CO-OPERATIVE GOVERNANCE AND GOOD GOVERNANCE: REALITY OR MYTH?

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Abstract

Serious questions are being asked concerning the manifestation of instability in society. The phenomena of maladministration, corruption, unrest, protests, failure in leadership, and the results of protest marches and poor service delivery, make one believe that the value, functioning and contribution of co-operative governance and intergovernmental relations is a myth. When public protests and instability are analysed, the main issue found at the heart of the problem concerns co-operation, implementation and co-ordination between the various spheres of government. Co-operation is needed to ensure satisfactory service delivery. The question can be asked if there is a direct relationship between poor service delivery, public protests and co-operative governance and good governance. Firstly the conceptual and constitutional framework of co-operative governance and intergovernmental relations will be discussed. In the following section the problems and challenges facing good governance will be analysed. Aspects pertaining to structural tension, policy choices, responsibility, accountability and implications of problems with good governance will be assessed. The manifestation of practical situations will be viewed against the background of co-operative governance.

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1. INTRODUCTION

The daily effective functioning and correct implementation of co-operative governance and intergovernmental relations is a myth. This statement is made on the grounds of the fact that serious questions are asked concerning the manifestation of instability in society. The main task of the government as an institution of society is, amongst others, to meet the needs of the citizens. The phenomena of maladministration, corruption (Mentzel 2000:138), unrest, protests, failure in leadership, and the results of protest marches and poor service delivery make one believe that the value, functioning and contribution of co-operative governance and intergovernmental relations is a myth. Insufficient attention is given to the needs of citizens and communities and needs are not addressed. The citizens protest against poor service delivery. Inevitably the question is asked as to what the reasons for this problem could be.

Although there can be various answers to the above-mentioned question, this article aims to seek answers for the problem by considering co-operative and good governance. After 15 years of democracy and the principle of constitutional demo-

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cracy, the question unfortunately arises as to whether co-operative governance,[2] especially in local government, is functioning as it should (Coetzee 2005:154). The question to be addressed is thus whether co-operative governance and good governance is a reality or a myth?

When public protests and instability are analysed, the main issue found at the heart of the problem is co-operation, implementation and co-ordination between the various spheres of government. Co-operation is needed to ensure satisfactory service delivery. The question can be asked whether there is a direct relationship between the poor service delivery, public protests and co-operative governance and good governance? The answer is yes. There is reason to believe that the requested relationships (working together) between the three spheres of government do not bring about the needed co-operation with one another (Botes *et al.* 2006(b):35). Therefore it has a negative influence on the implementation of policy, programmes and the manifestation of providing service to the public. Botes *et al.* (2006(a):11-12) are of the opinion that: "Overall, there is ample evidence that the system of intergovernmental relations has failed local government" and that "intergovernmental coordination also seems to be problematic".

The argument up till now is that good governance faces certain challenges and stumbling blocks. It is not a case of structures and processes being problematic, but the problems lie within the implementation of the main principles and real working situations of good governance and intergovernmental relationships.

The article will firstly focus on the conceptual and constitutional framework of co-operative governance and intergovernmental relations. The focus also falls on good governance as a principle of co-operative governance. The following section will analyse the problems and challenges facing good governance. Aspects pertaining to structural tension, policy choices, responsibility, accountability and implications of problems with good governance will be assessed. The manifestation of practical situations will be viewed against the background of co-operative governance. Practical examples and problems such as poor communication, interaction, and feedback, lack of public participation and capacity as well as shortage of skills will be elucidated with the emphasis on the problems of ward committees.

It should be mentioned that co-operative and good governance are not the only indicators that may lead to challenges and problems experienced with service delivery. Other indicators such as inappropriate structures, adequate legislation and skills will not be discussed in detail in this article. The article will only reflect

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2   Co-operative governance refers to the relationship and the co-operation between the three spheres of government. Co-operative government refers to the day to day legislative and executive functions of government. It also refers to the different spheres of government being national, provincial and local government. For purposes of this article the author will only refer to co-operative governance throughout the text.

on co-operative governance and good governance. The contention is that good governance and co-operative governance do not function correctly and that the implementation of the principles of good governance does not manifest at the local level. The consequences of this manifest in protest actions and the malfunction of municipalities.

2.   CONCEPTUAL FRAMEWORK OF CO-OPERATIVE GOVERNANCE AND INTERGOVERNMENTAL RELATIONS AND GOOD GOVERNANCE

2.1   Constitutional framework

To establish co-operative governance is a very complex process and its interactions are also very technical (Levy and Tapscott 2001:2). Malan (2005:230) refers to co-operative governance as the fundamental philosophy of government. This philosophy rests on constitutional guidelines, principles and values. The principle of co-operative governance and intergovernmental relations is explained in Chapter 3 of the Constitution (Du Plessis 1997:197-198). Also see Cowen (1997:153) and Steytler (2001:247) in this respect.

South Africa adopted a democratic model of co-operative governance comprising of three spheres: national, provincial and local government. The focus falls on a decentralised governance model with the objective of meeting the basic needs of local communities (*Working together for development – understanding intergovernmental relations* 2009:2). Compare the view of Burger (2001:65 & 85), Barlé and Uys (2002:143), as well as Msaseni and Hilliard (2000:156-157) in this respect. Msaseni and Hilliard (2000:158) state that "[d]ecentralization is both a cause and effect of the changing relationship among the three spheres of govern-ment". The key issue is to "simplify governance arrangements through appropriate location of powers and functions... thus reducing the complexities of coordinating decentralized and concurrent functions" (Implementation of the IRF Act Report 2005/6 – 2006/7:45). The commitment to decentralisation, fragmentation and dis-persing authority made decision making more difficult and undermined the capacity to achieve reconstruction and development in South Africa (McLean 2004:157).

