

# Management of District-Local Relations through the District Intergovernmental Forum in Mopani District Municipality, South Africa

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## Abstract

Service delivery that is driven by cooperative governance between municipalities in the district-local space is generally commendable, but it is often bedevilled by serious collective action problems. Also, it is true that in the absence of participation by local municipalities in the district policy-making processes, cooperative governance will be lacking and the functionality of Intergovernmental Relations Forums will be compromised. This paper used the Mopani District Municipality (MDM) as its contextual setting, and the aim was to investigate the appropriateness and the capacity of the District Intergovernmental Forum (DIF) as a platform to deal with multi-governance issues within the two-tier district system. Qualitative methods were applied, and interviews were conducted with relevant members of the DIF within the MDM. As the paper found, the DIF in the MDM exists in name only. The extent to which it cannot deal with policy and other multi-governance issues is compounded by numerous factors, including a poorly defined mandate of the forum and lack of coerciveness in legislation. A major recommendation is that the DIF's legislative role and functions need to be redefined in order to distinguish between relevant district governance matters that need to be dealt with by district councils, which in turn should prevent unnecessary deliberations, duplication of agenda issues and waste of time. Also, coercion must be featured in legislation to regulate the participation of relevant stakeholders in the DIF.

**Keywords:** *Mopani District Municipality; Multi-principal problem; Intergovernmental Relations; District Intergovernmental Forum; South Africa.*



## Introduction and study context

Globally, the delivery of public services through intergovernmental relations (IGR) and/or integrated systems in contemporary public sector organisations has become commonplace. Yet, organisational theorists contend that cooperation or collaboration is “a minefield filled with unexpected problems, unexpected differences of opinion and unanticipated outcomes” (Wimpfheimer, Bloom & Kramer, 1991: 92). Understood from this prism, it cannot be argued further than to say inter-municipality relations in public service delivery, for example, provide great opportunity for sourcing of expertise from different actors, and cost savings for small municipalities as other studies have found, but they are by no means riskless nor free from conflicts and confusions. In its 2014/2015 financial report, the Office of the Auditor-General notes weaknesses in the Mopani District Municipality IGR system (Auditor-General, 2014). The ineffectiveness and even non-existence of some IGR forums are touted as the biggest compounding factors to integrated service delivery and planning between government entities in South Africa (Shopola & Mukonza, 2020). IGR problems at the local level are said to be detrimental to service delivery, especially in that municipalities are at the coal face of governance. According to Jordan (2006), it is the weak IGR systems that continue to hinder attempts by scholars, researchers and policy makers alike to establish with certainty whether IGR adds value to local government service provision. This argument is drawn from the belief that conflicts and uncooperativeness are relentlessly abundant in IGR simply because, as Wright (1974) puts it, IGR itself is clothed with people and people are naturally heterogeneous. Interesting as these theoretical reflections on IGR may be, it is still incumbent upon government structures like MDM to ensure that goals and objectives are achieved at the end of the day. But this cannot be achieved in the absence of functional structures like DIFs, which are the legal instruments responsible for facilitating IGR.

This paper characterises the prevalence of governance issues in the management of inter-municipality relations, especially in the district-local space in South Africa, as a multiple governance problem that involves complex governance issues emanating from collective action. Due to the ontological proximity of the district-local design in South Africa and the *multiple principal problem* which as an offshoot of the principal agent theory, this paper attempts to abstract by way of linking a district municipality with the principal and local municipalities to an agent in the delivery of some services. The focus, however, is largely accorded to the District Intergovernmental Forum as a custodian of the two-tier district



system, and the objective is to ascertain the legal composition and capacity of the DIF to address the multiple principal problem. Important to note is that the contextual set-up from which all these issues are entertained is the Mopani District Municipality.

## **Problem Statement, Aim and Objectives**

Shared services between district and local municipalities are provided for in the Constitution of the Republic of South Africa, 1996 (hereafter referred to as *Constitution, 1996*). Depending on the decision of the Member of the Executive Council (MEC) for local government in the province, shared services may range from water, roads, waste and health services. Due to problems regarding the intergovernmental management of those services and other matters between the different spheres of government, the Intergovernmental Relations Framework Act (IGRFA) was enacted in 2005 to ensure that formal instruments would be put in place to facilitate the management of multi-governance issues, one of these being the DIFs. After many years of being in operation, two-thirds of the DIFs are reportedly dysfunctional (CoGTA, 2012). It appears that where DIFs are not existing or dysfunctional, the whole IGR will be weak. MDM is one of the many districts that has reported poor communications and uncoordinated IGR structures, which are key to the management of shared services. As noted in the annual reports of the Auditor-General (2014 & 2018), these problems contributed to the qualified opinions that the municipality received on more than two occasions. Maake and Holtzhausen (2015) note that tensions have also arisen between MDM and one of its local municipalities in the area of water services, where the district is the authority but the water is distributed at local level. If tested, the DIF could be instrumental in addressing the multi-governance issues MDM is facing. To be sure, this paper provides an analysis of the legal positioning in terms of capacity to deal with shared services in a district-local multi-governance arrangement.

