

**Intergovernmental relations: sustainable human settlements in the City
of Tshwane Metropolitan Municipality in Gauteng Province**

by

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ABSTRACT

This research is an examination of the practical application of inter-governmental relations (IGR) and co-operative government at the City of Tshwane Metropolitan Municipality (CTMM)'s Department of Housing and Human Settlements. By use of questionnaire and direct interviews, the research extracted responses from methodically selected employees and officials at the Department of Housing and Human Settlements in the CTMM. Literature study was combined with document analysis and a part of participant observation to gather data and information that has been examined and analysed in the study that has established the need for training and skilling for officials and employees in financial and project management.

The need for the rolling back of political interference, regular review of legislation to keep abreast with the changing environment and international standards and improved institutional communication are but some of the observations and arguments that the research has established from a careful reading of data gathered. The enabling policies, laws and regulations that are in place remain largely good on paper, but still limited in their practical application. It is argued in this research that housing and human settlements are a provision that is central in the democratic and development life of the Republic of South Africa, and that the provision of sustainable human settlements enriches the livelihoods of communities in so far as other services such as education, recreation, health care, electricity, economic opportunities, safety, transport and communication are also dependent on the availability of sustainable human settlements and the amenities that comes with it. It is the recommendation of the present research that if the policies, regulations, laws and goals that govern the IGR towards the delivery of sustainable human settlements are to achieve maximum fruition, there is a need for vigorous monitoring and evaluation mechanisms that will ensure that budgets are efficiently used, that standing decisions are implemented and that partisan politics and corruption and opportunistic tendencies are eliminated as these hinder performance and delivery.

Key words: Intergovernmental relations, sustainable settlements, human settlements, sustainable, settlements, City of Tshwane Metropolitan Municipality.

LIST OF ABBREVIATIONS

- **ANC**-African National Congress
- **BNG**-Breaking New Ground
- **CBD**-Central Business District
- **CoGTA**-Cooperative Governance and Traditional Affairs
- **CTMM**-City of Tshwane Metropolitan Municipality
- **DA**-Democratic Alliance
- **DHS**-Department of Human Settlements
- **FFC**-Financial Fiscal Commission
- **FFR**-Financial and Fiscal Relations
- **HSIF**-Human Settlements Implementation Forum
- **IDP**-Integrated Development Plan
- **IGF**-Intergovernmental Forum
- **IGR**-Intergovernmental Relations
- **MECs**-Members of Executive Councils
- **MINMECs**-Minister and Members of Executive Councils
- **NCOP**-National Council of Provinces
- **NPC**-National Planning Commission
- **NP**-National Party

- **PCC**-President's Co-ordination Committee
- **POA**-Programme of Action
- **PHP**-People's Housing Process
- **PRC**-Presidential Review Commission
- **RDP**-Reconstruction and Development Programme
- **RSA**-Republic of South Africa
- **SA**-South Africa
- **SALGA**-South African Local Government Association
- **SDA**-Service Delivery Agreement
- **SHRA**-South African Regulatory Authority
- **SHIs**-Social Housing Institutions
- **THSIF**-Technical Human Settlements Implementation Forum
- **USA**-Union of South Africa

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CHAPTER ONE

GENERAL INTRODUCTION AND CONTEXT OF THE STUDY

1.1 INTRODUCTION

The provision of sustainable human settlements is one of the major challenges that confronted the South African Government since the advent of the post-apartheid era in 1994 to date. The previous political dispensation did not provide human settlements for all South African citizens, particularly black communities. The research intends to investigate how effective intergovernmental relations (IGR) enhance the delivery of sustainable integrated human settlements and explore how the three spheres of government can work in harmony to deliver sustainable integrated human settlements to the citizens of South Africa. The factors that might hinder the efficiency of intergovernmental relations are also in the scope of this research, in so far as it has interest in understanding how these hindrances/blockages can be overcome. It is argued that the three spheres of government can be well equipped to function in harmony to alleviate the problem of poor service delivery in so far as the provision of sustainable human settlements is concerned in South Africa, in particular the City of Tshwane Metropolitan Municipality (CTMM) in Gauteng Province. Observations will be made to lead the research to informed policy suggestions that will contribute to alternative solutions on how sustainable integrated human settlements can be achieved.

This chapter outlines the background and rationale to the research, aim and objectives of the research, the problem statement which will form the basis for research questions and objectives as well as the purpose. Furthermore, this chapter will deal with the proposed research design, methodology and

data collection techniques, literature review, clarification of concepts, ethical considerations, outline of the chapters and conclusion.

1.2 BACKGROUND AND RATIONALE OF THE STUDY

Access to housing is among the fundamental rights that have been constitutionally enshrined in the *Constitution of the Republic of South Africa, 1996* (hereinafter referred to as the *Constitution*) which states that the state must respect, protect, promote and fulfil constitutional rights. Section 26 of the *Constitution* pronounces the importance of human settlements, previously known as housing, in the following manner:

- Everyone has the right to have adequate access to housing.
- The State must take reasonable legislative and other measures *within its available resources*, to achieve the progressive realisation of this right.
- No one may be evicted from their home, or have their home demolished without an order of the court made after considering all the relevant circumstances.
- No legislation may permit arbitrary evictions.

The *Constitution* applies to all laws and binds the legislature, the executive and the judiciary together with all its organs of state (<http://www.gov.za/documents/constitution/1996/96cons2.htm>).

As a result of duplicated and inequitable policy approaches to human settlements development, the constitutional statement of a happy human settlements era for “everyone” in South Africa has remained at best a promise and at worst a political statement that is yet to find realisation. Millions of South Africans are still without shelter, let alone decent housing and the deliverable amenities such as water, electricity, sanitary conditions and habitability that accompany human settlements in a modern country.

It should be accepted that the development of sustainable integrated human settlements is not a simple matter of generating physical products by one sphere of government or institution; it is rather a process in which a number of stakeholders play an important role. The preparedness and willingness of all stakeholders to co-operate in the process of developing sustainable integrated human settlements are an important element in this regard. Section 40(1) of the *Constitution* makes provision for national, provincial and local spheres of government (South Africa 1996). In view of the composite nature of governmental structures contained in the *Constitution* and the considerable extent to which matters of salient importance as well as policy development are dealt with, the numerous structures of government may influence each other and at the same time the determination of policy may very conceivably give rise to immense relational problems. Nonetheless, it is argued that the three spheres of government can be well equipped to function in harmony to alleviate the problem of poor service delivery in so far as the provision of sustainable integrated human settlements is concerned in South Africa, in particular the City of Tshwane Metropolitan Municipality (CTMM) in Gauteng Province.

During the pre-1994 constitutional dispensation, the state's role in human settlements used to be fragmented in a number of functionaries at national and regional levels. The Self Governing Territories and Transkei, Bophuthatswana, Venda and Ciskei (TBVC) states each pursued their own policies and strategies, whilst the Own Affairs Housing Departments and Provincial Administrations (OAHDA) lacked a common approach to human settlements resulting in inequalities and inconsistencies.

In addition to duplicated and inequitable policy approaches for different race groups the human settlements policy framework suffered from key constraints such as the lack of overall housing strategy and a multiplicity of legislation. Inadequate definition of all the role players in the human settlements sector as well as the lack of coherent overall human settlements strategy contributed to the confusion that existed. This state of affairs further skewed the delivery of sustainable integrated human settlements.

Segregation of racial groups was well advanced in urban areas at the beginning of the 20th century where about 55 percent of Whites were already urbanised. A number of systems including compounds for mine workers and racial segregation clauses in property deeds were used effectively to secure segregation and security for Whites and perpetuate their economic dominance. A much more systematic approach to segregation was achieved through the *Natives (Urban Areas) Act* No 21 of 1923, which stipulated that the Native shall only be allowed access to urban areas which were meant for Whites only when he is willing to minister to the needs of Whites as a labourer and should depart by the moment he stops to minister to the needs of a White man. Through the *Native Land and Trust Act* No 18 of 1936, the central government was able to enforce the provisions of the *Natives (Urban Areas) Act* No 21 of 1923 and extended influx control by local authorities. This means that the pre-apartheid society was highly segregated by the time the National Party (NP) claimed victory of the 1948 elections (Lemon in Kahn, Madue & Kalema, 2011:131).

Land for occupation by one of the four racial groups such as Whites, Coloureds, Indians and Africans was designated through the *Group Areas Act* No 41 of 1950 and the *Group Areas Development Act* No 69 of 1955 wherein Africans were excluded from White areas except in cases where they served as domestic workers. Africans with permission to serve as domestic workers for Whites resided in distant townships in grossly overcrowded conditions, whilst most Whites were housed comfortably in low density and fortress-like conditions of security. Indians were housed in poorer housing conditions built for owner-occupation by the state in small “group areas” after resisting removal from inner-city locations.

According to Davies cited in Kahn *et al.* (2011:131-132), Coloureds that lived mainly in Cape Town were removed from District Six to the overcrowded Cape Flats townships far from the city centre where shack development resulted. Africans in rural areas designated for Whites were forced into homelands allegedly based on traditional African rural allegiance. One thousand three hundred (1300) group areas were proclaimed by the end of 1987, which led to some forced removals such as District Six in Cape Town, Sophiatown in Johannesburg, and Cato Manor in Durban (Kahn *et al.*, 2011: 132).

The increase in the development of informal settlements resulted from the growing contradictions of apartheid policy of human settlements. When apartheid laws became more draconian in the 1960s, house building programmes slowed down. Controls on urban migration and growth for Africans intensified in the 1960s until they were forbidden from holding freehold property in townships and allowed to become tenants of municipalities (Turok in Kahn *et al.*, 2011:132). The allocation of permits to work and reside were coordinated with the allocation of township houses. Informal settlements in the homelands and on the verge of the cities were continuously demolished until the end of the apartheid era in 1994. Migrant male workers were confined to hostels in townships due to a policy that left a legacy of bitterness and conflict including the worst living conditions associated with apartheid policy as Goodlad cited in Kahn *et al.*, (2011:132) points out.

From the above discussion, one would learn that Africans, Coloureds and Indians were discriminated in the allocation of state finance for housing. As highlighted succinctly by Joe Slovo when addressing the Housing Summit on 27 October 1994 in Botshabelo, the role of housing policy during the apartheid era was merely meant for controlling people. The housing allocation policy was an asset used to manage and perpetuate apartheid. Human settlements development became a key issue with regards to service delivery in 1994 when Joe Slovo was appointed as the first Minister of Housing after the first free election.

It was the intention of the ANC to build one million houses within five years of the first democratic elections through the Reconstruction and Development Programme (RDP).

The ensuing discussion shows that there is still a lot to be done to eradicate the housing backlog. It is the adequate coordination of activities between and among the three spheres of government which can ensure that the housing needs of South Africans are met through effective intergovernmental relations.

More palpably, what can be observed here is that the need for housing and sustainable amenities is tied together with the need for a break with the oppressive apartheid past, where space and housing were racially managed. Observably, the current regime is under political and administrative pressure to solve housing problems of the past and make the post-1994 political and democratic era more meaningful to the majority of South Africans. This research also notes that inevitably, the politics of the day, just as the politics of apartheid, has a bearing on the nature of policies such as the housing policy. This research intends to observe how the policies of the present regime impact on the delivery of housing and other amenities.

Due to the challenges relating to the development of human settlements, it became necessary to develop a single comprehensive South African housing policy and to rationalise and integrate institutional arrangements. Institutional rationalisation preceded policy development in order to remove inequality in so far as sustainable integrated human settlements are concerned. Accordingly, the *Housing Arrangement Act*, No 155 of 1993 was adopted to ensure that the provision of housing could proceed in the interim phase while the human settlements policy was being developed. Since 1994, there has been a multiplicity of statutory and policy attempts at generating ideas and implementing projects that will deliver to the promise of sustainable integrated human settlements for South African communities. These include the Reconstruction and Development Programme (RDP) of 1994, the Accelerated and Shared Growth Initiative of South Africa (ASGI-SA) of 2005, the *Housing Act* No 107 of 1997 and the Growth, Employment and Redistribution (GEAR) Plan of 1996.