All spheres of government and all organs of state must co-operate with one another in mutual trust and good faith by fostering friendly relations and assisting and supporting one another (Levy and Tapscott 2001:8; Constitution of South Africa, Act 108 of 1996). In this sense Malan (2002:234) describes co-operative government as a partnership among the various spheres of government. The main principle of co-operative government is that all spheres of government must provide effective, efficient, transparent, accountable and coherent government

(Intergovernmental Relations Framework, Act 2005. Preamble, Constitution of South Africa, Act 108 of 1996, Section 41(1)(c)).

Co-operative governance is very important, especially when the programmes of the national and provincial government must be implemented by local government (*Working together for development – understanding intergovernmental relations* 2009:5). It is with specific reference to the issue of implementation that this article will reflect on the effectiveness of co-operative governance and intergovernmental relations.

One of the central issues in co-operative governance is that the three spheres of government are distinctive, interdependent and interrelated as indicated in the Constitution and in the *Practitioner's guide to intergovernmental relations in South Africa* (2009:6). Distinctiveness means that the Constitution allocates certain functions and powers to each sphere. The Constitution has the final decision-making power in those matters (South African Constitution, Act 108 of 1996, section 40(1); McLean 2004:157). Malan (2005:227) refers to distinctiveness as the legislative and executive autonomy of each sphere. Each sphere enjoys a degree of autonomy over those matters listed in the Constitution. Burger (2001:66) also refers to the right of existence of each sphere of government in this respect.

Interrelatedness means that the exercise of autonomy by a sphere is supervised by the other spheres of government. Local government has therefore been allocated certain matters. In other words, municipalities are supervised by provincial and national governments. Supervision means "that one sphere of government can, if need be, make final binding decisions affecting another sphere" (*Practitioner's guide to intergovernmental relations in South Africa* 2009:6).

According to the *Practitioner's guide to intergovernmental relations in South Africa* (2009:6), the term interdependent means that "each sphere must exercise its autonomy to the common good of the country by co-operating with the other spheres". According to Malan (2005:227), it refers to the duty of spheres to empower one another.

The concept of intergovernmental relations is an integral part of co-operative governance and can therefore be explained as "one of the means through which the values of co-operative governance may be given both institutional and statutory expression" (Malan 2005:230). Intergovernmental relations refer to the complex and interdependent relations and the co-ordination of public policies amongst the national, provincial and local government (Implementation of the Intergovernmental Relations Framework Act Report 2005/6 – 2006/7:11). In this respect intergovernmental relations can also be defined as "interactions between governmental units of all types and levels within a political system" (Watts 2001:22). A final definition or explanation of intergovernmental relations is as follows: "Intergovernmental relations are the set of multiple formal and informal processes,

channels, structures and institutional arrangements for bi-lateral and multi-lateral interaction between spheres of government" (*Practitioner's guide to intergovern-mental relations in South Africa* 2009:1; also compare Malan 2005:228; Malan 2002:233).

Intergovernmental relations are thus based on the principle of reciprocity rather than on central or unitary systems (Mentzel 2000:133). The implication of section 154(1) of the Constitution is that it requires the National and Provincial Governments to support and strengthen the capacity of municipalities. By doing so municipalities should be able to manage their own affairs, to exercise their powers and to perform their functions (Implementation of the Intergovernmental Relations Framework Act Report 2005/6 – 2006/7:49).

An objective of the Intergovernmental Relations Framework Act 2005 is to provide a framework for national, provincial and local government and all organs of state to facilitate and align priorities, objectives, strategies (7(b)(ii)) and to co-ordinate the implementation of policy and legislation, including coherent government, effective provision of services, monitoring implementation of policy, legislation and realisation of national priorities (Intergovernmental Relations Framework, Act 2005 (4)(a-d)).

The above discussion reiterates the fact that structures and policies exist for dealing with a constitutional framework on co-operative governance. However, the interpretation, meaning and implementation as seen from practical examples leave much to be desired. It will be argued that co-operative governance principles are not applied in practice.

2.2   Good governance

Co-operative governance and intergovernmental relations cannot be discussed if good governance and the principles of good governance are not referred to. Good governance refers to the way in which the government undertakes its task within a democracy and lives up to participatory and consultative requirements (Mhone and Edigheji 2004:3-4). Public participation is thus one of the cornerstones of democracy and good governance (Napier 2008:166).

These principles include, amongst others, the following:

The right of existence of each government level and the division of authority as derived from the constitution with reference to the concurrent and special functions (Schedules 4 and 5) are very important. The allocation of functions is important to establish effectiveness and efficiency and therefore integration of functions at national and regional policy level will enhance working together for a common goal and achieving success (Gildenhuys and Knipe 2007:296-298). Co-ordination of functions preventing overlapping and consultation must take place between and amongst all state organs through direct contact and relevant inter-

governmental structures (Intergovernmental Relations Framework, Act 2005). This is one of the core objectives of co-operative governance.