### **Aim and Objectives**

The aim of this study is to investigate the appropriateness and the capacity of the District Intergovernmental Forum (DIF) as platform to deal with multi-governance issues within the two-tier district system. The objectives include:

- To confirm whether a District Intergovernmental Forum exists in the Mopani District Municipality and whether or not it is functional.



- To assess the legal standing of DIF as a platform to manage inter-municipal relations and promote cooperativeness within district governments.

## **Intergovernmental Relations and District Intergovernmental Forums in South Africa: *The Legal Context and Operational Problems***

One of the greatest achievements flowing from the 1994 general elections in South Africa was the introduction of democratic government and adoption of the new Constitution in 1996. Foregrounded in Sections 40 and 41 of the *Constitution, 1996* is the system of intergovernmental relations (IGR) that basically prescribes the three spheres of government namely the national, provincial and local spheres of government, and further defines them as interdependent, interrelated and distinctive in terms of operation. Such organisation of spheres affirms South Africa “as decentralised State with some federal characteristics” (Mello & Maserumule, 2010: 285). In Section 41 and Schedules 4 and 5, the Constitution explicitly makes a distinction between the spheres of government, and assigns to each one its roles and responsibilities within a demarcated space of operation. Autonomy of each sphere and organ of state within these spheres is also granted. In other words, the notion of a national government prescribing powers and functions to sub-governments and other organs is somewhat dispelled in the current IGR framework, but spheres are encouraged to foster a high level of unity in the execution of their respective constitutional duties. Furthermore, for a country that was governed through pro-apartheid, uncoordinated and incoherent IGR policy instruments that were only deemed effective if one racial grouping (white) benefited at the expense of another (Africans), changes made to the IGR system in the post-1994 era were imminent.

Furthermore, and as noted by Munzhedzi (2020), since the embracement of the current IGR system in South Africa, policy planning, coordination and implementation between the spheres of government have improved. Notably, under this IGR model, national government is able to enforce its own macro reform policies without resistance from other spheres. Shopola and Mukonza (2020) credit the existing IGRFA for enabling such a planning environment. Placed at the heart of the IGR system in South Africa is the IGRFA, Act 13 of 2005 which provides for specific instruments such as DIFs in local government, the Premier’s Intergovernmental Forum at provincial levels, and Presidential Coordinating Council at national level that facilitate IGR across all spheres of government. These mechanisms have a mandate in terms of the IGRFA to promote and facilitate IGR, which



includes policy planning and implementation, as well as facilitating the settlement of IGR disputes within a given sphere. That being said, the current study is delimited to DIFs at the local sphere of government.

In 2009, Department of Cooperative Governance and Traditional Affairs (CoGTA) (2009) in its diagnosis report titled *“The State of Local Government”*, identified weak IGR as one of the factors undermining the district system within South African local government. The report specifically emphasised the need to strengthen DIFs as the custodian of district IGR. The same call was repeated in 2012 after it had been revealed that more than half of DIFs in all 44 districts in South Africa were dysfunctional, and non-existent in some districts (CoGTA, 2012b: 64). In its proposition to have the current IGR overhauled, the National Development Plan of 2030 (2012: 45- 46) vouched for a bottom-up IGR management model that would see local government championing policy development and the other spheres providing sufficient support and coordinating intergovernmental planning. Although this resonates well with the presently piloted District Development Model (DDM), it will still be difficult to realise any progressive approach at any given time, if the current IGR instruments or forums continue to exist in name only.