The New Housing Policy and Strategy for South Africa: White Paper of 1994, followed by the Comprehensive Plan for the Development of Sustainable Human Settlements of 2004 and the *National Housing Code* of 1999 are all initiatives that testify to vigorous attempts by the South African Government to meet its constitutional mandate. It is the intention of this research therefore, to investigate how effective intergovernmental relations enhance the delivery of sustainable integrated human settlements. The causes of failure of all these statutes, policies and strategies to lead to projects that can deliver sustainable integrated human settlements will form part of the research. Evidence ought to be uncovered as to what hinders progress towards the delivery of sustainable integrated human settlements.

It is important at this stage to note that, the delivery of sustainable integrated human settlements that are electrified, reticulated (water), secured and positioned close to functioning schools, hospitals, shops, roads and other modern utilities that better the life of communities, will lead to the achievement of other important historical and democratic goods such as good health, better education and comfortable living standards; in summary, development and progress for South African communities.

As part of the introduction to this research, it is necessary at this stage to take a brief look at the City of Tshwane Metropolitan Municipality (CTMM) as the unit entity of this research. The CTMM was established on 5th of December 2000 through the merging of a multiplicity of municipalities and diversity of councils that used to make up what was then called the Greater Pretoria Metropolitan Area. The City of Tshwane Metropolitan Municipality (CTMM) is an economic and industrial hub of the Republic of South Africa in Gauteng Province second to the City of Johannesburg Metropolitan Municipality (<http://www.tshwane.gov.za/AboutTshwane/Pages>).

On 28th of May 2008, the City of Tshwane Metropolitan Municipality (CTMM) was expanded further as it embraced more surrounding councils and municipalities. Now covering 6 368 km², and boasting 2.5 million residents, the City is confronted with increasing pressure to deliver services and amenities including sustainable integrated human settlements. Hosting several embassies of other countries from across the globe, from Africa, Asia and Europe, the CTMM throughout all its seven regions, is under surmountable pressure to administer both the first and second economy of South Africa. Among its many challenges is the burden to deliver a reduction to unemployment and provide sustainable integrated human settlements with its accompanying amenities like running clean water, roads, health services, educational facilities and sports and recreation infrastructure (<http://www.tshwane.gov.za/AboutTshwane/Pages/>).

1.3 PROBLEM STATEMENT

It is the constitutional and policy intention of the Government of the Republic of South Africa to ensure that a sound relationship between the three spheres of government is maintained to achieve the management and development of sustainable integrated human settlements. In light of the above information, the research problem to be addressed by this study is the investigation of the effectiveness of intergovernmental relations in enhancing the delivery of sustainable integrated human settlements in the City of Tshwane Metropolitan Municipality (CTMM) in Gauteng Province. Inevitably, this research problem brings into the focus of the study the causalities and factors that hinder the effective workings of intergovernmental relations together with possible solutions that can be offered.

1.4 AIMS AND OBJECTIVES OF THE RESEARCH

The aim of the research is to explore how effective intergovernmental relations can deliver sustainable integrated human settlements to the people of the CTMM. The research will also seek to understand those factors that hinder the delivery of sustainable human settlements and to advance arguments as to how these factors can be alleviated.

1.4.1 OBJECTIVES OF THE RESEARCH

To achieve the above aim, the following objectives of the present research will be explored:

- 1.4.1.1 To investigate how political processes affect policy implementation and service delivery within the human settlements sector with a view to discovering if political factors contribute to project failures.
- 1.4.1.2 To scrutinise the regulatory environment (rules and regulations) that punctuates intergovernmental relations which may be the cause of failure to deliver sustainable human settlements.
- 1.4.1.3 To investigate the issue of capacity (human resources factor) to establish whether the personnel who manage human settlements projects are skilled enough for the tasks ahead of them.
- 1.4.1.4 To investigate whether the institutional arrangements in the national, provincial and local governments are configured for success or have weaknesses that hinder the successful execution of decisions and implementation of policies.
- 1.4.1.5 To investigate whether the financial resources that are granted to the three spheres of government concerned

with human settlements are sufficient and being deployed well or being abused.

- 1.4.1.6 To determine how the delivery of sustainable human settlements will impact on the lives of the people of CTMM.
- 1.4.1.7 To investigate whether there are any legal/legislative shortcomings or loopholes that inhibit the smooth functioning of the three spheres of government in relation to human settlements.

It is worth noting here that the above stated objectives of the research are directly derived from the research problem and the research questions of the research. The questionnaires that have been administered in this research are all shaped by these stated objectives of the research.

1.5 RESEARCH QUESTIONS

This research is intended to investigate how effective intergovernmental relations enhance the delivery of sustainable integrated human settlements in the City of Tshwane Metropolitan Municipality. The following questions are relevant:

- 1.5.1 Are there any political factors that are inimical to progress in the operations of those spheres of government that are concerned with human settlements?
- 1.5.2 Do the policies, rules and regulations that guide the operations of the three spheres of government regarding human settlements in any way have a corrosive effect on the chances of project success and fruitful policy implementation?
- 1.5.3 Are there any managerial challenges like incapacity, poor training, ineptitude, corruption or any other that are affecting successful project execution in the three spheres of government concerning human settlements initiatives?

- 1.5.4 Are there any institutional weaknesses that limit the operations of the three spheres of government as far as human settlements are concerned?
- 1.5.5 Are there any financial resource challenges that hinder successful delivery of human settlements by the concerned arms of government?
- 1.5.6 How will the delivery of sustainable human settlements impact on the lives of the people of CTMM?
- 1.5.7 Are the laws and statutes that govern intergovernmental relations regarding human settlements in any way inimical to project success and policy implementation?

As stated above, the above questions are derived directly from the research problem and the research objectives of the research. These are a compass that guides and directs the focus of the research.

1.6 LITERATURE REVIEW

The literature review section of this research will take an overall view of some of the relevant and important literature that is available on the topic in question. It will also explore, in passing, some of the prominent themes that present themselves within the scope of the topic. In a way, this section helps to frame the informational territory that the research will claim. Since the study is centred around effective intergovernmental relations as far as sustainable integrated human settlements are concerned, the first authoritative document that deserves close evaluation or scrutiny is the *Constitution*, which spells out how the three spheres of government, namely national, provincial and local are to operate.

Section 40(1) of the *Constitution* clearly states that “the three spheres of government are distinctive, interdependent and interrelated.” It is this emphatic interrelatedness of the spheres of government that is described by

the term “co-operative governance.” The *Intergovernmental Relations Framework Act* 13 of 2005 is another source of key insights that this research will draw information from.

Jewson and Macgregor (1997:236) discuss a number of themes around the subject of transforming cities in contested governance and new spatial divisions which in view of this research accurately captures the South African human settlements context. The only limitation of this helpful publication, however, is that scholars are discussing human settlements experiences and strategies in European countries. Some of the case studies are irrelevant to the African and specifically the South African context. However, in these European human settlements approaches, there is a wealth of best practices that can be adapted into the South African environment.

Since this research is directed more towards an investigative approach as far as scrutinising how effective intergovernmental relations enhance the delivery of sustainable integrated human settlements in South Africa (SA), it will benefit from the publication by Malan (1984:345) which raises the very important subject of monitoring and evaluation, performance appraisals and “performance auditing” in local governmental departments.

Cloete and Mokgoro (1995:14) highlights the relevance of the need for policies that will transform the “service” capabilities of the three spheres of government. On the contrary, Layman (2003:6) confronts the critical research questions of “how the functions of government contributed to the efficient and effective delivery of services?” while also asking the question of “what were the main blockages to service delivery” in the three spheres of the South African government? Layman’s (2003:6) report, titled *“Intergovernmental Relations and Service Delivery in South Africa”*, will help this research by supplying pointers to some of the challenges that confront the workings of intergovernmental relations in SA. Commissioned by the

Presidency of the Republic of SA, this report answers some hard questions on intergovernmental research, which this research will not ignore.

One of the key areas of investigation in this research is the human resources factor, where the research, as stated under the research objectives, seeks to examine the skills of personnel who occupy key positions within the three spheres of government concerned with human settlements. Pondering on the same, Hatting (1998:22) maintains that intergovernmental relations include the study of relations between persons (public servants and office bearers) in authority as well as a comprehensive range of relations between these individuals and institutions. This observation will be important for the purposes of illuminating the usual sour relations between governmental entities and communities, which in this country has resulted in “service delivery protests and demonstrations” among other conflicts and disturbances that are resultant from poor delivery of expected public services and goods.

In turn, Stoker (2007:17) advances some refreshing insights on the importance of historical contexts and their interplay with policy planning and implementation in the discharge of public administration and service delivery. The fragility of Stoker’s (2007) arguments is in that he sees housing, alternatively termed human settlements as mainly a political service rather than a public service that is divorced from political and partisan problems. All the same, his postulations help to expand the horizons of this research by flagging the inevitability of political factors in public administration.

Rhodes (2006:148) observes that party politics, personality cults and political jostling are the number one stumbling block to efficient service delivery and effective public “service ministry”. This research will be much enriched by this direct conversational confrontation between Stoker’s (2007) views and the submissions of Rhodes (2006). Their differences on the

subject are bound to help stretch the theorisation and debate of this research to healthy limits.

Another research related to this one was carried out by Sokhela (2006:77) who is emphatic that intergovernmental relations in SA are a constitutional issue. He observes that if the relations are to be reformed or bettered to deliver, the first job is in reforming the *Constitution* itself to allow smooth operations of governmental sectors regarding human settlements. Sokhela (2006) emphasises that the constitutionality of intergovernmental relations in SA is a timeous reminder that it is necessary to keep this research within its due limits, without forgetting that intergovernmental liaisons are a constitutional product whose entire operation should be observant to the *Constitution*, and therefore, any research that is to be effective, must be aware of the constitutional statutes governing the intergovernmental relations.

Hughes (2011:2-16) discusses at length the governmental nature of SA as a “developmental state” and how that policy posture helps or does not help “the role of intergovernmental relations harmonisation as a national policy response to promote sustainable service delivery and development in SA.” Hughes conducts a historical and theoretical research while she also concerns herself with comparative and international examination of how the developmental state works is applied in ministering to such developmental initiatives as sustainable human settlements. This is also another useful text for this research.

The United Nations Conference on Human Settlements held in Vancouver in 1976 defined Human Settlements as follows:

Human settlements means the totality of the human community whether city, town or village, with all the social, material, organisational, spiritual and cultural elements that sustain it. The fabric of human settlements consists of physical elements

and services to which these elements provide material support”. Clearly, the definition of human settlements goes beyond just the “hardware” of infrastructural shelter in the shape of brick and mortar, but it includes also the “software” of services and amenities that makes life better, for example access to educational, health, security, religious, cultural and other services.

From this definition of human settlements, it is observed that human settlements may not only refer to physical shelter, but to the entire provision of basic human necessities of home, food, education, health, transport, communications and social recreation.

1.6.1 Contextualisation of this study in the literature

The literature review helps to contextualise the research, to compare and contrast it to other research and to demonstrate its contribution to the science and discipline of public administration. In order to recognise and differentiate between this research and the existing literature on a similar or related subject, it is necessary for it to make reference to such literature and to indicate how it differs from previous research. As recent as 2012, Hofmeyr (2012:1) investigated the intergovernmental response measures available to provincial government, specifically to address issues of failing municipal water supply services. Hofmeyr (2012) maintains that “according to schedule 4B of the *Constitution* the important function of water supply rests with municipalities”. Hofmeyr further argues that this function should be executed, however, within a constitutionally designed system of cooperative governance which renders it necessary to understand the role of every sphere of government in ensuring access by the communities to water supply. The research proposes an intergovernmental response measure model in which options are made available to provincial governments to act upon a municipality’s failure to provide water services. The intergovernmental response model ranges from the least intrusive measure, which is supervision, to the most intrusive measures such as intervention

and judicial action. In order to ensure co-operative intergovernmental relations, Hofmeyr (2012:67-87) concludes with recommendations in respect of the order in which these measures should be applied starting with, supervision, intervention, intergovernmental agreements and disputes resolution measures respectively.

It is Hofmeyr's view that intergovernmental response measures in the event of failing municipal water supply at the disposal of provincial government seem to be intrusive and having potential to make severe inroads into the autonomy of municipalities. This study will take interest in observing if Hofmeyr's observations and arguments can relate to human settlements.