Allocation of financial resources refers to the idea that every government should be financially self-sufficient. Therefore "no government on whatever level can be autonomous if dependent on the good graces of other governments for financial resources by way of grants and subsidies" (Gildenhuys and Knipe 2007:296). The autonomy referred to earlier is therefore lost. Insufficient funds leads to a shortage of existing institutional capacity in order to facilitate consultation, communication and co-ordination of information (Intergovernmental Relations Framework, Act 2005).

One of the most important principles is public participation in intergovernmental structures. Public participation occurs when information is shared and when participation affects decision making (Napier 2008:166). The need exists that sufficient power-sharing (decentralisation) should occur in order to meet the needs of various communities (Intergovernmental Relations Framework, Act 2005). More attention will be given to this issue at a later stage in this article.

Vyas-Doorgapersad and Ababio (2006:395) describe elements of good governance as an effective legal framework, efficient accountability, workable codes of conduct, professional socialisation, supportive public service conditions, a co-ordinating body and an active civil society. Good governance includes initiatives to strengthen the institutions of government and civil society with the objective to make government more accountable, open and transparent, more democratic and participatory, promoting the rule of law (Rooyen and Naidoo 2006:458). Mutahaba (2006:282) identifies an important element of good governance when he says that good governance must ensure "that citizens have a say in how they are governed: that is having in place a democratic framework at both national and local levels, and creating space for citizens to have a say on the services they need and the standards of those services". This is a comment of utmost importance and will also be addressed at a later stage in the article. Mutahaba (2006:280) is further of the opinion that performance management systems and results-orientated management systems provide a useful framework for accountability, monitoring and evaluation. As will later be observed, these sound mechanisms are ineffective and non-functional.

According to section 36(1)(a-c) of the Constitution of South Africa, Act 108 of 1996, when provincial policies which affect the local sphere of government are being developed, the provincial government must take into account national priorities, the interests of local communities and consult the local sphere of government (Intergovernmental Relations Framework, Act 2005). This is a very important issue and will later be discussed in more detail.

Although, from the above-mentioned discussion, it seems that the necessary constitutional framework is in place, "the test of effective Intergovernmental Relations lies in demonstrable improvements in socio-economic development and the quality of life of citizens arising from the programme of action" (Implementation of the IRF Act Report 2005/6 – 2006/7:7). Compare Coetzee (2005:165) where the author refers to the evidence that is needed to co-ordinate and work together. Intergovernmental relations must be seen to be able to exist within a fragmented political framework.

Good governance, as discussed above, is crucial for the effective and efficient manifestation of co-operative governance and sound intergovernmental relations. In retrospect it is this test of good governance which the government has failed up to now, especially when looking at the instability of local municipalities. The following discussion on good governance will embark on the challenges and problems encountered by local government. It will be argued that good governance is still failing to deliver its set objectives.

3.   GOOD GOVERNANCE A MYTH?

3.1   Constitutional contexts and structural tension

The author (Coetzee 2005:164) states in another article that intergovernmental relations do not function correctly and that certain problems exist that lead to ineffective governance.

The Constitution of South Africa, Chapter 3, does not provide enough detail regarding co-operative government (Coetzee 2005:156). This lack of detail in the understanding of intergovernmental relations thus brings about a more flexible and negotiable relationship which is not the intention of the original legislation. It is crucial that the powers and functions of the different spheres must be interpreted correctly. If not, co-operation may not occur (Implementation of the Intergovernmental Relations Framework Act Report 2005/6 – 2006/:44). In this respect different spheres are not truly equal, since the Constitution provides for extensive overriding and overseeing. In other words, government spheres overstep their boundaries in terms of powers and functions. Tension and confusion over the roles of various spheres of government exist (McLean 2004:158, 173). To re-emphasise the point, intergovernmental relations are not neatly defined with defending areas of competency (*Practitioner's guide to intergovernmental relations in South Africa* 2009:1). A clear distribution of functions between the various spheres of government is therefore necessary (Burger 2001:65).

Malan (2005:227) and McLean (2004:158) mention that the Constitution introduces a natural tension between the relative autonomy of spheres of government

and coherent government through intergovernmental relations. There is structural tension derived from the concurrent functions in the Constitution.

There is a discrepancy between the policy objectives, plans, budgets and implementation in that policies at national level may not receive necessary funding at subnational government levels. Furthermore, unrealistic national policies do not take operational context, human resource and capacity constraints at subnational governments into consideration (Implementation of the Intergovernmental Relations Framework Act Report 2005/6 – 2006/7:29).

Competitive forces and functions of the spheres of government impede the co-operation between the three spheres and cause unnecessary tension. The result is fragmentation, duplication, inefficient implementation and a lack of accountability. This also results in a negative influence on service delivery as was the case in various municipalities.

The tension which Malan (2005:227) identifies, manifests itself in the fact that each individual local or regional government claims to be independent (Gildenhuys and Knipe 2007:302). Independence does not mean domination of one sphere over the other. However, the problem is that central government has the power through parliament to set conditions for regional and local choice (duties and functions) and therefore directly controls and influences the decisions of regional and local government. There is no proper co-ordination with regard to legislation in existence and new legislation produced by the three spheres of government.