The Fifteen Year Review Report on Intergovernmental Relations (2008: 22) acknowledged the difficulties facing the District System in South Africa and added that the biggest problem is lack of cooperation between districts and their locals. As contended in the study that the current article is extracted from, problems facing DIFs are mostly systemic and some can hardly be compared to the problems found in other forums (Shopola, 2019: 54). What this means is that the DIF is responsible for facilitating relationships between different local units that are not always (or necessarily) dependent on each other as compared to the IGR between national and provincial or national and local spheres of government, where one sphere (mainly the lower) relies on the other for real-life support. It is an open secret that where districts have a smaller revenue base as compared to their local municipalities, the entire district authority gets questioned and sometimes challenged, thus making it difficult for DIFs to function (see Kirkby & Fisher, 2005; Magagula, Mukonza, Manyaka & Moeti, 2019; Shopola & Mukonza, 2020). The roles of DIFs as outlined in Section 26 of the IGRFA, 13 of 2005 include the following:

- drafting national and provincial policy and legislation relating to matters affecting local government interests in the districts;



- the implementation of national and provincial legislation with respect to such matters in the district;
- matters arising in the premier’s intergovernmental forum (IGF) affecting the district;
- coherent planning and development in the district;
- coordination and the alignment of the strategic and performance plans and priorities, objectives and strategies of the municipalities in the district, and any other matters of strategic importance that affect the interests of the municipalities in the district; and
- the district IGF may refer a matter arising in the forum to the premier’s IGF or any other intergovernmental forum established in terms of Section 26 of the IGR Act 13 of 2005.

Overall, the main aim of this forum is to serve as a consultative forum for the district municipality and the local municipalities within the district to discuss and to consult each other on matters of mutual interest (Kahn, Madue & Kalema, 2016:118).

## Literature Review

Wessels and Potgieter (2021: 4) write that, “the first antecedent to a case study is the presence of a phenomenon or an object of a study”. The phenomenon under scrutiny in this study is the inter-municipality relations or inter-municipal cooperation, which is a practical offshoot of intergovernmental relations, the IGR as referred to hereafter. In theory, IGR has its roots in public administration. Thus, understanding the various relationships that exist between state institutions, state and external organisations or within spheres of government in their different contexts – to a larger extent – is crucial to navigating public administration challenges, and as Wessels and Potgieter (2021) correctly put it, public administration challenges are the first antecedent for a selected case study in the context of Public Administration. This backdrop, therefore, prefaces the analytical framework from which the functioning of the DIF as the custodian of inter-municipality relations in the district-local space and its implications in the management of a multi-governance arrangement. The analytical framework is consistent with antecedents,



attributing factors and related consequences, but before any attempt is made to engage in such analysis it is important that the defining attributes of the study phenomenon itself are established.

Walker and Avant (2014: 168) refer to the defining attributes of a concept as those characteristics that are closely related to the concept and phenomenon to which it refers. As already established in the text of this paper, and as demonstrated in literature, the concept of *inter-municipality relations* shares a kinship connection with IGR and due to this, many scholars have tended to use the two concepts interchangeably (see Hattingh, 1998; Haurovi, 2012; Khan, Madue & Kalema, 2016; Pietersen, 2017; Senoamadi, 2014; Nzimakwe & Ntshakala, 2015). Despite the possibility that there could be a different conceptual understanding elsewhere, for the sake of this paper the same understanding as that of the above authors is adopted. Therefore, a review of scholarly literature was done on the concept of inter-municipality relations and two themes as possibly being the biggest attributes were identified. The themes are, (i) Inter-municipal cooperation, and (ii) multiple governance problem.

### **Inter-municipal cooperation**

Inter-municipal cooperation is linked to *co-operative governance*. According to Kanyane and Nazo (2008: 139), co-operative government simply refers to co-operation amongst the spheres or organs of government. In discussing this critical attribute of inter-municipality relations, literature is notably in agreement that governance under partnerships or intergovernmental relations is not simple nor is it straightforward. The need for greater cooperation between spheres of government, or municipalities in the two-tier district system in the case of this paper, has been emphasised countless times in the academic sphere. This is due to the overlapping aspects of common interests or shared responsibilities between the involved government spheres or organs (Shopola & Mukonza, 2020). As already mentioned in the preceding sections, the shared functions between spheres of government, and between municipalities in the district system are described in Schedules 4 and 5 of the Constitution, 1996. Furthermore, empirical evidence emerging from literature suggests that there is no way that governance issues involving two different spheres or organs can be resolved without collective action, with Krishnan and Subban (2021: 238 – 239) cautioning that a lack of collectivism and cooperative spirit is the root cause of intergovernmental conflicts and is detrimental to government service delivery programmes. In other words, collective action is the solution to collective problems.