Mello (2007:1) discusses intergovernmental relations in the management of the "Greater Limpopo Transfrontier Park" agreement, which is international in nature. According to Mello, although the research is about the Greater Limpopo Transfrontier Park, its actual intention is to probe the role of the South African government institutions and non-state actors in the development and management of the Greater Limpopo Transfrontier Park, intergovernmental structures and the effects of the Greater Limpopo Transfrontier Park on South Africa". The point of departure that Mello (2007:1) assumes is based on section 192(1) of the *Constitution* that states that public administration must be governed by democratic values and principles.

The interpretation of section 24 of the *Constitution*, which provides that everyone has the right to an environment that is not harmful to their health and well-being and to have the environment protected for the benefit of the present and future generations implies that ecological degradation should be prevented and nature conservation be promoted by the state including governmental organisations, community based organisations and members of the public. Mello (2007:2) holds the view that the establishment of the Greater Limpopo Transfrontier Park represents one of the many attempts by the South African government to fulfil the provisions of the *Constitution* relating to nature conservation.

Another research which is closely related to the current research was conducted by Sokhela in 2006. He sought to establish whether intergovernmental relations in South Africa with specific reference to the City of Tshwane Metropolitan Municipality (CTMM) facilitate the performance of the local sphere of government with a view to improving the role of intergovernmental relations in facilitating service delivery.

He used a whole range of research methods and literature reviews to collect data on the subject matter which was analysed and compared with legislative guidelines. In the findings and conclusions of his research, it was indicated that intergovernmental relations in South Africa facilitate the performance of local sphere of government in the delivery of services with specific reference to the City of Tshwane Metropolitan Municipality. The study also indicated that in order to further inculcate a culture of intergovernmental relations in service delivery in the CTMM and local government in general, the management of change and human resource development interventions are critical. In addition, Sokhela argues for further research and political innovation as avenues for the search of new modes of public administration.

In view of the above and specifically resulting from one of Sokhela's (2006) recommendations on the continuation of further research in this discipline and political innovation, this research seeks to investigate how effective intergovernmental relations enhance the delivery of sustainable integrated human settlements with specific reference to the CTMM's Department of Housing and Human Settlements. The research is also necessary because it looks specifically into intergovernmental relations with regards to the development of sustainable integrated human settlements by the CTMM's Department of Housing and Human Settlements, as compared to Sokhela's (2006) research which generally emphasises service delivery by the local sphere of government. The widespread challenges with regards to the development of sustainable integrated human settlements serve to underscore the significance of the enquiry into such matters. This research is also necessitated by the view that since public administration is dynamic,

it should adapt to the ever changing circumstances and the needs of the society.

1.7 LIMITATIONS OF THE RESEARCH

The research does not have access to classified documents and therefore certain information would not be accessible for scrutiny. The research is limited in scope and length of the dissertation and is confined to the City of Tshwane Metropolitan Municipality (CTMM) and investigates the delivery of sustainable integrated human settlements. For that reason, some variations and differences that would be noticed in other provinces will escape the attention of this research.

1.8 RESEARCH METHODOLOGY AND DATA COLLECTION

This research will employ, both quantitative and qualitative methods of research, and descriptive and prescriptive presentation of information will follow. Besides studying the available literature, collecting facts, figures and analytical points, this research will administer a questionnaire, employ interviews and use observations as methods of collecting the relevant data.

1.8.1 Research design

Since the topic of the research is “intergovernmental relations, sustainable human settlements with reference to the City of Tshwane Metropolitan Municipality (CTMM) in Gauteng Province”, this research will have to assume, first an observatory posture, where intergovernmental relations will be observed, then a descriptive expression where observations will be

described and explained, and finally a prescriptive presentation where possible solutions to the observed problems are to be suggested.

Throughout the research, an exploratory approach will be assumed as it should be open to new discoveries and willing to accept alternative insights from other sources.

It is important to state that while the research is about Human Settlements in SA, the main sample from which inferences about SA will be drawn is the City of Tshwane Metropolitan Municipality (CTMM).

1.8.2 Information collection techniques

For all the above sources of information, this research should elaborate how the information will be collected from the sources. The following information collection techniques will be employed:

- **Documents:** Relevant legal, policy and academic publications will be studied and notes recorded.
- **Books:** Relevant text books and other books will be studied and notes recorded.
- **Magazines:** Policy magazines like *The Thinker* will be studied, notes taken and utilised.
- **Personal observations:** The researcher will travel around relevant places and sites to make observations on the research.
- **Interviews:** The researcher will conduct interviews with relevant managers from relevant positions within the City of Tshwane.
- **World Wide Web:** The internet will be surfed for relevant information.

1.8.3 Research population

There is a critical population of key interviewees that this research should necessarily include if reliable, dependable, usable and recent information is to be accessed. Interviews will be conducted with experienced and knowledgeable officials of the City of Tshwane Metropolitan Municipality (CTMM)'s Department of Housing and Human Settlements as hands-on main role players of the unit entity of the research.

1.8.4 Data analysis and presentation

Once data has been collected using the above mentioned methods and techniques, an interpretative process which will involve breaking down the information, classifying it according to themes and subjects and then formatting it for analysis and presentation will be followed. Analysis will involve interpretation, deductions and calculations. Processed information will be presented in narrative, and if necessary, tables, graphs, charts and figures will also be used for illustrative purposes.

1.9 CLARIFICATION OF CONCEPTS

In order to avoid doubts and ensure the elimination of any possible semantic and dictionary ambiguities, and indeed for justice to be done to the study, there is a need to define key terms and abbreviations which are classified below:

- **Accreditation:** According to the Accreditation Framework, accreditation refers to a process in which certification of competency, authority or credibility is presented (South Africa 2006:6).

- **Apartheid:** Refers to a system of separation that formally came into being in South Africa in 1948 under the National Party government. It determined the role and function of a person within a state based on racial classification (Van Niekerk 2001:297).
- **Assignment:** According to the Accreditation Framework: (South Africa, 2006:6) assignment refers to a permanent transfer of housing functions which includes the transfer of authority and the right to receive funds and assets necessary to perform functions directly from the national government.
- **Basic Household Infrastructure:** Refers to essential municipal services such as water, sanitation, electricity, roads, storm-water drainage and street lighting that are required to sustain a healthy and safe standard of living (South Africa, 1998:158).
- **Best Practice:** Refers to a technique, method, process or activity that is believed to be more effective at delivering a particular outcome than any other technique.
- **Delegation:** According to the Accreditation Framework, delegation refers to the act where a political authority invested with certain powers turns over the exercise of these powers, in full or in part, to another authority (South Africa, 2006:6).
- **Extragovernmental Relations:** In the observation of Kahn *et al.*, (2011:15) extragovernmental relations are defined as being established on the basis that the main goal of government is to promote the general welfare of the society.
- **Intergovernmental Relations:** Refer to the symbiotic, interdependent, interrelated and cooperative liaisons and

functions that exist amongst the three spheres of government, namely national, provincial and local government (South Africa, 1996).

- **Intragovernmental Relations:** Refer to internal relations of governmental authorities.
- **Municipality:** Refers to a division of local government that lie one level below provincial government, forming the lowest shere of democratically elected government structures in South Africa (South Africa, 1996).
- **Organised Local Government:** Refers to the national organisation recognised by the Minister in terms of *Organised Local Government Act*, 52 of 1997 or in relation to a provincial intergovernmental forum, means a provincial organisation recognised by the Minister in terms of that *Act* for the relevant province (South Africa, 2005).

1.10 ETHICAL CLEARANCE

The researcher considered the following ethical issues in the course of the research:

- **Informed consent:** Informed and agreed consent will be sought from all the participants in the research. Full disclosure of the purposes of the research will also be made. Voluntary participation and participants can withdraw at any time.
- **Privacy:** The researcher will preserve the privacy and confidentiality of the participants by maintaining the anonymity of the participants.
- **Consent:** Approval from the CTMM to conduct the research.

- **Legality:** The researcher will use only legal academic methods of accessing government information and statistics.
- **Reliability and validity:** The researcher will only stick to credible, transferable, dependable and confirmable sources of information. Speculation, guesswork and exaggerations will be avoided.

1.11 OVERVIEW OF CHAPTERS

This section of the research provides an outline of the study.

Chapter One introduces the research by chronicling the purpose, justification and the objectives of the research. It is this chapter that establishes the tone and the tempo of the research in so far as it forecasts what the body of the entire study is. The problem statement and profile of the research questions are expounded in this chapter. This chapter works as a grid that maps the journey that the research will follow until its logical conclusion.

Chapter Two acknowledges the existence and the work of other researchers on intergovernmental relations. Existing literature on the subject is profiled and the views of other scholars on the subject are discussed and debated, while their limitations are acknowledged and where necessary challenged and even dismissed.

Chapter Three ensures that this research has followed a specific and logical research methodology that is reliable, defensible and acceptable. The structure of the whole research and the format of the research is explained and justified in this section.

Chapter Four explores institutional and policy arrangements of the City of Tshwane Metropolitan Municipality (CTMM) with special reference to the Department of Housing and Human Settlements. Websites, White Papers, reports and research on the Department of Housing and Human Settlements Unit of CTMM as an operational organ of the research were scrutinised to

identify information that helped this study to satisfy its projected objectives as stated above.

Chapter Five presents the analysis of the research. Where necessary graphs, charts and other illustrations are deployed to explicitly present the research analysis. The research questions that are profiled in the introduction are answered in this section. The debate that is carried out in the literature review climaxes in this section as the researcher presents his research analysis that is backed by the methodology profiled in the previous chapter. The responses of interviewees are also profiled.

Chapter Six concludes the research by summarising the totality of the research done. The aim and objectives of the research are aligned and the literature review is invoked and most importantly, critical and constructive findings, recommendations and conclusions are made. This is where the research will display its practicability by forwarding concrete and usable suggestions on how challenges can be surmounted and how a better human settlements regime can be arrived at in SA. This is where academic work reaches out from being theoretical to being practical by suggesting practical policy changes and adjustments. Future areas of research under this topic will also be suggested.

1.12 CONCLUSION

This chapter has introduced the context and background of the study, the research problem, objectives and questions together with the research methodology and design. Ethical issues were discussed and the chapters of the entire research profiled. The following chapter relates this research to the wider body of literature that is relevant to the present topic and the general discipline of Public Administration as a science.

CHAPTER TWO

INTERGOVERNMENTAL RELATIONS: SUSTAINABLE HUMAN SETTLEMENTS IN THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY IN GAUTENG PROVINCE

2.1 INTRODUCTION

This chapter, which constitutes the main literature review of the research seeks to illustrate the legal and institutional framework that defines intergovernmental relations (IGR) in South Africa. In specific reference to the CTMM in particular the Department of Housing and Human Settlements, the chapter intends to discuss the relevant literature pertaining to the study. Starting with the *Constitution* and other official documents, this chapter will explore and examine literature that will enable this research to understand its own project in examining the application of intergovernmental relations at the CTMM. This chapter will define intergovernmental relations as enshrined in the *Constitution* and will further discuss how they are practicalised at the CTMM. The wealth of scholarly literature that this chapter will explore will profit the research by affirming or challenging its own observations and arguments.

So much as the researcher will benefit from interviews with experienced and knowledgeable officials from the CTMM, the input of academic literature and scholarly debates help to locate the research within the enriching climate of other research on the interesting subject of intergovernmental relations. In the interest of a fruitful debate, and in search of a balanced conclusion, this literature review draws insights from scholars within and outside South Africa. Throughout this chapter, the research attempts to relate the discussion to the research questions and objectives that are pronounced in the introductory chapter.

2.2 THE NATURE OF INTERGOVERNMENTAL RELATIONS

This chapter seeks to understand the nature and the working of co-operative governance as defined by the terminology “intergovernmental relations” in the South African context. There is no consensus among scholars and policy makers alike on how co-operative governance should be applied amongst the three spheres of government that constitute, national, provincial and local governments. The need for these ‘distinct’ spheres of government to work together with one purpose and still maintain their uniqueness creates contradictions in theory and in practice of governance. Mello and Maserumule (2009:47) argue that this oneness in separateness of government spheres creates a challenge to integrated development:

Various instances of fragmentation and silo approaches continue to characterise the *modus operandi* of government. But, what could be the reason for this? Is this not the consequences of trying to achieve oneness in separateness? This question is asked in the context of the fact that, on the one hand, the *Constitution* establishes South Africa as one sovereign state whereas, on the other hand, it creates the three spheres of government and assign to each legislative and executive powers that should be exercised in a manner that do not encroach on the geographical, functional or institutional integrity of one another.