The dominant position of the central government is provisional for a relationship between the other spheres of government (Gildenhuys and Knipe 2007:303). Compare Barlé and Uys (2002:145) when they refer to the characteristics of a weak sphere. According to them local government is, in comparison to other spheres, a relatively weak level because it (local government) does not have enough influence at national government level. Furthermore, there are problems with internal structures, developmental and operational activities and sources of finance (Barlé and Uys 2002:156). The effectiveness of provincial constitutions in relation to the powers of central government is questionable (Msaseni and Hilliard 2000:153). The provincial constitutions are in place but their provisions may not be implemented correctly. Thus the constitutional framework does not contribute to the effectiveness of co-operative governance and intergovernmental relations; it is in fact a stumbling block.

3.2   Policy choices

The South African society is fragmented along the lines of political, social and economic relationships. This makes the operation of good governance extremely difficult (Mhone 2004:37). McLean (2004:161) states that national government's role in service delivery is to introduce legislation, formulate policy and monitor

provincial and local government. Central government's policy instruments used to influence and control regional and local governments are insufficient (Gildenhuys and Knipe 2007:303; Msaseni and Hilliard 2000:155). The country must encourage autonomously elected local authorities and give local authorities binding decision-making power in policy areas (Msaseni and Hilliard 2000:157). This will reflect on decentralisation and improve democracy. Therefore, the information available for guiding and directing central government to design policy instruments is insufficient, imperfect and fragmental (Gildenhuys and Knipe 2007:303) and does not contribute to good governance.

The reason for the above-mentioned situation is that the three spheres of government have the potential to have different views and different policy choices, especially local government, because this sphere is closer to the electorate. Local government is accountable for their policy choices to the communities. They must act responsively and responsibly in solving and addressing community problems (Gildenhuys and Knipe 2007:302; Barlé and Uys 2002:141; Msaseni and Hilliard 2000:154). The constitutional division makes public participation possible which in turn enables decision making on a local level (Napier 2008:164). Local government must address local affairs and is subject to pressure from the communities (Gildenhuys and Knipe 2007:304). Stated differently, to improve the functioning of local government, public participation must be emphasised (Napier 2008:165). In the words of Zuma (2010:7): "Local Government must work." In his speech Zuma acknowledged that there are problems that need to be addressed. There had already been discussions with municipal managers and mayors who shed more light on the problems and challenges of local government (Zuma 2010:7).

According to Burger (2001:71), provinces were established to be mechanisms enhancing democracy and not management. This democratic role of provinces is undermined by the fact that decisions are made by national government without taking the unique differences between provinces into consideration (Burger 2001:71). Government claims that policy shifts have been made, but without much public discussion or consultation (Mhone 2004:39). Mhone (2004:43) explains that the "politician's dilemma is seen to be the need to contain parochial and clientelist policies, and redistribution policies, by empowering distanced agents to make recommendations and therefore rely on technocrats which favour their own interests and not the masses of peoples' interest" (Mhone 2004:43). It also has been acknowledged by national government that policies and plans have been applied to all municipalities and this "one fits all" model does not take the uniqueness of each municipality into consideration (Local Governments Turnaround Strategy 2009). Mentzel (2000:138) therefore comes to the conclusion that provinces are the weakest link in the chain of government which can, amongst other things, be

attributed to the lack of skills and the incorrect power-sharing between the spheres of government.

From central government's perspective, the provinces have too much latitude in decisions on the allocation of resources. By deviating from national guidelines they may undermine national policy (Implementation of the Intergovernmental Relationship Framework Act Report 2005/6 – 2006/7:31).

The situation remains that central government does not have clear and consistent policy goals because it does not deal with the problems of local communities (Gildenhuys and Knipe 2007:303). Central government tends to dominate the other two spheres and local government does not have the same equal status as other spheres of government (Coetzee 2005:155, 165). Thus the policy-making process in itself and the choices in policy making are in many ways instrumental in creating tension between central and local government (Gildenhuys and Knipe 2007:301). Many of the root causes of municipal failures were determined by inappropriate national and provincial government policies and practices (Local Government Turnaround Strategy 2009:18). Policy implementation is problematic and leads to a lack of service delivery because the policy is not always formulated correctly or executed correctly. This contributes to the idea that co-operative governance and intergovernmental relations is a myth.

To rectify the above situation, co-operative governance and good governance must create the divide between state and civil society. The state apparatus must gather sufficient information and co-ordinate policy formulation and implementation. Co-operative governance provides a feedback mechanism sharing information and co-ordinating government and civil society. Public participation is of the essence in this sense (Edigheji 2004:73). Unfortunately it is especially this lack of public participation that influences the co-operation between the government and the citizens negatively.

3.3   Responsibility and accountability

Reddy (2001:155) states that there is a great deal of uncertainty regarding the responsibilities and administrative tasks of the three spheres of government. The Policy Review Process on Provincial and Local Government states that especially the concurrent functions between national and provincial spheres make the alignment of policy, implementation and financing very complicated (Implementation of the IRF Act Report 2005/6 – 2006/7:21). Functions must be integrated for national policy to materialise (Burger 2001:65). This relates to the issue of accountablity and responsibility.