## Multiple governance problem

In the literature reviewed, there is a considerable degree of similarity even in the words used to define the concept of a multiple governance problem, also referred to as a multiple principal problem (see Camões, Tavares & Teles, 2021; Bel et al, 2022). In Voorn, Genugten and Van Theil (2019: 671), the concept of a multiple governance problem refers to “multiple collective action problems that organizations face when they must balance (competing) interests of multiple stakeholders under joint service delivery”. It is linked to the difficulties inherent in collective action that arise in the joint provision of services in the face of either homogeneous or heterogeneous interests between municipalities. Accordingly, heterogeneous interests may arise due to differences between municipalities in terms of population, economic output and/or ideological positioning, which are likely to lead to conflicts between clients that can complicate overall governance (Bel et al, 2022: 4). The above explanations are linkable to the district-local relations in South Africa. For instance, the study conducted by Fisher, Kirkby and Stytlar (2005) refers to the poor cooperation and the resistance directed to districts by their dependent local municipalities as one of the multiple governance problems. In addition, what emerged from the researchers’ interaction with municipal managers and mayors is that there was a lack of a common understanding of Section 151 (3) of the Constitution, 1996 which grants individual municipalities (whether local or district) the autonomy to administer own affairs. A majority of local respondents stated that the conflict is compounded by the ‘big brother’ syndrome that district governments often subscribe to, in other words, the continuous belittlement of local municipalities in the process of engagements, which is obviously detrimental to integrated service delivery provision (Fisher et al, 2005).

The possible defining attributes of inter-municipality relations are now known to be as reflected above, and the paper will set out to discuss the defining preceding antecedents with the aim of locating DIFs. This is particularly crucial for the contextualisation of inter-municipal relations in the contemporary literature.

While the relationship between district and local municipalities is well intentioned, a major constraint lies in the manner in which some of these service delivery duties and roles between the two councils have been defined (Shopola, 2019). More often than not, district and local functions overlap. This is due to (i) lack of clarity on the point at which a matter is no longer a local matter but a district one, (ii) some functions are too broadly defined, and lastly (iii) there is over inclusiveness of district powers. Khan, Madue and Kalema





(2016) contend that dividing responsibilities between district and local municipalities has become a challenge that relevant authorities, such as the Department of Provincial and Local Government, now known as CoGTA, are currently faced with, let alone it being a challenge faced by districts and local municipalities themselves. It is not surprising therefore that districts and local municipalities have been plagued by numerous conflicts or disputes since the advent of the new local government system in South Africa (Shopola, 2019: 70-71).

Following the context laid out above and in light of the background issues outlined at the beginning of the paper, it can be said that IGR forums – especially the DIF – are faced with multiple governance challenges and that there is a welter of evidence proving this assertion. Despite the CoGTA (2012) report which found a dysfunctionality in DIFs in more than half of the 44 districts in South Africa, it is possible that the situation still has not changed, and the current paper could be one of the latest outputs likely to confirm that assertion. In another study linked to the case-study focus by Mathebula, Nkuna and Sebola (2016: 83) found that structural and organisation support in the implementation of municipal IDP is major and might point to the failure to facilitate macro-district governance issues at the level of DIF in the municipality. In the area of water provision where MDM is the Water Service Authority in the district, the study of Maake and Holtzhausen (2015) noted that there is limited recognition of DIF, which obviously stems from either dysfunctionality or a belief that the municipal council is a better place to deal with intergovernmental issues. Some of the key studies on the subject of intergovernmental relations, multi-governance and associated problems in South Africa that the paper consulted include Barle and Uys (2002), Stytler, Fessha and Kirkby (2005), Jordaan (2006) and Van Niekerk (2015).

However, very closely related to this paper is the study carried out by Van Niekerk (2015), which addressed some of the contentious issues troubling the functionality DIFs as a structure of IGR in South Africa but does not recognise to a larger extent the impact of multi-governance problems on the functionality of DIFs and the role of this structure in dealing with those problems. The thrust of the argument advanced in this paper is that the preventer of the problems bedevilling the DIFs arises largely from the governance problem more than from the composition and functioning of the structure itself.

In closing this section, and based on the literature consulted, this paper posits that the multiple principal problem facing IGR structures do not only present an opportunity for



districts to strengthen the DIFs but also is a chance for stakeholders to recognise that collective action is a solution to collective problems. What can be deduced from the discussion above, though, is that governance problems bedeviling the district-local set-up to a larger extent are attributable to the governance arrangements and the attitude of the municipalities involved when executing the shared services. This poses a threat to the functioning of the DIF, which has its own fair share of challenges, ranging from composition to legislative weaknesses. Below are theories associated with the multiple principal problem. Interestingly, literature posits a number of theoretical abstractions that can assist in addressing the multiple principal problem referred to in this paper. The following section presents a theorisation of the multiple principal problem.