But, is this not the case of organisational complexity in the South African system of government which obfuscates the intergovernmental relations system and makes integrated development planning a challenge? The South African intergovernmental relations system is intricate.

The point that Mello and Maserumule (2009) raise above is the need in theory and practice of public administration to understand the contradiction and paradox of unity in separation that accompanies the functions of intergovernmental relations and co-operative governance. Instead of this unity in separateness being understood as confusion, it must be regarded as a necessary complexity that should enable rather than hinder integrated development and service delivery in such sites as the CTMM’s Department of

Housing and Human Settlements. The nature of intergovernmental relations is therefore that of unity and co-operation in the distinct separateness of government spheres. It is the burden of the present research to therefore, examine the challenges and prospects that mark the relations and co-operative work amongst the national, provincial and local spheres of the government with specific reference to the CTMM's Department of Housing and Human Settlements. For this reason, it is important at this juncture to closely examine the definitions of intergovernmental relations.

2.3 DEFINITION OF INTERGOVERNMENTAL RELATIONS

Intergovernmental relations can be defined in different ways. A general definition of intergovernmental relations is the description of the relationship between two or more governments of separate states or the relationship and interactions between different levels within the government. For example, if there is a meeting between provincial government officials and local government officials, that is an intergovernmental relationship; and when representatives of one country have a meeting with the representatives of another country, that is foreign intergovernmental relations commonly known as international relations www.yourdictionary.com.

According to Hassall (2010:2-3), intergovernmental relations is “the mechanisms by which different levels and branches of government interact with one another in the process of meeting the needs and interests of the public”. He further maintains that “since the state does not have any other interests other than public interest, it should be seen as the “agent” of the people, for example members of Parliament are representatives of the people and public servants are their servants”.

For that reason, intergovernmental relations refers to the symbiotic, interdependent, interrelated and cooperative liaisons and functions that

exist amongst the three spheres of government, namely national, provincial and local government. It is helpful for this study to note that these relations are defined in Section 40(1) of the *Constitution* and are governed by an Act of Parliament, namely the *Intergovernmental Relations Framework Act* No 13 of 2005. Section 40(1) of the *Constitution* clearly states that “the three spheres of government are distinctive, interdependent and interrelated.” It is this emphatic interrelatedness of the spheres of government that is described by the term “cooperative governance.”

According to the *Intergovernmental Relations Framework Act* No 13 of 2005 the objective of intergovernmental relations as defined by the *Constitution* is to enforce co-operative governance towards achieving four critical outcomes namely:

- Coherent government;
- Effective provision of services;
- Monitoring implementation of policy and legislation, and
- Realisation of national priorities.

According to Hatting (1998:23), intergovernmental relations include the study of relations between persons (public servants and office bearers) in authority as well as a comprehensive range of relations between these individuals and institutions. There is a wide range of meanings to what intergovernmental relations means between and within states. The *Constitution* and other legislation spell out the legislative framework for such relations in terms of which governmental bodies are established for specific purposes as well as the hierarchical order of governmental bodies.

Practically, intergovernmental relations are seen as a critical means to the end of achieving governmental set of goals and constitutional obligations of ushering in improved governance, effective service delivery, accountability of the public service and the ‘realisation of national priorities’ which includes

amongst others sustainable integrated human settlements. Should the governmental bodies or institutions not conduct themselves within the spirit of the *Constitution*, the delivery of services in particular, sustainable integrated human settlements will be impacted upon negatively.

2.4 CLASSIFICATION OF INTERGOVERNMENTAL RELATIONS

Three categories of intergovernmental relations that may be found within the geographical borders of a state include intergovernmental relations which is relations between government institutions, intragovernmental relations which is relations within governmental relations and extragovernmental relations which is relations between government and the community. The fourth category of relations which does not exist within the borders of a state is interstate relations or international relations, (Kahn, Madue, & Kalema 2011:11).

2.4.1 Intergovernmental relations

Intergovernmental relations refer to the mutual relations between all spheres of government and all organs of the state in South Africa. Section 40(1) of the *Constitution* spells out the legislative framework for such relations and the hierarchical order of governmental institutions. The *Constitution* promotes intergovernmental relations by setting out the principles of cooperative government and all government bodies. Furthermore, intergovernmental relations can be subdivided into intergovernmental relations that take place between various governmental bodies at a horizontal and vertical level (Kahn *et al.*, 2011:11).

2.4.2 Intragovernmental relations

Intragovernmental relations are internal relations of governmental authorities. Section 41(2) of the *Constitution* gives broad guidelines for the establishment of internal structures for government bodies in all spheres of government. Governmental structures are given a degree of discretion within the parameters of the guidelines to create extra internal institutions as they deem necessary. The institutions are created based on the value and needs of the communities to carry out certain activities using resources to meet the needs of the community. When an institution is created for a specific purpose by a duly appointed authority, it can be referred to as a formal institution. Formal institutions are established in terms of a specific plan or structure known as an organisational structure. The organisational structure is the system of planned and formally executed relationships existing among positions in institutions. The structure is a hierarchy comprising of vertically distinct levels of authority and horizontally distinct units such as departments, divisions or sections (Kahn *et al.*, 2011:13).

When President, Jacob Zuma came into power in 2009, he created additional national departments such as the National Planning Commission, Monitoring and Evaluation, Women, Children and People with Disability and separated the Department of Education into Basic Education and Higher Education. He did so in order to respond to specific needs of the community at that particular time. This means that since public administration is dynamic, the structure of government should be flexible. Duly appointed authorities will from time to time make amendments to structures of government depending on the needs of the community at a particular moment.

2.4.3 Extragovernmental relations

In the observation of Kahn *et al.* (2011:15), extragovernmental relations are defined as being established on the *basis* that the main goal of government is to promote the general welfare of the society. In all its actions, it is expected of government to recognise the values and norms of the community through public institutions. Over and above service delivery, government is about the relationship of accountability between the state and its citizens.

In the view of Malan (2000:20-45), a thorough technocratic examination and policy evaluation of how intergovernmental and extragovernmental relations in South Africa are structured and poised to deliver or to fail thereof is due. Such issues as corruption, poor communication, inadequate resources and loopholes in legal and policy frameworks feature in Malan's (2000) study as much as they feature at the end of the present research. Related to this, is Mamdani (1996:3-34) who defines the difference between the way forms of government are responsive to "citizens" who have rights and responsibilities in relation with the state, and "subjects" who are people with limited rights and access to state responsibility such as black South Africans during the apartheid era.

Citizens are empowered people who can extract, using their constitutional rights, what they deserve from the state. In short, "sustainable integrated human settlements" are the "end product", whilst intergovernmental relations are a means to the end product at the disposal of the CTMM's Department of Housing and Human Settlements tasked to deliver sustainable integrated human settlements to its people.

2.5 THE CONSTITUTIONALITY OF INTERGOVERNMENTAL ELATIONS

South Africa migrated from Parliamentary supremacy to constitutional supremacy since 1996 when the *Constitution* was adopted. The *Constitution* has since then been acknowledged as the supreme law of the Republic of South Africa. According to section 2 of the *Constitution*, it is the supreme law of the Republic and any law or conduct inconsistent with it is invalid. All the obligations that are imposed by the *Constitution* must be fulfilled. Intergovernmental relations in South Africa are a constitutional issue (Sokhela, 2006:77). Sokhela's (2006) maintains that "if the relations are to be reformed or bettered to deliver; the first step is in reforming the *Constitution* itself to allow smooth operations of governmental sectors". Sokhela's emphasis on the constitutionality of intergovernmental relations in South Africa is a timeous reminder that it is necessary to keep this research within its due limits, without forgetting that intergovernmental relations are a constitutional product whose entire operation should be observant to the *Constitution*.

According to section 40(1) of the *Constitution*, the Government of South Africa is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated. The relationship between the three spheres of government are very close since the national government and provinces share power in critical areas such as housing, education and health (Levy & Tapscott, 2001:67).

Provinces have a constitutional obligation to establish municipalities, and municipalities bear responsibility for some functions that dovetail with those of the national and provincial spheres. Levy & Tapscott (2001:67) further maintain that boundaries between spheres of government are "soft" and that soft boundaries with overlapping responsibilities require proper intergovernmental relations. The relationship amongst the spheres of government that needs to be managed by intergovernmental relations are complex, whereas the goal of intergovernmental relations is simple. It is the

intricacies of intergovernmental arrangements and the political complexity of managing relationships amongst governments that makes it easy to lose sight of the constitutional goal of a better society for all. This is more so as institutions are young and trying to define their roles and relationship to one another. Difficulties encountered in developing structures and processes required for proper intergovernmental communication obscure their goal. Failure to keep the constitutional goal of intergovernmental relations in mind when developing intergovernmental processes may compound problems as co-operation may be viewed as an end rather than a means to an end. The guiding question regarding the management of intergovernmental relations should be: “Will this improve the ability of government to serve its citizens?” (Levy & Tapscott, 2001:67).

According to Van der Waldt, Van Niekerk, Doyle, Knipe & Du Toit, (2002:109), the constitutional jurisdiction allocated to each sphere of government is important as it defines the scope and kind of intergovernmental relations between different spheres of government. The constitutional jurisdiction contains the significance of clarity, the degree of overlap and the roles assigned to different spheres in constitutional allocations of jurisdiction. The constitutional jurisdiction further provides the extent of interaction as well as the provision or lack thereof for national framework legislation within which provinces exercise autonomy. It further gives effect to the degree to which the *Constitution* requires administration of laws to be delegated to another level. The *Constitution* stipulates the level of authority that the different spheres of government have over each other and aspects of delegation.

It is on these grounds that the *Constitution* as the Supreme law of South Africa is the first variable to be considered in intergovernmental relations (Van der Waldt *et al.*, 2002:110). It is mainly for that reason that one of the critical research questions of this research is based on legal factors that may be enhancing or impeding intergovernmental relations and their application in the CTMM’s Department of Housing and Human Settlements.

It could thus be concluded from the above discussion that in terms of the *Constitution*, the provision of housing is a concurrent responsibility that requires the coordination and integration of activities and efforts amongst the three spheres of government. The CTMM's Department of Housing and Human Settlements as the local sphere of government is assigned specific roles to deliver services including sustainable integrated human settlements within the intergovernmental relations space.

2.6 LEGISLATIVE FRAMEWORK FOR INTERGOVERNMENTAL RELATIONS IN SOUTH AFRICA

The South African intergovernmental relations are evolving. The South African form of state was realised in part as a consequence of the compromises reached during the negotiations of the early 1990s. The liberal movement (African National Congress) and the apartheid government (National Party) found themselves in a dilemma where it was clear that there could not be a winner in an armed struggle and that it was necessary to reach a compromised situation. It was during the protracted negotiations where the African National Congress (ANC) preferred a unitary system in which power was concentrated in the central government, whilst the ruling party (NP) preferred a federal system in which power was concentrated in the decentralised government. The compromise reached led to the establishment of the three spheres of government (Kahn *et al.*, 2011:64).

Section 40(1) of the *Constitution* spells out that the three spheres of government, namely national, provincial and local government are to be “distinctive” as much as they are “interdependent” and “interrelated.” The emphasis of the *Constitution* is on both autonomy and symbiotic relationship of the three spheres of government. This raises the interesting question of how so much “oneness” can exist within such emphatic “separateness” as defined by the *Constitution*. It will be in the interest of this

research to observe how in practice the three spheres of government manage to marry autonomy with symbiosis.

Besides emphatically spelling out the autonomy and symbiosis of the three spheres of government, the *Constitution* principally states in section 26 that “everyone” in South Africa “has the right to have access to adequate housing.” By way of rationalising the promise, the *Constitution* continues to compel the “state to take reasonable legislative and other measures *within its available resources* to achieve the progressive realisation of this right”. For that reason, sustainable integrated human settlements in South Africa can be understood as a constitutional human right and therefore a central deliverable of the democratic dispensation.

In another display of the importance of intergovernmental relations to the current administration in South Africa, the *Intergovernmental Relations Framework Act* No 13 of 2005 pledges to “create a framework to support intergovernmental co-operation and co-ordination as required by the co-operative governance defined in the *Constitution*”. This pledge lends weight to a legal commitment that the establishment in South Africa has invested in ensuring healthy and productive relations amongst the three spheres of government.