One of the principles of democracy and of good governance is that public representatives and public servants should be accountable to the electorate (Napier 2007:376). Vyas-Doorgapersad and Ababio (2006:393) explain public accountability

as the action of institutions being open to public encouragement, debate and criticism. Napier (2007:376) explains accountability by describing it as "the study to explain or answer for one's conduct and being subject to a constant monitoring process either by higher or lower governmental authorities". Burger (2001:68) mentions that in practice a distinction is made between internal and external accountability by referring to the way in which each sphere of government is externally accountable to its own election area and the manner in which funds are utilised. Internal accountability refers to internal management of government and accountability to the executive authorities or to another sphere of government, especially regarding the transfer of funds from one sphere to another. Burger (2001:68-69) continues by saying that public managers must be held accountable for financial management. Internal control systems must exist for effective, efficient, economical and transparent use of resources.

There are clearly evident overlaps between the functional areas of the three spheres and disagreement about who is responsible for a particular function. Uncertainty may lead to poor service delivery or duplication of services or non-existing services (*Practitioner's guide to intergovernmental relations in South Africa* 2009:20; Malan 2005:238). This disagreement can lead to a lack of accountability and the question then arises: who should be held responsible for poor service delivery? (*Practitioner's guide to intergovernmental relations in South Africa* 2009:20). In this respect Napier (2007:388) is of the opinion that "the lines of accountability between the one proposing an action and one receiving are not always clear. It is not always clear as to who makes certain decisions and how they are to account." If all three spheres have authority over the same functional area, who does what and who is responsible for what constitutional areas? This may lead to confusion. Both provincial and local governments have authority over Schedule 5B – who is responsible for what functions? (*Practitioner's guide to intergovernmental relations in South Africa* 2009:21, 23). The above discussion provides a possible answer and insight into the dilemma currently faced by municipalities, which thus reflects negatively on service delivery. It would seem as if nobody wants to take responsibility for the different functions. This inefficiency may result in the following situation: "Large areas of local government responsibilities are delegated[3] to elected representatives and officials who take numerous decisions

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3   Delegating the provider role means the temporary transfer of the provider role in relation to a specific function, in other words the actual delivery of service (*Practitioner's guide to intergovernmental relations in South Africa*, 2009:27). In other words, "if a function is being delegated the final responsibility and accountability for the performance of the function stays with the delegating authority" (*Practitioner's guide to intergovernmental relations in South Africa,* 2009:27). Assigning role is thus the permanent transfer of the authority role, including responsibilities. It must be made clear that if a function is assigned, the responsibility and accountability for that specific function is also being transferred (*Practitioner's guide to intergovernmental relations in South Africa* 2009:27). Malan (2002: 236), explains that delegating can also mean that responsibility and authority can be delegated to semi-autonomous organisations or agencies close to national state departments. A reflection on the current situation in South Africa indicates clearly that one of the biggest problems lies with the difference between assigned and delegated

without any communication with elected representatives". Napier goes further by saying: "Accountability then does not mean that a representative has to justify or support a decision or action taken if they were not part of the process leading up to that decision or action taken" (Napier 2007:388-389). This may lead to a situation where accountability cannot be enforced.

Accountability cannot exist if responsibility is not included in the discussion. One of the problems is that government must allow sharing of responsibilities among different spheres, but then responsibilities should be clearly defined (Implementation of the IRF Act Report 2005/6 – 2006/7:47). Responsibility can also, according to Vyas-Doorgapersad and Ababio (2006:391), mean the manner in which an individual performs his/her task, the value he/she attributes to the task and the manner in which he/she attaches value to other people with whom he/she comes into contact with in order to perform a task. It is therefore conspicuous in some government officials that this aspect of adding value (respect) is lacking in their everyday functioning and the execution of their tasks.

The challenge is how to distribute the responsibilities and functions between these three constitutionally defined entities (Gildenhuys and Knipe 2007:301). The responsibility of municipalities depends largely on their capacity and willingness to engage with a specific task since they do not want to be burdened with an unnecessary mandate (McLean 2004:174). There is thus a lack of clarity regarding the exercise of power (Mentzel 2000:138), especially within the functional responsibilities between district and local municipalities (Implementation of the Intergovernmental Relations Framework Act Report 2005/6 – 2006/7:16).

4. IMPLICATIONS FOR CO-OPERATIVE GOVERNANCE

The discussion regarding co-operative governance and good governance has until now received attention. Sufficient evidence is given relating to the constitutional and structural principles on which co-operative governance and good governance rest. This constitutional framework is however very complex and it is essential that the implications of this relationship is regarded.

Structural tension between the spheres of government in terms of competitive and specific functions, differences in policy issues, lack of responsibility and accountability influences the working of a good government and intergovernmental relations and co-operative governance. Lack of good co-ordination affects the implementation of national programmes negatively and it has a definite negative influence on service delivery. Therefore, in the next section, attention will be given to practical manifestations and examples.

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authority. Government officials clearly do not know the difference between these two concepts and therefore accountability and responsibility are not being enforced as it should.

Hassen (2004:138) is of the opinion that there is thus an urgent need to restructure government departments to improve efficiency and equity in society. With over 200 departments in South Africa a better management at institutional level is required to improve service delivery.

Burger (2001:70) mentions the following implications for intergovernmental relations: "Ineffective coordination, no accurate data to inform strategic management, no linkage between budgetary process and strategic planning, poor discipline, rampant corruption, fraud and perceptions of nepotism, favouritism and ethnicity in appointments were recorded." The result, as Malan (2005:238) indicates, is the following: "Poor coordination undermines performance and risk confusing mandates, responsibility and accountability." Skills shortages in the public sector also undermine the ability of the government to provide services in healthcare, local government, security, teaching and crime (Roodt and Eddy 2010:4-7).