### **Theoretical Grounding of the Paper**

As explained in the introductory section, the theory of the multiple principal problem is adopted in this paper to navigate and make sense of governance problems in a joint service delivery arrangement. Although the paper is naturally limited to the functioning of the DIF, it is understood that with the forum being legislatively responsible for ensuring inter-municipal cooperation in the South African two-tier district system on the one side and the theory's specific focus on explaining complexities associated with cooperative governance on the other, a deeper understanding will be gained while correlations will be established between service delivery and intergovernmental relations. Despite the above, it is important that the discourse of this theory is understood in order to locate the gist of this particular section within the paper. Developed by Professor Jensen of the Harvard Business School and Professor Meckling of the University of Rochester, the *multiple principal problem* first appeared in print in the *Journal of Financial Economics* – the 1976 December Issue. In their paper titled “Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure” the founding intellects accentuate that this theory is a conceptual offshoot of the principal-agent theory. Accordingly, it is explained as a “conflation of the various governance problems that can exist in joint service delivery, explained through principal-agent theory” (Bel et al, 2022: 4). What is the principal-agent problem? This question is posed to assist in grasping the etymological fusion of the multiple principal problem in the principal-agent theory.

As simplified by the Investopedia Team (2021), the principal-agent problem is a conflict of priority between a person or group and the agent authorised to act on their behalf.



However, due to heterogeneous interests arising from the unavoidable differences between the two parties it is almost obvious that the agent may act against the best interests of the principal. As noted in Camões et al (2021), heterogeneous interests may include, in the case of a municipality, factors such as population size, economic performance and sometimes ideological positioning. Administrative performance is another factor. Shopola and Mukonza (2020), for instance, reveal that administrative or bureaucratic performance in the management of finances has been found to be a compounding factor in district-local relations, especially in situations where a district municipality is constantly receiving poor audit outcomes compared to its dependent locals. In this case, it will prove very challenging for the district as the principal to direct or engage with the agent on financial management matters.

Flowing from the foregoing, literature is replete with solutions to the multiple principal problem or the principal-agent problem. Firstly, it is suggested that the two can enter into contractual obligation – sign a contract that will define clearly the actions and expectations of both parties (Investopedia, 2021). This is what Mathebula (2011) characterises as the ‘transactive’ nature of the intergovernmental relations, in other words, the binding contract that coerces the involved parties into taking accountability to the collective action. Secondly, as postulated by Bel et al (2022), the stewardship theory can also be a solution in fostering inter-municipal cooperation. This theory is closely related to the agency theory and its central supposition is that the agent or steward must be delegated considerable authority by his master (principal) to manage his estate (Chandler, 1988: 186). In this way, Bel et al (2022: 5) contend that “when given a choice between self-serving behavior and the collective good, stewards will generally prefer the latter”.

Following the discussion above, this part of the paper was also designed to chronicle or theorise the ascriptions or resemblances between the principal-agent and district-local municipalities. As postulated by Basheka and Sebola (2015), the version of the principal-agent theory in South Africa entails the contractual relations between public institutions and the public. In this paper, the relationship to be put on trial is between districts and local municipalities, and these relationships are explored at the level of DIFs. These relations are traceable to Section 155 (1) (b) and (c) of the Constitution, 1996 and the Intergovernmental Relations Frameworks Act, 13 of 2005. Gailmard (2012:3) mentioned that “... specifying a member of the principal-agent family of models requires specifying (i) what the agent(s) can do and how this affects the principal(s), (ii) what the principal(s) can



do and how this affects the agent(s), and (iii) who the principal(s) and agent(s) are". These elements are important in assisting the current paper to move forward.

## **Research Methodology and Approach**

The methodological outlook of this paper is influenced by a number of research traditions, one of them being Weick's (1993) sense-making approach. Fuelled by the desire and the need to understand why 'the perceived state of things is not what we expect it to be' (Audette-Chapdelaine, 2016: 6 quoted in Wessels & Naidoo, 2021: 27), the sense-making approach is grounded in qualitative studies and was applied in this paper to gain a deeper understanding of the role and implications of the DIFs in the management of shared service delivery processes and inter-municipal cooperation in the Mopani District Municipality. The need for undertaking this study was basically prompted firstly by a government report (CoGTA, 2012) which lamented the non-functionality of the DIFs, pointing to no more than 10 DIFs in 44 district municipalities which are functional.

Cognisant of the need to strengthen the study's findings, the hermeneutical approach as an interpretive approach was necessary, as it is concerned with understanding the meaning of human intentions, actions and experiences (George, 2020). As guided by Table 1 below, the sample in this paper was derived from the existing structures on IGR in MDM, thus interviews were conducted with the 12 key members of the DIF in the selected case study (Mopani District Municipality). These included the 6 mayors and 6 municipal managers from each municipality in the district, four of which did not participate due to busy schedules. Their selection for this study was based on the fact that they are the permanent members of the DIF and leaders of administrations in their respective municipalities. Moreover, the exception of traditional leaders as members of DIF (as depicted in the table) is informed by their limited participation in the governance issues.