In addition to that, the third section of the *White Paper on Local Government*, 1998 also provides policy guidelines that are meant to ensure directed operations of the three spheres of government, especially by offering clarity on responsibilities and the apportionment of roles and mandates for each sphere of government.

In terms of Section 151(1) of the *Constitution*, the local sphere of government consists of municipalities which were established for the whole territory of South Africa known as the wall-to-wall municipalities. Section 152 of the *Constitution* set out the objectives of local government as indicated below:

- To provide democratic and accountable government for local municipalities;

- To ensure the provision of services to communities in a sustainable manner;
- To promote social and economic development;
- To promote a safe and healthy environment, and
- To encourage the involvement of communities and community organisations in matters of local government.

Section 26(2) and 27(1) of the *Constitution* further commits government to take reasonable measures within its available resources to ensure that all South Africans have access to adequate housing, health care, education, food, water and social security. The *Local Government: Municipal Systems Act 32 of 2000* was enacted in order to realise the above. In terms of Chapter 5 of the *Local Government: Municipal Systems Act 32 of 2000*, a municipality must undertake developmentally oriented planning in the form of integrated development planning to ensure that it achieves the objectives of local government as set out in the *Constitution*. Section 25 of the *Local Government: Municipal Systems Act 32 of 2000*, requires that each municipal council must, after the start of its elected term, adopt a single inclusive and strategic plan known as the Integrated Development Plan (IDP) for the development of the municipality which aligns the resources and capacity of the municipality with the implementation of the said plan. The IDP should form the policy framework and general basis on which annual budgets will be based and be compatible with national and provincial development plans (City of Tshwane: Integrated Development Plan, 2011:1-2).

Prominent among other official documents on human settlements in South Africa is *Annexure A of the National Housing Code (RSA, 2009:14)* which boldly states that, the target of the Department of Human Settlements is to provide at least 400 000 well located informal settlements with tenure, basic services and access to amenities by April 2014. Although this was not achieved owing to different challenges including funding, capacity to deliver and others, this is the first step in an incremental process of transformation to sustainable integrated human settlements.

Evidently, on paper and in the legal and regulatory framework, the present South African administration has impressive pronouncement and pledges to

ensure the achievement of sustainable integrated human settlements in the country. However, this study seeks to go beyond the rhetoric to measure deliverables and constraints on the ground, and to attempt a researched diagnosis of causes of failures and possible successes.

2.7 INTERGOVERNMENTAL RELATIONS AND DEVELOPMENT

There is no doubt that generous measures of optimism have been vested on IGR as a driver of development in South Africa. According to South Africa (1999:14-16) the Department of Provincial and Local Government now known as Cooperative Governance and Traditional Affairs notes that IGR are “necessary for national priorities to be implemented.” The document defines the “national priorities” as inclusive of:

- Economic growth;
- Capacity building;
- Systems support;
- Poverty alleviation;
- Job creation; and
- Enhanced service delivery.

Clearly, a lot of hope and optimism has been placed on IGR as a vehicle that enables the delivery of such critical developmental and democratic needs of South Africa as “economic growth” and “poverty alleviation” among many. The hope that IGR will usher in “enhanced service delivery” is even more telling given violent strikes and public protests that have marked South Africa’s recent history as citizens demand satisfactory service delivery ranging from electrical power, water and sanitation, to housing.

More detail on the attempts to cultivate smooth relations and much more efficient workings amongst the three spheres of government are the provisions of the *Intergovernmental Relations Framework Act No 13 of 2005*. The Act literally prescribes how the three spheres of government as centres of power should operate to enhance efficiency and propel productivity.

In accordance with the Act (South Africa 2005:6), the spheres of government should:

- Take into account the circumstances, material interests and budgets of other governments and organs of state when exercising their powers or performing their functions.
- Consult other affected organs of state in accordance with formal procedures, accepted conventions or as agreed with them, or in the absence of formal procedures, consulting them by way of direct contact or any relevant intergovernmental structures.
- Co-ordinate their actions when implementing policy or legislation affecting the material interests of other government organs.
- Avoid unnecessary and wasteful duplication or jurisdictional contests.
- Take all reasonable steps to ensure that they have sufficient institutional capacity and effective procedures to consult, co-operate and share information with other organs of state, and to respond promptly to requests by other organs of state for consultation, co-operation and information sharing.
- Participate in intergovernmental structures of which they are members and in efforts to settle intergovernmental disputes.

While these directives largely indicate emphasis on smooth operations and co-operative governance, these bold operational prescriptions for the three spheres of government also betray the daunting tasks that have to be surmounted to achieve harmony and co-operation among the centres of power. Conflicts and “intergovernmental disputes” are not rare in the rather intricate and at times complex network of organs of government. This research will benefit from observing how, in practice, the guidelines of the *Intergovernmental Relations Framework Act, 13 of 2005* apply.

Besides the Act, chapter three of the *Constitution* (South Africa, 1996) provides that Parliament must pass laws that ensure that “structures and institutions foster co-operative government and intergovernmental relations.”

Recently, the Department of Human Settlements at the national governmental sphere made a presentation to the Portfolio Committee on Human Settlements on the *Green Paper for the Development of Sustainable Human Settlements* (South Africa, 2013) in which it spells out how it plans to “address social, spatial and economic disparities” in the country, to speed up “poverty reduction and social cohesion,” while increasing focus on “economic growth and developing the requisite capabilities.” In explaining the objectives of the Green Paper, the Department indicates that the plan is a blueprint for eliminating poverty and reducing inequality in the country by 2030, and will provide the strategic framework for detailed government planning going forward. It further confirms the need to develop new spatial norms and standards – densifying cities, improving transport, locating jobs where people live, upgrading informal settlements and fixing housing market gaps. Adam Habib (2013:60) notes that the revolutionary goals of meeting the basic social needs of South Africans have long become part of a “suspended” or postponed “revolution”.

Added to that, this research has an interest in finding out the internal structural and institutional factors that collapse to nothing, the good sounding plans and well meaning regulations that are aimed at ushering in a sustainable Human Settlements regime at the CTMM and by inference, South Africa.

2.8 DEBATES ON INTERGOVERNMENTAL RELATIONS

Intergovernmental relations have occupied the attention of scholars in significant way. Scholars have asked some fundamental questions regarding the workability and productivity of IGR, (Kincaid 2011:16). Chief among

these questions is what Kincaid (2011) calls the “big question” of how IGR in the first place can “generate more effective and efficient policies and implementation without restoring the primacy of the “governmental” in intergovernmental?” This question seeks to probe if it is possible for central government to fully delegate its traditional responsibilities and central role to provincial and local spheres.

What Kincaid (2011:26) is expressing is basic distrust of IGR to deliver decentralisation of power and responsibilities and productivity at the same time. There is an enduring debate in South Africa led by such scholars as Tissington (2011:46) who argue that there might be a need for government to allow non-governmental actors to contribute to the provision of housing. The other “big questions” that Kincaid (2011:31) poses are:

- How will efforts to induce national economic growth remedy the intergovernmental system’s unsustainable fiscal condition affect state and local revenues and services?
- How can state and local governments be viable intergovernmental partners without greater fiscal capacity and fiscal responsibility?
- How can the flexibility, discretion, and innovative aspects of block grants be balanced against the performance and transparency expectations of Parliament and the Presidency?
- What trends have taken place during the past two decades in intergovernmental relations and in tools for transacting intergovernmental business?
- Who will answer the “big questions?”

It appears that Kincaid (2011:33) regards IGR and the decentralisation of power, that they entail curiosity if not skepticism. The “unsustainable fiscal condition” of IGR, their demand for “greater capacity and fiscal responsibility” added to the need for “transparency” and answers to the “big questions” of accountability are some of the concerns around the viability of intergovernmental relations as a governmental virtue.

In sentiments that seem to talk to Kincaid's concerns about the efficacy of decentralisation that comes with the distribution of powers and responsibilities among the three spheres of government, Döckel and Somers (1992:38) suggest that centralisation may not be that bad, only that the drive for change and transition from past regimes of power lends popularity to decentralisation, sometimes without fair analysis and account of the anticipated benefits. It is Döckel and Somers' (1992:42) strong view that:

Intergovernmental fiscal relations in a future South Africa are almost certain to change substantially. Fiscal relations cannot be divorced from a new political system. Nonetheless, some basic principles of intergovernmental fiscal relations need to be kept in mind. The development of intergovernmental relations is usually an evolutionary process implying that past institutions are gradually transformed. Under a new dispensation, the danger exists that the structures and institutions that previously dealt with intergovernmental fiscal relations might be seen as part of an unpopular political system and might summarily be rejected without an evaluation of the principles involved in such relations. It is with this in mind that intergovernmental fiscal relations, mainly between central and regional governments, are surveyed. With the establishment of the Union of South Africa (USA) in 1910, a unitary system of government was adopted. The central government was the sole sovereign power while some functions were assigned to provincial and local governments to perform on behalf of the central government. Provincial and local governments did not receive independent jurisdictional powers. Numerous small changes occurred during the ensuing years in the unitary system as changing circumstances dictated".

Döckel and Somers (1992:42) further argue that change from centrality to decentrality must not be drastic or be merely driven by political excitement about change, but workability and productivity. It is the strong suggestion of this view that the centralised system of government might be politically unpopular and outdated, but in practice it can be more productive and workable. For that reason, Döckel and Somers counsel caution on making popular but unproductive changes in governance systems that may result in

the jeopardy of aims and goals, and in compromising development and democracy.

It was stated that in specific circumstances a decentralised form of government would be more efficient than a unitary one. At the subnational level, the ability to execute the constitutionally assigned functions with revenue collected from own revenue sources, a high degree of autonomy in running own affairs and accountability to a responsive electorate seem to be the most important factors.

The possibility of fully adhering to these conditions is minimal. Various trade-offs and compromises on these and other requirements are therefore required. In devising a new constitutional structure one must be wary of devising a system which will result in the worst of both worlds, that is, of not achieving the efficiency gains of a decentralised system nor the simplicity of a unitary state (Döckel & Somers, 1992:42).

Hastily made changes to governance structures and systems can lead to the loss of both the benefits of centrality in the unitary state and those of autonomy in the decentralised state.

What should be emphasised in this expressed view is the bottom line of ensuring efficient delivery of services and accountability to citizens in a democracy, not just the rituals and theatres of popular politics. This view is persuasive to those thinkers who see popular political changes as compromising to delivery for the benefit of political showmanship to those who believe in bringing governance closer to the people in the localities, and in power to be seen to be working locally; this view might be unattractive (Döckel & Somers, 1992:42).

2.9 HUMAN RESOURCE FACTORS

One of the key areas of investigation in this research is the human resources factor, where the research, as stated under the research objectives, seeks to examine the skills fitness of personnel who are

responsible for the key positions within the three spheres of government concerned with the development of sustainable integrated human settlements. In order to maintain the relations between governmental bodies and personnel the utilisation of manpower is an important function of the administrative process. Since administrative processes are performed by people in public administration, the inherent problem is that people cannot be programmed like machines to conform to specific patterns of behaviour. Officials have different personalities and their sense of values can be subjective. A continual increase of human resources and rules of procedure to ensure the achievement of objectives is necessitated by the progressive expansion of governmental functions. The increase of personnel creates potential for unsatisfactory work and corruption which, in turn, may result in the need for more rules to counter undesirable practices.

There is no doubt that the human resource function plays an important role in a system where governmental bodies established by legislation must operate as distinct units in relation to each other to achieve their objectives.

When determining the overall human resource policy, government should bear in mind that the human resource policy should not hamper the employees of other governmental bodies from performing their functions. All officials in positions to provide guidance should be endowed with sensitivity and strive to be objective in their sphere of influence (Hatting, 1998:64).

Adding to the observation by Moyo (1991:37) that there is need for robust skilling of human resources, Edwin, Nzewi and Sibanda (2013:131) spell out the need for several factors in the organisation that permit performance and enhance delivery to the mandate of public service which includes:

- Delegation;
- Authorisation;
- Responsibility;
- Compensation;
- Conditions of service;
- Appointments and promotions;

- Performance management;
- Training and education, and
- Codes of conduct and record keeping.