Intergovernmental relations are hampered, according to Malan (2005:241), because of unpredictable and incoherent processes in executing key national development priorities. It must be clearly stated that the problem concerning service delivery can be attributed to lacking inter-governmental relations which are managed on an *ad hoc* basis. Services are not integrated or co-ordinated through the three spheres of government. There is a lack of sufficient participation or partnerships to facilitate service delivery.

The Presidency's Ten Year Review in 2003 observed that, in practice, there was little alignment between planning policy and implementation thereof in the three spheres of government. The result was that national government priorities did not filter down to provincial and local government (Implementation of the Intergovernmental Relations Framework Act Report 2005/6 – 2006/7:19). The South African President, in his State of the Nation Address in February 2006, noted that "[i]ntegration of planning and implementation across the government spheres is one of the prime areas of focus in our programme for the next term of local government, and in this we will be guided by the Intergovernmental Relations Framework Act" (Implementation of the Intergovernmental Relations Framework Act Report 2005/6 – 2006/7:20). In President Motlanthe's opening address in Parliament during 2009, he referred to the necessity of creating a culture of service delivery. Action must be taken in order to provide basic services to all citizens (Motlanthe 2009:5, 11). It is conspicuous that President Zuma placed much emphasis on the improvement of service delivery during his opening address in Parliament. Similarly the Minister of Co-operative Government and Traditional Matters took steps and set plans in motion in order to improve service delivery. This re-emphasises the urgency to address the problems regarding implementation at local government level.

Attention to the lack of capacity and management (Implementation of the Intergovernmental Relation Framework Act Report 2005/6 – 2006/7:14) is

very important. Also see Reddy (2001:35-36) in this respect. Managers must be empowered. Levy and Tapscott (2001:19) explain that poor intergovernmental co-ordination and integration is a problem of capacity and not of procedure (Implementation of the IRF Act Report 2005/6 – 2006/7:27). The problem of capacity and skill can be further explained. There is for example inadequate nursing staff in rural provinces to deal with healthcare needs (Hassen 2004:132). Roodt and Eddy (2010:4-5) refer to the shortage of medical personnel at Tygerberg Hospital and in the North-West and Gauteng provinces, where patients have to wait for treatment. There is also a big gap between the skills level of advanced and intermediate level paramedics. There is a shortage of 2 000 paramedics in the country. Skills are lost in this terrain as a result of the fact that medical personnel go abroad because they can earn three-fold what they are earning here (Roodt and Eddy 2010:4). On the one hand there is a shortage of skilled staff to meet delivery challenges, but on the other hand there is the tendency to reduce public services (personnel cost) to meet macro-economic targets. The tendency is to move to a smaller and higher skilled public service (Hassen 2004:133). Substantial assistance should be given to local government in capacity building and service delivery instruments (Mogale 2004:216). A promise was made that urgent attention would be given to capacity, as well as to the development of skills (Motlanthe 2009:11). Of the 277 municipalities there are 33 who do not have a qualified engineer forming part of their staff. The skills shortage also led to sewage ending up in dams and rivers. Poor water quality can also be attributed to the lack of skills (Roodt and Eddy 2010:5). Furthermore, reference can be made to the 12% vacant posts of senior managers in local government. The National Capacity Assessment Report found that South African municipalities were performing less than 50% of the functions they were meant to carry out (Roodt and Eddy 2010:5). The necessary capacity must be created in order to improve the integration of service delivery across all three spheres of government (Motlanthe 2009:17). Later in the article the Framework for the National Skills Development Strategy will be referred to, as it decisively aims to address the issue of skills. Another evident implication is that unclear reporting lines undermine effective co-ordination (Implementation of the Intergovernmental Relation Framework Act Report 2005/6 – 2006/7:27) and lead to uncertainty of decision-making practices. This brings us back to the argument regarding the importance of accountability and responsibility.

One way in which to address this issue is through monitoring and inter-vention, but as Malan (2005:240) states, it is difficult to determine the success of these mechanisms. Lack of proper and clear processes of monitoring and inter-vention, insufficient budget allocations and lack of consultation with stakeholders are problematic (Malan 2005:240). There is a lack of monitoring and reporting in provincial and local government departments, which creates weaknesses in their

support and oversight roles which further creates a lack of clarity on intergovern-mental roles and responsibilities. It creates tension and pressures within the system (Implementation of the Intergovernmental Relation Framework Act Report 2005/6 – 2006/7:58).

Monitoring and intervention are good mechanisms to address the problem, but the emphasis must fall on good communication between the spheres of government as well as on improved co-ordination and trust between the governmental spheres. If these aspects are not addressed, service delivery will not improve, seeing that the overall causes of co-operative governance and intergovernmental relations are not resolved.

As discussed above, the implications of a non-effective co-operative govern-ment and intergovernmental relations lead to the serious question of whether good governance is a myth or not. The argument up till now is that good governance faces certain challenges, stumbling blocks and problems. It is not a case of structures and processes being problematic, but the problems lie within the implementation of the main principles and real working situations of good governance and intergovernmental relationships. The following discussion will provide examples and tendencies within the municipalities.