**Table 1: Key intergovernmental relations structures in Mopani District Municipality**

Intergovernmental planning structure		
Forum	Participants	Responsibility
District intergovernmental relations (mayors' forum)	Executive mayors, mayors, traditional leaders and municipal managers	Coordinate inter-municipality relations between district and local municipalities
District ward committee forum	District speaker, ward committee representatives	Inputs on the IDP and its implementation
District manager's forum	Sector Departments' District Managers, Municipal Managers, Municipal Senior Managers (Directors)	Coordinate inter-governmental relations at district level between municipalities and sector departments
Clusters	Councillors, Municipal Managers, Municipal Senior Managers (Directors)	Coordinate policy issues affecting government at a district level (between sector departments and municipalities)

Source: Mopani District Municipality Integrated Development Plan (2014-2016)

Furthermore, quality checks such as validity, reliability and trustworthiness in qualitative enquiries were ensured by means of returning the transcribed information that emerged from the actual interviews to the respondents for verification.

## Presentation and Discussion of Findings from the Case Study

This section presents and discusses findings in relation to the study objectives. The objectives included, to establish the state of functionality of DIF in MDM, and most importantly to analyse the legal positioning and the appropriateness of the DIF in dealing with multiple governance issues. For purposes of protecting the names of participants, their identities are replaced with numbers, for example Mayor 1 or Manager 2. The critical themes that emerged from the empirical findings are discussed below.



## The State and Functionality of DIF/Mayors Forums in MDM

According to the findings, there is no doubt that the DIF in MDM exists in name only, and Table 1 above as an extract from the district IDP partially proves this observation. In terms of operations, all the participants conceded that the district mayor's forum is highly undermined, of which the fact that there is no single reference to a meeting in the past five years (from 2016 to 2021) is proof. One local mayor (Mayor 2, a mayor of a local municipality, male) said that

*"... a starting point to ensure existence or participation should be a district calendar which entails scheduled dates for meetings and agenda items... so without this, MDM will not be able to put life in the IGR structures. Of course, IGR structures play an important oversight role apart from council but ours is not working".*

In another study, Van Niekerk (2015: 851) seems to believe that local municipalities should take a fair share of the blame as they were found to be not planning in accordance with the annual IGR calendar. The basis for this contention is that "the District IGRFs will be ahead of planning with their IDP projects, while the local municipality are [sic] still missing" (Van Niekerk, 2015: 851). Viewed from the planning perspective in the current regime, the above finding in Van Niekerk could be misleading as it largely finds expression in the pre-2000 local government system. To this effect, it is important to note that the integrated planning in the local sphere of government was previously done through the Local Government Transition Act, 1993 (Act 209 of 1993), which directed that the formulation and implementation of IDPs by district councils should be subject to the approval of municipalities within the district. The challenge that this approach was meant to address is that local municipalities would always reject the districts' IDP on the basis that they are not fully involved in the formulation stage of IDPs that include direct engagements with municipal citizens. The current system instructs that districts develop their IDPs, conduct all necessary phases of the IDP as outlined in the Municipal Systems Act, 2000 and other related statutory requirements (White Paper on Local Government, 1998). This, according to the CoGTA's Integrated Development Guide Pack (2009) is to be followed by a coordination process whereby the districts, through established district IDP technical committees, invite their dependent local municipalities together with sectoral departments for presentation of their development plans. The district municipality would then incorporate plans from both local municipalities and sector participants for

compilation and finalisation of a district IDP (CoGTA, 2009). In essence, as this paper argues, the district municipality as leader should always be the first with initiatives that make it easy for dependent local municipalities to participate, and not the other way around. The argument raised by this paper should not be understood to mean that districts can assume the role of ‘big brother’ to local municipalities, as this could change the legal relationship status of these municipalities (see Stytler, Kirkby & Fessha, 2005).