These factors define the ability of institutional leadership to delegate duties to employees according to their skills and abilities. Authorisation and responsibility refer to how staff members function according to their given mandates, while compensation and conditions of services are important in so far as they boost the wellness and happiness of staff member as they feel that their needs and expectations within the organisation are honoured. Appointments and promotions are also strategic as they can decide failure or success of staff members in certain tasks, and promotions can motivate members to deliver to expectations. Performance management and the maintenance of codes of conduct help in the monitoring and evaluation of discipline and the ability of staff members to deliver to defined tasks. Most importantly, education and training ensure that employees in public organisations are equipped with the skills and the knowledge that they need to perform their defined duties (Edwin, Nzewi, & Sibanda, 2013:132).

Besides the dire need for management skills, Martinez-Vazquez and Wallace (2007:233) insist on the need for efficient communication and clear delegation of responsibilities amongst the spheres of government that have the tendency to remain structured in centralised fashions. It is the view of the two scholars that, often, governments remain structured along a vertical hierarchy: information, budgetary authority, and revenue pass from the central government down to subnational levels of government, while little communication or interaction exists at a horizontal level. In general, the assignment of revenue and expenditure has not been clearly defined among the two or three levels of government; central government transfers continue to occur in a relatively *ad hoc* manner, and the entire budgeting system still rests in many cases on more or less formal system of negotiation. In a way, Martinez-Vazquez and Wallace advocate for a clear definition of roles and responsibilities among the three spheres of government to avoid clutter and confusion, especially in the management of financial resources.

The gesture of this expressed view is that decentralisation should not remain only as a theoretical reality, but must be practised. Communication lines ought to be smoothed while “assignment of revenue and expenditure” are also “clearly defined among the two or three levels of government”. In the words of Bloksber (1989:254) writing about the history of intergovernmental relations in the United States of America (USA), there is reference to two strong views, one for centralisation and another for decentralisation, but he seems to advocate the idea of bringing governance closer to the localities and “the people” by means of devolution of powers and delegation of resources to local government.

Intergovernmental relations have been changing since the United States of America was founded. In one reading of the history of this change, it is argued that the complex world we live in, as well as the ideological perspective that this nation is "one family," requires that the federal government continue to be the main arena in which social issues and social problems are addressed. In this view, an attempt to devolve authority and responsibility to the states for dealing with social problems is reactionary and if implemented will lead to major social inequities and disunion. Alternatively, another view of history perceives the growth of the federal government as contrary to the traditional USA ideology. The diversity of interests and beliefs in a nation of approximately 240 million people is said to require that decisions about social issues and problems be made in areas as close to the people as possible, and by this it is meant at the level of state and local governments. In this view, the growth of the federal government's role, particularly in the past 50 years, is seen as a threat both to freedom and to economic well-being, (Bloksber, 1989:255).

It is a strong suggestion of Bloksber (1989:255) that too much power and control at the level of national or central government can be “a threat both to freedom and to economic well-being” of the people with their “diversity of

interests and beliefs in a nation” of such a large population. While Bloksber (1989) was observing a USA scenario, the meaning of his observation and relevance of his argument applies to the South African situation. The variety of cultures and diversity of identities that the country boasts, demands that governance mechanisms be sensitive to local interests and needs.

Contrary to Bloksber, Brosio (2000:63) who has studied the Italian intergovernmental relations landscape extensively argues that the main reason for decentralisation is to escape the inefficiency that goes with centralisation, not just the need to cater for cultural differences and to minister to local interests. Brosio also emphasises the need for “fiscal responsibility” and distributive justice which he believes lower spheres of government are better positioned to deliver.

While on the international scene, ethnic and linguistic cleavages play an important role in explaining this decentralising trend. In Italy a growing dissatisfaction with the dismal performance of the central government and with the redistribution among regions operated through the central budget seems to be the main factor behind the tendency. One aspect of the present debate looks, however, quite worrying. It is the total neglect that constitutional reformers, regional and local politicians are paying to the financing system of sub-national governments. The notion of fiscal responsibility seems to be totally absent. It is, however, the strategic feature of a successful process of decentralisation (Brosio, 2000:63). While South Africa might be different from the USA, the concern of decentralists and those of centralists in terms of governance are relevant.

2.10 EDUCATION AND TRAINING OF PERSONNEL

Apart from IGR as a governance method that distributes power amongst the three pronounced spheres of government, Stenberg (2011:77) states that the education and training of the human resources that staff public

administration posts is fundamental. Stenberg (2011) further argues that intergovernmental management in the USA has been a success largely due to the efforts of the National Academy of Public Administration that dispenses cutting edge skills through training of “managers and staffers in the trade”. To Stenberg (2011:77), both institutional development in the public sector and institutional reform are fruits of good education and training of human resources not just drastic policy changes. It will benefit this research to observe the availability or non-availability of educational and training opportunities for employees in the CTMM’s Department of Housing and Human Settlements.

Related to Stenberg’s (2011) emphasis on education and training as enablers to efficient performance and effective delivery of public service goods and services is Martinez-Vazquez and Wallace’s (2007) point. They argue that the practice and application of intergovernmental relations is demanding in terms of skills and knowledge from employees involved:

The efficiency of an intergovernmental system relies heavily on the ability of all levels of government to plan, forecast, analyse, and monitor their budgets. Many of the financial officers at all levels of government (especially lower levels) in countries in transition do not have adequate training to fulfil their mandates in a decentralised system. Some of the activities that will now have to be carried out are entirely new to career civil servants. The old planning mechanisms of the communist era did not require forecasting that considered external shocks, debt management, changes in the demands by the population, or formula-based intergovernmental revenue transfers. Training is needed from the bottom up in all levels that are integral to the functioning of an intergovernmental system of governance: budget preparation, budget execution, revenue and expenditure forecasting, revenue and expenditure analysis, and general fiscal planning (Martinez-Vazquez & Wallace, 2007:39).

Noteworthy in this view is that South Africa can arguably be classified as one of the countries in transition in that it is transforming from the old apartheid system to a democratic era albeit two decades on. The challenge before this research is to establish if the training needs and skills requirements of professionals and technocrats within the CTMM's Department of Housing and Human Settlements are being adequately met to suit the demanding tasks of accounting, financial management and planning which are flagged as critical skills in public service.

2.11 CORRUPTION AND OPPORTUNISTIC PRACTICES

Corruption and other “opportunistic” practices have been observed to be a stumbling block to the smooth functioning of IGR and the delivery of public goods and services by public institutions and organisations such as the Department of Housing and Human Settlements in the CTMM (Conlan 2006:11). It is Conlan's (2006) view that the SA intergovernmental system has evolved from a predominantly cooperative federal – state – local system to one characterised by corrosive opportunistic behaviour, greater policy prescriptiveness, eroding institutional capacity for intergovernmental analysis, and shifting paradigms of public management. These trends threaten to undermine effective IGR and management.

Recent developments, however, offer some promise for building new institutions of intergovernmental analysis, more effective paradigms of intergovernmental public management, and greater horizontal cooperation, (Conlan, 2006:11). Centralisation is conducive to corrosive opportunistic behaviour, greater policy prescriptiveness that in turn has the toxic effect of eroding institutional capacity to deliver goods and services satisfactorily.

This research has an investment in finding out, as part of its research questions, the factors that capacitate or incapacitate the Department of Housing and Human Settlements in delivering to its mandate of providing

sustainable integrated human settlements in the CTMM locality. The research should establish if there are any corrosive and opportunistic activities that come on the way of efficiency and productivity. Layman (2003:6) confronts the critical research questions of how the functions of SA government contributed to the efficient and effective delivery of services. While also asking the question of “what were the main blockages to service delivery?” in the three spheres of the South African government, he also notes how government bureaucracy and communication protocols slow down delivery.

Added to Layman’s (2003) views are Cloete and Mokgoro (1995:14) who chronicle what they describe as innovative and creative policies for public service transformation. There is a need for policies that will transform the service delivery capabilities of the three spheres of government concerning human settlements in South Africa.

Added to that, Lle (2010:51) also takes a thorough scrutiny at where the spheres of government fail or are constrained from harmoniously delivering their mandate. In Lle’s long list of issues for consideration are such issues as training, management, finance, politics and other themes that are central to the interests and questions of the research.

In the view of Stoker (2007:17), the importance of historical contexts and their interplay with policy planning and implementation in the discharge of public administration and service delivery should not be neglected. How the history of South Africa, including its apartheid episode continues to impact on intergovernmental relations and public service delivery in the Republic of South Africa is one interesting question to ask. The fragility of Stoker’s (2007) arguments is in the fact that he sees human settlements as mainly a political service rather than a public service that is divorced from political and partisan shenanigans. All the same, his postulations help to expand the horizons of this research. Especially considering that the top echelons of public administration and public service institutions are staffed by

politicians and political appointees who have partisan loyalties; it is important to note how political interests and agendas help or hinder public service delivery.

2.12 PARTY POLITICS AND SERVICE DELIVERY

The political party system, particularly the character of the linkages between national and provincial branches of political parties are another variable in determining intergovernmental relations. Political party systems play a pivotal role in governments in reconciling national and provincial views. In practice, this may be a potential role for the ANC to serve as a mediating body with regards to intergovernmental relations as is the case with the Democratic Alliance (DA) in intergovernmental relations between DA elected provincial and local governments (Van der Waldt, 2002:111).

Political scientists and political decision makers have long recognised the difficulty in a federal system of determining the most appropriate jurisdictional level for a given policy activity. Rhodes (2006:148) observes categorically that party politics, personality cults and political jostling are the number one stumbling block to efficient service delivery and effective public service delivery.

The problem of incapacity confronts municipalities across the country. This is due to shortage of skills in key areas of operation and poor decision-making and corruption on the part of some politicians and high ranking officials. Lack of political accountability is a feature of failing municipalities as many politicians are nominated despite their inability to promote service delivery. Little has been done to address the problem of incompetence and self-serving approach of local officials which leads to growing frustration at the national level. Poor intergovernmental relations coordination led to poor performance in the rollout of human settlements development programmes

at the local level. A number of shortcomings in service delivery can be seen in all other areas of municipal activity.

Over and above other factors contributing to poor service delivery, poor intergovernmental relations worsen these problems at all levels. It has been seen how local communities have responded to poor service delivery in the form of both organized and sporadic protests across the country some of which ended in violence (Kahn *et al.*, 2011:213).

2.13 INVOLVEMENT OF CITIZENS IN PUBLIC ADMINISTRATION

The spectre of service delivery protests in South Africa, coupled with public service workers' strikes mean that there is a need for studies to factor in the public as citizens and consumers and understand their role and place in governance. D'Agostino (2009:122) argues for the involvement of citizens in public governance by stressing that it is a way of transcending obstacles and gaining the consent of the governed in governance in line with democratic ideals. In pressing home this argument, D'Agostino (2009:122) wrote it is crucial however, to consider the following questions: "How to involve citizens? When to involve citizens? And whom among the citizens to involve?" These questions raise the critical factor of systems and methods of community engagement in public administration and service.

In addition, Roberts (2004:196) has named seven reasons for supporting civic involvement in the process of governance. They are:

- It facilitates realisation of human potential;
- It is educative;
- It gives citizens a sense of belonging and ameliorates alienation;
- It contributes to legitimizing decisions taken by government

- Through participation in decision-making, people gain control over their lives;
- It enables those without power to challenge those with it and to strengthen their platform and voice, and
- It is impossible to govern realistically without the consent of the governed.

Roberts (2004:197) further argues that the act of involving communities in the processes of governance empowers them and makes them subjects rather than objects of government. In addition, it achieves the consent of citizens to the decisions of governors and thereby democratises governance. Innes and Booher (2004:203) state that by involving communities, decision makers can find out the public's preferences, and also discover among communities the least advantaged and those not recognised through normal information sources. Most importantly, decision makers comply with the law in consulting and involving communities and obtain legitimacy for public decisions which is a principal requirement of democratic governance. Edigheji (2006:43) underscores this involvement of citizens in governance of a people's contract, where the people are brought to the policy table.

As attractive as citizen involvement is from the arguments above, scholars have noted some negative features of the practice that tend to militate against the same developments that they seek to engender. Probably the first problem with involving communities in the delicate and sometimes intricate details of governance is the management of information, some of which is confidential and the need to explain to members of the public some complex phenomenon and concepts of governance that require training to comprehend. Roberts (2004:103) also lists some of the disadvantages of public involvement in direct governance issues:

- It is based on a false notion.
- It is inefficient.
- It is politically naive.
- It is unrealistic.

