTURE D

Dear Sir/Madam

The following questionnaires are for purposes of researching how intergovernmental relations and co-operative governance may enhance service delivery in the Free State province. You are required to answer the questions to the best of your knowledge and ability. Furthermore, you are required to be honest and frank in all your responses. The researcher is a Masters Degree candidate. The research is purely academic. The responses to the questions will be strictly confidential

QUESTIONNAIRES FOR PUBLIC PARTICIPATION SENIOR MANAGERS AND FRONTLINE STAFF IN PUBLIC PARTICIPATION UNIT IN THE FREE STATE LEGISLATURE AND MUNICIPALITIES

(HoDs GOGTA & TREASURY, Director –General Free State Province, Director Public Participation, Public Participation Officers, Whips & Speakers of Local Municipalities).

SECTION A

BIOGRAPHICAL DATA

POSITION/RANK

GENDER			MALE		FEMALE
EXPERIENCE IN POSITION	months	years			
HIGHEST QUALIFICATIONS	STD		NATIONAL DIPLOMA Yes No	DEGREE Yes No	
AGE IN YEARS	<u>20-29</u>	<u>30-39</u>	<u>40-49</u>	<u>50-59</u>	<u>60+</u>

SECTION B THE QUESTIONNAIRES

DIRECTIONS : Complete the following questionnaire. Encircle the number that closely satisfies your answer to the questionnaire. Use the scale below as guidance.

- 5 =Strongly agree
- 4 =Agree
- 3=Neither agree nor disagree
- 2= Disagree
- 1= Strongly disagree

QUESTIONNAIRE FOR MANAGERS AND FRONTLINE STAFF IN PUBLIC PARTICIPATION UNITS

ITEM	RESPONSE				
	Strongly agree	Agree	Neither Agree/ disagree	Disagree	Strongly disagree
1. I understand what intergovernmental relations is all about.	5	4	3	2	1
2. I understand what co-operative governance is all about?	5	4	3	2	1
3. I understand what effective service delivery means..	5	4	3	2	1
4. The Provincial Government provides an overall legislative framework for co-operative governance and intergovernmental relations.	5	4	3	2	1
5. The Provincial Government plays a strategic role in economic, social and community development in its municipalities.	5	4	3	2	1
6. The provincial government frequently participates in integrated development plans of municipalities.	5	4	3	2	1
7. The provincial government provides regular technical support to enhance service delivery in municipalities.	5	4	3	2	1
8. Provincial government provides regular administrative training to staff of municipalities.	5	4	3	2	2
9. The provincial government and the Free State of monitoring and Legislature have developed a system evaluation of service delivery in municipalities.	5	4	3	2	1
10. Committees of the Legislature and provincial government intervene where municipalities fail to provide proper services to communities.	5	4	3	2	1

ANNEXTURE D

Dear Sir/Madam

The following questionnaires are for purposes of researching how intergovernmental relations and co-operative governance may enhance service delivery in the Free State province. You are required to answer the questions to the best of your knowledge and ability. Furthermore, you are required to be honest and frank in all your responses. The researcher is a Masters Degree candidate. The research is purely academic. The responses to the questions will be strictly confidential

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(HoDs GOGTA & TREASURY, Director –General Free State Province, Director Public Participation, Public Participation Officers, Whips & Speakers of Local Municipalities).

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SECTION B THE QUESTIONNAIRES

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(HoDs GOGTA & TREASURY, Director –General Free State Province, Director Public Participation, Public Participation Officers, Whips & Speakers of Local Municipalities).

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POSITION/RANK

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