5.   MANIFESTATION AND PRACTICAL SITUATION

The result of an inefficient and ineffective governance system is an unstable situation. From a theoretical political system perspective, if needs and demands (input) of citizens are not met by the different policies of government (outputs), a situation of instability (feedback) exists. Instability in municipalities manifests through uproar and violent behaviour. Steyn (2004), identifies the problems in municipalities to be administrative and especially managerial. Managerialism trans-forms the citizen into being a client, where the state interacts with clients and the process is seen as transactional. The result is that the citizens are not active partici-pants in service delivery (Hassen 2004:115). This shift away from elected leader-ships and communities to public service managers and bureaucrats has a negative effect on democratic and participatory governance (Hassen 2004:134-135).

In order to stabilise the situation (protest marches) many municipalities were placed under the direct control of provinces (Coetzee 2005:154), and even national government had to intervene in the situation. Compare the case of the uproar in the Mbombela Local Municipality (Local Government Turnaround Strategy 2009:15). According to Momberg (2004), the main reason for this situation was that munici-palities could not provide basic functions. Political tension or infighting also has a negative effect on service delivery in municipalities. Compare Jack (2004) and Msiza (2004) in this respect.

Over the past few years (2004 – 2009) South Africa has seen municipal protests becoming more evident in the Free State Province (Coetzee 2005:154) and North West Province. Also compare the South African Local Government Briefing (2010:29-33), where protests took place in Brits, Lenasia, Sebokeng, Benoni, Meyerton, Parys and Bronkhorstspruit. Botes *et al.* (2006(a):2) identify different reasons for these protests, one of which being poor governance – referring to the ability of institutions to take decisions. There is a complete lack of basic decision making and direction. Decision making takes place at national and provincial level, but does not consider the basic priorities of the municipalities or, even more importantly, the local communities. Municipal decisions can be overridden by provinces (Botes *et al.* 2006a:12; Botes *et al.* 2006b:42 refer to previous discussion). The Free State provincial government is to a large extent responsible for the developmental role it plays in the province but decision making is not focused on experiences or reality (Botes *et al.* 2006b:36). The lack of such decision making can lead to instability. The importance of accountability for local and provincial government was discussed earlier. Botes *et al.* (2006a:12) also refer to the unclear accountability of spheres of government as being a serious problem.

Poor communication is also one of the reasons for the protests (Botes *et al.* 2006a:4). A further factor which caused the protest marches was the institutional lack of transparency. Transparency refers to the extent to which the function of government institutions is open to public scrutiny (Vyas-Doorgapersad and Ababio 2006:392). Transparency is therefore also one of the principles of good governance to which there is no compliance.

Important to note is that citizens were not properly represented and they did not receive the necessary attention, action or feedback from the institutions. The public will also not participate in debates and meetings if their contributions are not seen as valuable. Feedback is essential (Napier 2008:176-177). If civil society organisations participate in agenda setting and implementation it would be unlikely that they will resort to protest (Napier 2008:176). Edigheji (2004:76) states that civil society leaders become increasingly preoccupied with policy implementation and they distance themselves from their members, thereby becoming unaccountable to civil society. On the other hand there has been a decline in enthusiasm for political participation, while the roles of managers and policy implementers are increasing (Mogale 2004:224). The Mo Ibrahim Index of African Governance gave the country 77% for participation and human rights. However, the same institute awarded South Africa only 45% for democratic governance in 2009/2010 (Anon 2010:6). Napier (2008:171-173) states clearly that a very small percentage of the public will attend and participate in ward committee elections in Tshwane municipality, the reason being a lack of interest. Public participation is therefore inadequate.

Napier (2007:384) asks critical questions regarding accountability and responsibility. Such questions include: "How do representatives account to each resident in the ward committee, especially in larger constituencies, wards or districts? How does a ward representative account to thousands of residents? Does the representative account as a representative of a political party or as an individual?" (Napier 2007:384). This implication is one of the core indications that good governance is not present but rather a myth.

It was also found that there is no complaints management system available for the citizens. The public participation during the planning phase of the government is not effective. Furthermore, there is no coherent system in place to measure service delivery (Botes *et al.* 2006a:5). That implies the whole aspect of service delivery as a non-existent exercise. It leads to re-emphasising the importance of effective monitoring, support, oversight and intervention mechanisms to improve the situation.

Lack of consultation (also linked to communication) between the community and the ward council was one of the biggest problems that had to be faced (Napier 2008:172). The ward committees were ineffectively managed because the structure of the ward committees does not make provision for public participation (Napier 2008:171). One of the reasons was the fact that the ward committee meetings were only attended by a few people who were close to the ward councillor. Especially in the city of Tshwane there were practically no meetings held from 2006 to 2007 (Napier 2008:171-172). In the Tshwane Municipality only 0,88% of voters attended the ward committee elections (Napier 2008:174). Ward committee meetings are not effective because the community does not receive appropriate feedback. In this sense there is a need for a monitoring element to make sure that performance can be measured (Botes *et al.* 2006b:43-47). The ward committees were also not functional in the affected areas and were seen as excluding popular participation (Botes *et al.* 2006a:4). There is also a lack of participation, especially with regard to policy making and planning (Napier 2008:174). Especially in the Tshwane Municipality the ward committee system must be restructured, since the value and contribution of ward committees are doubtful (Napier 2008:173, 178-179). Ward committees proved to be exclusively a communication channel for the ruling party. Napier (2007:388) explains the dilemma by indicating that ward councillors must generally account to political parties and the electorate, because the political party nominates the councillor but he/she is elected by the voter. Councillors must then have the support of their political parties and must be re-elected. This cuts to the core of co-operative governance and good governance. Good communication skills form the cornerstone of inclusive and participatory democratic government (Mogale 2004:221). It also has been identified from the Local Government Turnaround

Strategy (2009:19) that there is an absence in the communication resources and no accountability for how and when municipalities communicate to communities.