- It is disruptive.
- It is dangerous.

According to Roberts (2004:104), the notion might as well be false and romantic that ordinary members of the public need to be directly affiliated with the intimate details of governance. The involvement of crowds can also bring inefficiency and the disruptive effect of dealing with crowds when actual work lies fallow. In sum, the total effort may be politically naïve and also dangerous in that it is easy to lose control of processes when crowds are involved. D'Agostino (2009:122) indicates that citizens do not need to be experts in order to participate, and that citizens must be involved on a regular basis in such fora of consultation that exclude politicians and other decision makers whom average people might find intimidating.

Perhaps in acknowledgement of the difficulties involved, D'Agostino (2009:122) concludes that participation must be facilitated to be successful and representative. In a way, it is possible to imagine that community involvement in governance might bridge information gaps and distrust of decision makers by communities and therefore allay the spectre of strikes and protests that punctuate the South African public service landscape. In that respect, Roberts (2004:203) concedes that public involvement enables those without power to challenge those with it and to strengthen their platform and voice and that after all it is impossible to govern realistically without the consent of the governed in a democracy.

In a departure from the heated debate on public involvement and intergovernmental relations Allers and Ishemoi (2011:77) argue that the important factor of public service and governance is representativity, where citizens should be well represented in government so that resources and attention can also be fairly distributed. From their research in Tanzania, the above two scholars conclude that there is growing evidence that regional differences in political representation in governments results in an unequal allocation of intergovernmental grants. This places regions which are better represented in the national Parliament to generally receive higher grants.

This argument seems to privilege representation of citizens over their involvement and participation in governance.

Lower level governments usually depend on the central government for a large share of their revenues. Therefore, a fair allocation of intergovernmental grants is essential for financing vital local services like education and healthcare.

In Tanzania and many other countries, regions that are better represented in the national parliament receive significantly more funds than others. Recently, Tanzania replaced the previously existing discretionary method of grant allocation by allocation formulas. In investigating whether this has reduced the effect of malapportionment on grant allocation, it is established that formula allocation does not significantly change this effect. This has important policy implications (Allers & Ishemoi, 2011:77).

This view by Allers and Ishemoi (2011:77) seems to favour inclusivity and balanced representation of different localities of people in government structures in the belief that it is a key way of ensuring that development and service delivery reach the communities. In a way this is a devolutionist and decentralist argument which has faith in central government only as far as it is staffed by employees with local interests.

2.14 INTERGOVERNMENTAL PLANNING

Section 41(1) of the *Constitution* contains the principles of co-operative government and inter-governmental relations which determines that all spheres of government and all organs of state within each sphere must:

- Preserve the peace, national unity and the indivisibility of the Republic;
- Secure the well-being of the people of the Republic;

- Provide effective, transparent, accountable and coherent government for the Republic as a whole;
- Be loyal to the *Constitution*, the Republic and its people;
- Respect the constitutional status, institutions, powers and functions of government in other spheres;
- Not assume any power or function except those conferred on them in terms of the *Constitution*;
- Exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere, and
- Co-operate with one another in mutual trust and good faith by fostering friendly relations, assisting and supporting one another, informing one another of and consulting one another on matters of common interest, coordinating their actions and legislations with one another, adhering to agreed procedures and avoiding legal proceedings against one another.

As indicated in chapter one of the *Constitution*, intergovernmental relations means the relationship between national, provincial and local government. Cooperative governance means that national, provincial and local government should work together to provide citizens with a comprehensive package of services. The spheres of government must therefore assist and support each other, share information and coordinate their efforts. Implementation of policies and government programmes require close cooperation between the spheres of government. According to the third section of the *White Paper on Local Government* 1998, a system of intergovernmental relations has the following strategic purposes:

- To promote and facilitate co-operative decision-making;
- To co-ordinate and align priorities, budgets, policies and activities across interrelated functions and sectors;
- To ensure a smooth flow of information within government, with a view to enhancing the implementation of policy and programmes, and
- The prevention and resolution of conflicts and disputes.

According to Kahn *et al.* (2011:73), the relations within and between intergovernmental bodies are dynamic, complex, interactive and interdependent. After the existence of these relations is recognised, it is necessary to determine how these interactions should be conducted. Instruments to be used by public office bearers and public officials in intergovernmental relations should be determined. The passing of time have since seen the establishment of a variety of intergovernmental forums and the refinement of others. This was necessitated by the submission of the Presidential Review Commission (PRC) Report on developing a culture of good governance in 1998 as well as presentations on the state of intergovernmental relations in South Africa and the possible issues to be included in the *Intergovernmental Relations Framework Act* No 13 of 2005. Whilst some of the aspects from the report and presentations have been adopted others are still pending. Formal and informal intergovernmental meetings are held periodically to share information, discuss common problems and contemplate joint action (Van der Waldt *et al.*, 2002:112).

Due to the nature of human settlements and its significance, it is essential that consensus should be reached between national, provincial and local governments on the broader national human settlements policies and strategies. The participation of stakeholder groupings and structures of civil society in the process of policy formulation is of great importance to secure the necessary commitment of all relevant parties. Intergovernmental relations structures that are more relevant to the development of sustainable human settlements development as an inter-governmental planning process are examined below

2.14.1 The President's Co-ordination Council (PCC)

The Intergovernmental Forum (IGF) used to be the forum of interaction between the Presidency and the provincial premiers before June 1999. The purpose of the IGF was to facilitate interaction and joint decision-making

between the ministers of different departments and the premiers of the provinces. The forum addressed aspects on all matters of mutual interest and functioned as an informal body without any legal binding instruments. Different spheres of government were not bound to adhere to decisions of the IGF since there were no legal mechanisms in place. Decisions of the IGF depended on mutual trust. The IGF was constituted by the ministers, Directors-General, provincial premiers and, *ex officio*, the President and Deputy President. The IGF was presided over by the Minister of Constitutional Development who conveyed its non-binding decisions to Cabinet since the President and Deputy President were *ex officio* members. This Forum had the powers to make decisions affecting the country as a whole; however, the Forum was criticised for lacking decisiveness (Van der Waldt *et al.*, 2002:112-113).

The IGF was subsequently replaced by the President's Co-ordination Council (PCC) which enhanced the constitutional principle of co-operative governance and complimented the pre-existing entities by providing direct interaction between the President and provincial premiers together with the minister of the then Provincial and Local Government, which is currently known as Co-operative Governance and Traditional Affairs including all related Directors-General. The deliberations of the PCC are guided by national policy and the constitutional principle of co-operative governance. The PCC serves as a consultative forum in the formulation of policy and ensure coordinated and integrated implementation of policies and programmes of government at large. The PCC therefore also plays a monitoring function during the implementation of policies and government programmes. The advantage of the PCC is that provinces advise the President about the operational failures and unintended consequences of policies and ensure that adjustments are made as and when is necessary (Van der Waldt *et al.*, 2002:113).

2.14.2 Intergovernmental relations committee(s) of ministers and members of executive council(s)

MINMECs are sector-based meetings of national ministers and provincial members of executive councils (MECs) established to promote co-operation, co-ordination and communication between the national departments and their provincial counterparts and oversee areas of joint concurrent competency between spheres of government as contained in schedule 4 of the *Constitution*.

The enactment of *Intergovernmental Relations Framework Act* 13 of 2005, gave all MINMECs the basis in legislation. MINMECs are constituted by a national minister and members of the executive council (MECs) of provinces. In relation to the development of sustainable settlements, a MINMEC will comprise of the Minister of Human Settlements and members of executive council responsible for humans settlements in various provinces. MINMECs meet regularly to discuss the implementation of government policies and the division of financial and other resources. Deliberations of MINMECs are less overarching and more sectoral and detailed in nature than deliberations of Cabinet or the PCC. MINMECs exist in all areas where provincial and national government responsibilities overlap, forming a central part of the intergovernmental relations system. MINMECs are based on mutual trust and co-operation and are found in departments such as Human Settlements, Public Works, Trade and Industry, Co-operative Governance and Traditional Affairs (Van der Waldt *et al.*, 2002:114-115).

Responsibilities of MINMECs include amongst others the following:

- The harmonization of legislation within a given sector;
- The division and deployment of financial resources;
- The harmonisation of programmes on a national basis;
- The consultation and negotiation on national norms and standards;

- The integration of intergovernmental policies and strategy;
- The formulation of joint programmes and projects;
- The sharing of sectoral information, and
- The assignment of roles and responsibilities between spheres of government.

Since the introduction of the outcome-based approach to delivery by the current government, various departments are responsible for specific outcomes and the Department of Human Settlements is responsible for “Outcome 8: Sustainable Human Settlements and Improved Quality of Household Life”. This approach was implemented to coordinate, monitor, and report on the implementation of the four outputs related to Outcome 8: Sustainable Human Settlements and Improved Quality of Household Life which include, accelerated delivery of housing opportunities, access to basic services, efficient utilisation of land for human settlements development and improved property market. Various departments are required to bring together the main stakeholders who have a role to play in the form of implementation forums to ensure that delivery agreements signed between the President and ministers are being achieved. Implementation forums are usually either MINMECs or Expanded MINMECs. Implementation Forums focusing on specific outcomes meet on a quarterly basis and report to Cabinet Committees on the Programme of Action (POA). The Department of Human Settlements being responsible for Outcome 8: Human Settlements and Improved Quality of Household Life is responsible to convene the Human Settlements Implementation Forum, Terms of Reference of the Human Settlements Implementation Forum (South Africa, 2010:2-3).

The convening of Human Settlements Implementation Forum necessitated that membership be revised to include the following to improve representation in the IGR structures as a vehicle to the delivery of sustainable integrated human settlements:

- Minister of Human Settlements (Chairperson);

- Deputy Minister of Human Settlements;
- Members of Executive Councils (MECs) responsible for human settlements in their respective provinces;
- Chairperson of the South African Local Government Association (SALGA);
- Minister of Cooperative Governance and Traditional Affairs;
- Minister of Rural Development and Land Reform;
- Minister of Public Works;
- Minister of Public enterprises;
- Mayors of metropolitan municipalities;
- Chairperson of the Portfolio Committee on Human Settlements; and
- Chairperson of the Select Committee on Public Services.

The following additional members may be invited to Human Settlements Implementation Forum on a cluster based approach, as and when the agenda requires their participation on the discussion of Outcome 8:

- Minister in the Presidency: Performance Monitoring and Evaluation;
- Minister of Transport;
- Minister of Water Affairs;
- Minister of Arts and Culture;
- Minister of Health;
- Minister of Energy;
- Minister of Finance;
- CEOs of Human Settlements Entities;
- Chairperson of the Financial Fiscal Commission (FFC); and
- Chairperson of the Development Bank of South Africa

The Minister of Human Settlements may invite any other person to a meeting of the HSIF. The technical support structure of the HSIF is called Technical Human Settlements Implementation Forum (THSIF) Department

of Human Settlements: Terms of Reference of Human Settlements Implementation Forum (South Africa, 2011:4-5).

The Minister of Human Settlements is responsible for determining national human settlements policy. It is therefore necessary for the minister to consult with the various members of executive councils (MECs) responsible for human settlements and other stakeholders through regular meetings to deliberate and approve recommendations on policy matters referred by THSIF. The main objective of the HSIF is to reach political consensus on relevant policy issues, discuss other human settlements development matters and to direct the development of sustainable integrated human settlements in general and report to Cabinet.

2.14.3 Organised local government

Previously, major cities and a few provincial local government organizations represented municipalities that were under-represented by the majority of the country's communities and defined by apartheid spatial arrangements. The *Constitution* requires an Act of Parliament to provide for the recognition of national and provincial organisations representing all South African municipalities in one national organisation. This led to the *Organised Local Government Act* 52 of 1997 being passed. Subsequently the South African Local Government Association (SALGA) that represented all South African municipalities in one national organisation was established.