The problem of the dysfunctionality of DIFs at the local sphere of government was identified by government long ago, and despite many attempts to address it, the problem has persisted (CoGTA, 2009; 2012 & 2013). These attempts included the guidelines for District Intergovernmental Relations Forums developed by CoGTA to promote the effective functioning of DIFs. The guide included a clarification of roles, mandates and arrangement of meetings, reporting protocols and technical support structures (CoGTA, 2013). Similarly, the National Planning Commission (2011), a commission that compiled South Africa’s macro national policy named National Development Plan vision 2030, noted the weaknesses experienced by DIFs and further suggested the need for a new model. Not surprisingly, these problems resulted in the birth of the District Development Model which is currently being piloted in selected district municipalities, of which MDM is one. Asked if there is a chance DIFs could improve under the new model, the majority of participants were optimistic and one of them stated that “there is hope” (Mayor 1: Mayor of the district, male). The few pessimists indicated that the situation is likely to remain the same because, as Mayor 3 and 4 pointed out, there has not been an approved district calendar for DIF since the new council was incepted in 2022. In addition to the latter, another notable element from the District Development Model is its silence on the role of DIFs.

### **The Need to Improve Cooperative Governance in MDM**

In the local government, shared functions between district and local municipalities are defined in terms of Schedules 4B and 5B of the Constitution, 1996. These include, amongst other functions, potable water supply, electrification, provision of health services, combating air pollution, refuse removal and solid waste disposal. Accordingly, the allocation of many of these services is a subject for determination by the designated MEC in a given provincial authority (Municipal Demarcation Board, 2018). Since the first democratic local government elections which led to the formal establishment of the MDM and its dependent local municipalities, and in terms of the shared services in the district,



MDM has always used its legislatively accorded powers to lead, especially in providing policy for the rest of the municipalities in the district (MDM IDP, 2016 – 2021).

Judging from the official reports on governance, MDM is not immune from multi-governance conflicts. The Auditor-General (2014;2018), for example, consistently identified poor communication between local municipalities and the district, especially during the consolidation of financial statements. One of the elementary problems emphatically raised by the office of the AGSA was a culture of silos in MDM. According to literature, factors such as capacity and performance cannot be ruled out of the equation when it comes to cooperative governance (Parliamentary Committee on Local government, 2003; Jordan, 2006). In Mopani, it is also suspected that bureaucratic performance especially in relation to financial performance is the source of these silos, resulting in some locals questioning the capacity of the district. Indeed, records show that MDM has not performed well in the past consecutive 5 years, owing to 2 adverse audit opinions in 2015/2016 and 2017/2018, a disclaimer of opinion in 2016/2017 and a qualified audit in 2018/2019 (National Treasury Municipal Money, 2022: Online). Comparatively, its locals have performed much better in the same period, and it is for this logic that the 2016-2021 Greater Tzaneen council in 2018 lodged an intergovernmental case with the Premier's Office in Limpopo (Shopola, 2019). The breadth of this finding, a finding also confirmed in this paper, is dealt with in the ensuing paragraphs.

Asked if the DIF has ever used its platform to reflect on problematic areas of governance, one Manager of a local municipality referred to the case lodged against MDM in the Premier's Intergovernmental Forum and Premiers Office in 2018, and said that

*“administratively Greater Tzaneen [which is local] has proved sufficient capacity to manage water and other services than the district...and the district has not been convincing in that regard. So we are applying for the status of Water Service Authority [WSA]”.*

Water provision is one of the shared services in Mopani and the supply role is done by local municipalities on behalf of the district. In terms of its budget, MDM generates over 15% from water and electricity (National Treasury, 2018/2019). Ever since 2012, the year which Mopani region experienced crises (Department of Water and Sanitation, 2013), MDM has been under the spotlight. Hence, scholarly enquiries were undertaken to make sense of the situation (Maake & Holtzhausen, 2015). One prime finding established by Maake and Holtzhausen was that there was no clear line of communication between the municipalities





and systems to monitor the provision of water, and that the revenue collection system used by the locals was not up to standard. These are the common or multi-governance issues that the DIF, if functional at the time, would have addressed effectively and would have reported to the district council for solutions.

### **The Legislative Conundrum Affecting the DIF in Managing Inter-Municipality Relations in Mopani District Municipality**

As argued by Shopola and Mukonza (2020), the management of shared services in district-local governance is not entirely limited to the IGR forums, yet they have the potential to influence the behaviour, collective spirit and performance of the municipalities involved. However, this does not absolve the DIF from building strong and integrated service delivery systems. The context for this assertion is found in Section 26 of the IGRFA (13 of 2005), which stipulates that the forum has a duty to coordinate and align the strategic and performance plans, priorities, objectives and strategies of the individual municipalities in the district, and any other matter of strategic importance affecting the interests of the municipalities involved. A close examination of the legislative framework thus points to some conundrums in the functioning of DIFs in the local government. In Sections 24 and 28 of the IGRFA (13 of 2005), for instance, the DIF is regarded as a consultative forum where the district and local municipalities discuss issues of mutual interest. This includes but is not limited to district-wide planning and delivery of shared services. However, the problems arise when the Act is textually silent on the scope of the forum of this nature. For example, the IGRFA provides no clarity whatsoever on what happens with the decisions taken at such a forum, nor does it explain what the expectations from the sittings are and how those can be ratified to have a material impact on district plans. Against this backdrop, it can be argued that a DIF without decision-making powers is a waste of resources. Hence in 2012, half of the DIFs in 44 district municipalities were found to be unproductive, and in some cases non-existent (CoGTA, 2012). A welter of evidence shows that where these forums have not been productive or functional, confusion, conflicts and political instability are common occurrences (Shopola & Mukonza, 2020; Van Niekerk, 2015; Auditor-General, 2011/2012; 2014/2015). Similarly, where these forums do exist they exist in name only (Fifteen Year Review Report on the State of IGR in South Africa, 2008: 65).