Poor management (financial management, ineffective technical management and lack of general management) in the three different spheres of government contributed to protests (Botes *et al.* 2006a:5). As an example of poor management it can be mentioned that three municipal managers cannot read or write (Roodt and Eddy 2010:5). Furthermore it can be mentioned that 28% of municipal workers' posts are not reflected in the organisational structures (Roodt and Eddy 2008:6). In Johannesburg there is a shortage of 560 personnel in the operational department (disaster centre) (Roodt and Eddy 2010:6). Poor management can be attributed to the fact that "many functions have already been 'informally' delegated to municipalities, without effective legal provision, or without adequate financial resources having been transferred" (Botes *et al.* 2006a:12). This implication therefore leads to political instability and, if not addressed, an improper situation of violence and protest will result.

Areas of concern include weak responsiveness and accountability to communities and inadequate human resource capital (Local Government Turnaround Strategy 2009:18). It is stated clearly that knowledge and skills must be shared to overcome service delivery challenges. Governance issues and elements such as political leadership, capacity and skills have been identified as sources of problems in Local Government (Local Government Turnaround Strategy 2009:15). In the President's opening address on 11 February 2010, the urgency for the government to give attention to the needs of the citizens was referred to. Such attention must also be given more speedily. Specific reference was made to the "skills development programme" which was meant to address the problem of capacity. Skills development is therefore a high priority for the government (Zuma 2010:5-7) and therefore the Framework of the National Skills Development Strategy 2011/12-1015/16 was put on the table in April 2010. The document aims to address the need for skills in the industrial and economic terrains. Skills shortages, skills gaps and skills supply were especially mentioned. Attention will in particular be given to skills demand and supply issues and the utilisation and development of skills in relation to government's priorities and objectives. The National Skills Development Strategy III was designed to contribute to the development of new economic and social development goals. Against the background of South Africa's character of fraud and corruption it is precisely the aim of skills development to address tendencies of fraud and corruption. Therefore the aim is to present new learning programmes and short courses (for employees and the unemployed) in order to address the skills shortages (Framework of the National Skills Development Strategy 2011/12-1015/16:5-7, 12-13,17-18).

6.   CONCLUSION

Murray (2001:80) asks a critical question regarding co-operative governance and intergovernmental relations when she says: "Will this model work?" or, differently stated: Is this model working? Against the above discussion the question is debatable, but the implications however, carry a negative colour. The question asked was whether good governance and co-operative governance is a reality or myth. The assessment of this has indicated that, although structures, processes, instruments, principles and values are in place and exist, the problem does not lie within the system as such, but with the implementation and manifestation, interpretation and general functioning of the system. Lack in skills, participatory democracy, knowledge, dedication, in other words the will to co-operate and respect the spheres of government functions, role and powers is absent. The consequences of the poor functioning of co-operative governance and intergovernmental relations are catastrophic. It must be clearly stated that the first task is to provide for the needs of the citizens. Where service delivery is not addressed, the public reacts with violence, in some cases in order to express their dissatisfaction. Co-operative governance therefore does not function as it is supposed to, because otherwise it would not have been made such a high priority by government. Practical solutions to improve implementation must be found to ensure the effectiveness and efficiency of co-operative governance and intergovernmental relations.

To attend to the improvement of co-operative governance, the following core suggestions can be discussed.

One of the first issues which must receive attention is the review of all inter-governmental structures across government. Along with this policies and legislation of local government must be reviewed in order to improve implementation. It will also improve stability. In order to bring about co-ordination and co-operation, good communication and discussions between the three spheres of government are essential. Underlying is the establishment of trust between the spheres, which has, up till now, been absent. Monitoring, evaluation, oversight and support systems must be established to promote accountability. The relationship between local, regional and central government must be shaped so as to give enough policy choices to regional and local government. Secondly, capacity building and co-ordination must be enhanced. There must be a review of the integration process to build capacity in co-ordinated planning, budgeting and the use of implementation protocols in every sphere of government. In order to address capacity building direct attention must be given to skills. The skills developement programme will make a contribution in order to address this issue, which in turn will improve service delivery. "The right balance between coordination, performance and accountability may be the key to better intergovernmental relations and to improving the capacity of government

to deliver on key priorities" (Malan 2005:238). Thirdly, it is essential that definite attention is given to good communication between the ward committee and the community. It is clear from the above discussion that tension between the ward committee and the community contributed to instability in communities. It is a positive step that this issue will be addressed by the Local Government Turnaround Strategy (2009:36). Performance management systems for councillors should be established and councillors should be responsive and accountable to communities (Local Government Turnaround Strategy 2009:22). Finally, it will be beneficial if programmes are set in place in order to measure the efficiency and implementation of service delivery. Hope is expressed that the Framework for the National Skills Development Strategy will address the necessary shortage of skills.

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