Another issue is the ability of DIFs to deal with the question of ‘duplication of efforts’ by municipalities. On the one hand, the South African Local Government Association



(Undated: 3) underscored that the DIF has proved in many ways to be valuable in eliminating situations where district and local municipalities coincidentally implement similar projects in one area – often characterised as *duplication of efforts* and as such mainly caused by lack of integrated planning and coordination (Murray, 2004). Regrettably, understanding the above sentiments from Section 23 of the Municipal Structures Act (117 of 1998) one could argue that the participation of local municipalities in DIFs actually compounds a ‘duplication of efforts’ in itself. This is because the Act provides for local government representation in the district councils, and it further stipulates that such representation must ensure that critical aspects affecting local municipalities are brought to the attention of the district whilst the district must ensure that local municipalities are fully informed of the district-wide plans, programmes and actions.

## Recommendations and Conclusion

The major finding of this study is that DIF in MDM exists in name only, and the underlying reasons for that is lack of cooperative governance and willingness of the district municipality to operationalise the DIF. Another factor which seems rather disturbing is the poorly defined position of the DIFs in legislation when it comes to issues they have to deliberate upon. Most of the issues that the DIFs are expected to deal with as established in this paper are common to councils; thus, considering the powers of municipal councils it makes no sense for DIFs to deliberate on similar matters as it will run the risk of duplicating activities to no avail. To this effect, the recommendation by Van Niekerk (2015: 853) is supported, namely that misinterpretations of the IGRFA, 2005 among politicians and officials need to be clarified by means of continuous capacity building training sessions. MDM municipalities could benefit from such. In addition, a review of IGRFA, 2005 is needed to give DIFs powers to sanction non-attendance of their meetings.

Regarding governance issues, one of the key elements noted in MDM is that cooperative governance has not been straightforward. It requires concerted efforts from the parties involved to make it work. In that regard, the multiple governance solutions posited especially the stewardship model constituted the focus of this paper. This is because it has a bearing on IGR in South Africa and is relatable to the antecedents and the case study explored. As accentuated by Van Thiel (2016), the prime cure for the multi-governance problem is to apply forms of governance that encourage stewardship, where elementary aspects such as trust and reciprocity are institutionalised.



The problem with shared services in district-local governance is that the legislation is silent on how and when the district as a support structure to the locals decides to offer the [needed] technical support, and the consequences pending such action. This is where a DIF could play an active role in setting an agenda for engagement and the extent to which actionable measures can be taken to enforce protocols. As it was demonstrated in this paper, although there are visible elements of the principal-agent embedded in the district local framework, time and context can determine the sustainability and extent to which districts' authority is felt. The involvement of the designated Member of the Executive Council in the province in determining which function deserves sharing in the district local set-up is also problematic. Taking lessons from the case of Mopani, it appears that the decision to allocate constitutional functions to the municipalities is not guided by any reasonable tool, because if municipal financial performance was anything to go by, some of the functions like the WSA status of MDM would have long been given to some locals.

Another solution central to this paper is the contractual route, where the district and local municipalities will enter into formal agreements in the provision of service delivery. This will make it easy for a DIF to set its agenda. It is suspected that the absence of formal agreements between these municipalities in the shared services is what makes it vague for MDM to begin to extrapolate a list of issues of strategic importance that can suit the agenda for discussions at DIF level. Under these conditions, therefore, non-functionality is almost inevitable. Notably, the IGRFA, 13 of 2005 makes provision for agreements in the form of intergovernmental protocols agreed upon by municipalities. Accordingly, as this study found, MDM had one in 2007 titled Mopani District Municipality Intergovernmental Relations Protocol, but it was dumped after the 2011 local government elections. The 2016-2021 council did not have any guiding protocol, and the same is the case with the current council. In light of this, the paper recommends that protocols be re-established.

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