The *South African Local Government Act* 52 of 1997 resulted in a substantial reform of the representation of organized local government. Since the enactment of the *Organised Local Government Act* 52 of 1997, SALGA is now represented in a number of IGR structures including the National Council of Provinces (NCOP), MINMEs, Financial Fiscal Commission (FFC) and Budget Forum dealing with intergovernmental transfers. As a result, SALGA is now integrated into the broader intergovernmental relations framework (Van der

Waldt *et al.*, 2002:116). According to the *White Paper on Local Government* 1998, SALGA must also be closely involved in the drafting of all legislation that affects the status, institutions, powers and functions of municipalities. Other contribution of SALGA includes the provision of specialised services to supplement and strengthen the capacity of municipalities, research and information dissemination, human resource development including the training of councillors. Additional to membership fees payable by municipalities, national and provincial governments have made a commitment to assisting organised labour financially on a rand-by-rand basis out of the equitable share of national revenue. Though a host of functions are being devolved from the national and provincial levels to local government, local government is constitutionally obliged to participate in national and provincial development programmes. The benefits of such co-operation can significantly enhance the capacity of local government to deliver on its own programmes while enhancing the effectiveness of joint initiatives at the same time.

2.14.4 Committee of heads of provincial departments

Technical Committees are established to support the political structures for intergovernmental relations and to promote cooperation and consultation at the administrative level.

The Technical Intergovernmental Committee currently referred to as Technical MINMEC is the administrative arm of the Intergovernmental Forum currently known as the MINMEC.

Technical MINMEC discusses issues that are the responsibility of MINMEC and makes recommendations on how they can be addressed. It further facilitates, guides and monitors the implementation of decisions of MINMEC and reports back on progress. Technical MINMEC is supported by a number of subcommittees that are both technical and intersectoral and are attended by all the relevant stakeholders (Kahn *et al.*, 2011:86).

2.15 FINANCIAL AND FISCAL RELATIONS

The financial and fiscal relations will control the way in which the different spheres of government interact and relate to each other. Intergovernmental relations initiatives include the examination of government development programmes and initiatives such the GEAR and RDP, growth rates within provinces, investment, domestic saving, external aid (grants), debt reduction, government budgetary process and inflation. The South African intergovernmental fiscal relations are governed by the *Intergovernmental Fiscal Relations Act, 97 of 1997* whose main objective is to promote co-operation between the national, provincial and local spheres of government on fiscal, budgetary and financial matters and also prescribe a process for the determination of an equitable sharing and allocation of revenue. The Act establishes a number of structures that facilitate intergovernmental relations between the different spheres of government such as Budget Council and Local Government Budget Forum (Van der Waldt *et al.*, 2002:118).

2.15.1 Revenue sharing amongst the spheres of government

The *Constitution* required Parliament to pass an Act known as the *Division of Revenue Act 10 of 2014* that governs the equitable sharing of revenue amongst the different spheres of government. In terms of 214(2) of the *Constitution*, the *Annual Division of Revenue Act* may only be enacted after consultation with the Budget Council and the Local Government Budget Forum. *The Intergovernmental Fiscal Relations Act, 97 of 1997* requires that the Financial Fiscal Commission (FFC) submit recommendations for a particular financial year to the Houses of Parliament and Provincial Legislatures ten months before the start of the financial year. Such recommendations by the FFC should include the following issues which must be tabled in Parliament (Van der Waldt *et al.*, 2002:119-120):

- An equitable division of revenue raised nationally, amongst the national, provincial and local spheres of government;
- The determination of each province's equitable share in the provincial share of that revenue, and
- Any other allocations to provinces, local government or municipalities from the national government's share of that revenue and any conditions on which these allocations should be made.

On an annual basis, the Minister of Finance is required to introduce a Division of Revenue Bill in conjunction with the budget for the financial year to which that budget relates in the National Assembly. Normally, the Division of Revenue Bill specifies the following:

- The share of each sphere of government of the revenue raised nationally for the relevant financial year;
- Each province's share of the provincial share of that revenue, and
- Any other allocations to provinces, local government or municipalities from the national government's share of that revenue.

The *Intergovernmental Fiscal Relations Act, 97 of 1997* stipulates timeframes for the process of consultation by the Minister of Finance (Van der Waldt *et al.*, 2002:120). The above discussion on intergovernmental fiscal relations illustrates the importance of co-ordination and co-operation amongst the spheres of government. These types of relations as stipulated in various legislations are a prerequisite for decision-making or action relating to public financial management to achieve the development of sustainable integrated human settlements.

2.16 ACCREDITATION OF MUNICIPALITIES

According to schedule 4 of the *Constitution*, the provision of housing is a concurrent responsibility that requires the coordination and integration of activities and efforts amongst the three spheres of government. In this regard, Kahn *et al.* (2011:133) maintains that despite the *Housing Act* No 107 of 1997 making provision for accreditation of municipalities to administer national housing programmes, it is clear that municipalities have been under-utilised in the delivery of housing programmes across the country. Accreditation of municipalities can result in faster delivery of human settlements as the planning of the human settlements development needs to be done at the local level.

Section 156(4) of the *Constitution* states that the national and provincial governments must delegate and assign housing functions to municipalities by means of accrediting, by agreement and subject to any condition. Accreditation of municipalities also features in the Breaking New Ground (BNG): Comprehensive Plan for the Delivery of Sustainable Human Settlements as one of the programmes for implementation by the national and provincial governments (South Africa, 2004:21).

The *Housing Act*, No 107 of 1997 also support local government as the potential sphere for carrying out human settlements development in respect of the key functional steps of project and programme management such as initiating, planning, executing, facilitating and coordinating housing development.

Accreditation of municipalities to administer national housing programmes involves a progressive delegation of authority to municipalities to exercise functions relating to the administration of national housing programmes at local government level. For a municipality to be accredited, it must demonstrate capacity to plan and implement projects and programmes. The purpose of accreditation of municipalities is to support and enhance the provincial housing and human settlements department's capacity and in

turn for provinces to offer technical support to municipalities, Department of Human Settlements: Accreditation Framework (South Africa, 2006:5).

Local government still enjoys different levels of autonomy despite the expanded mandate and involvement of national and provincial governments in housing policies (Shapley, 2007:29). The third section of the *White Paper on Local Government*, 1998, supports the *Housing Act*, 107 of 1997 on accreditation of municipalities to administer national housing programmes by emphasising coordinated decentralisation and the assignment of powers. According to the third section of the *White Paper on Local Government*, 1998, it is important that the local government has the financial and administrative capacity to carry out its mandate to ensure the devolution and effective execution of functions. Unfunded mandates can put tremendous strain on local government's limited resources and compromise the delivery of essential services (water, sanitation, electricity, roads, storm-water drainage and street lighting). In order to minimise the possibility of such difficulties, the *White Paper on Local Government*, 1998 proposes that all legislation dealing with the decentralisation or assignment of powers to local government should be referred to MINMEC for discussion and comment. The provincial government is tasked with the responsibility of monitoring the co-ordination of governmental activities and to report to MINMEC in this regard.

Further mechanisms include the stipulation that the delegation of functions to local government can only take place with the approval of Cabinet after adequate consultation of provincial and local government. Similarly, delegation from provincial to the local sphere must be the result of provincial Executive Council decision after consultation with the local government.

According to the Accreditation Framework for Municipalities to Administer National Housing Programmes (South Africa, 2006:5) accreditation involves the delegated authority to exercise functions relating to the administration of national housing programmes at the municipal sphere of government.

This is so to enable municipalities to plan the implementation of a range of their developmental functions on a coordinated basis. For accreditation to be effected, municipalities should have the capacity required to take on certain functions such as (South Africa, 2006):

- Enhanced capacity building, supporting and monitoring and evaluation role for the Provincial Human Settlements Departments (PHDs) as they assist municipalities on taking on their new delegated function, and monitor and evaluate their progress in this part;
- The National Department of Human Settlements (NDHS) (assisted by PHDs) will expand its financial administration, capacity building, monitoring and evaluation role beyond the nine provinces to also include accredited municipalities as they will become responsible for determining the focus of national housing programmes in their municipal areas.

Because of the different levels of capacity of municipalities, three levels of accreditation such as the following are possible (South Africa 2011:10):

- **Level One:** Beneficiary management, subsidy budget planning and allocation and priority programme management and administration (delegated functions).
- **Level Two:** Full programme management and administration of all housing instruments/programmes in addition to level one (delegated).
- **Level Three:** Financial administration in addition to level two (all functions of level one, two and three are assigned).

It is up to municipalities to indicate the level to which they want to be accredited and the pace at which they access accreditation for such levels. Intentions of municipalities will be processed by NDHS and PHDs as part of a national programme. Functions are initially delegated to municipalities in levels one and two. All functions are assigned to municipalities at level three depending on the capacity created for level three and their track record in respect of functions delegated at level one and two. Progressive level of accreditation requires a higher degree of capacity which the municipalities must demonstrate to the satisfaction of external auditors, the

Department of Human Settlements, Accreditation Framework for Municipalities to Administer National Housing Programmes, and Managing the Incremental Delegation of Housing Functions to Local Government (South Africa, 2011: 10).

At a joint-MINMEC meeting held between Human Settlements and Co-operative Governance co-chaired by former ministers, Messrs Tokyo Sexwale and Richard Baloyi respectively on 13 July 2012, the two departments agreed to work closely with President Jacob Zuma to make sure he achieves success and mission and that success is measured by where people live. The meeting was also attended by all provincial MECs responsible for human settlements and local government in the country and members of the Mayoral Committees responsible for housing from all metropolitan municipalities (<http://www.dhs.gov.za/?q=content/media-statement/media-statement-13-july-2012>). This was the second meeting between the two departments since the Cabinet Lekgotla of 2010 resolved that the two should be responsible for Outcomes Eight and Nine respectively. It is this joint-MINMEC which agreed on a time frame that will see certain municipalities receiving accreditation before the 2014 deadline as stipulated in the Service Delivery Agreement (SDA) signed by the two ministers as well as the President. The process of accreditation of municipalities was to result in billions of rands going to municipalities. The Department of Human Settlements is responsible for Outcome Eight which has the following outputs (<http://www.dhs.gov.za/?q=content/media-statement/media-statement-13-july-2012>):

- Accelerated delivery of housing opportunities;
- Upgrading of 400 000 households in informal settlements;
- Affordable rental housing stock (20 000 units per annum);
- Access to basic services;
- National Bulk Infrastructure Programme and increased access to basic services;
- More efficient land utilisation;
- Acquisition of 6250 hectares state owned land;

- Improved property market, and
- Supply affordable housing finance to 600 000 households.

According to a presentation made to the meeting between the Minister of Human Settlements and top management on 25 March 2014, thus far, twenty-eight (28) municipalities across the Country (SA), including the CTMM have been accredited at levels one and two with a view to receiving level three accreditation which is assignment of functions progressively depending on the level of capacity created and the track record in respect of functions delegated at level one and two. Six (6) metropolitan municipalities including the City of Tshwane Metropolitan Municipality, City of Cape Town, Ethekewini Metro, Ekurhuleni Metro, City of Johannesburg and Nelson Mandela Bay Metro are significantly ready for assignment of housing functions (<http://www.dhs.gov.za/?q=content/media-tatement/media-statement-13-july-2012>).

This will see billions of Rands benefitting metropolitan municipalities for the delivery of sustainable integrated human settlements. Accreditation of municipalities is a step in the right direction that will improve the IGR function in respect of the delivery of sustainable integrated human settlements by the CTMM.

2.17 CONCLUSION

As represented in the *Constitution* and public administration regulatory and policy documents, IGR is a treasured tool of administering governance. The question arises, however, if these good meaning laws and regulations remain good on paper and do not come to fruition in practice. This chapter has explored questions on the validity and feasibility of IGR in such a setting as South Africa, the pit-falls of popular but inefficient changes to governance systems, and the importance of education and training of public service staffers such as in the CTMM's Department of Housing and Human Settlements. The importance of "fiscal justice" and that of prudent financial

management, together with the pathologies of political partisanship, and its corrosive influences on the IGR have been examined.

The importance of involving the public in public governance and the dangers of crowding delicate processes of governance with the people did not escape attention of this research. The following chapter provides the reader with data collection techniques and procedures followed by the researcher during the study. The research design, data collection techniques, and data analysis and presentation, describes specific methods and procedures employed in the research.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 INTRODUCTION

The previous chapter discussed the literature review on intergovernmental relations and sustainable human settlements in the CTMM in Gauteng Province. This chapter posits to explain the research methodology that was employed in the process of the present research. The method of the questionnaire that was deployed in extracting data from the chosen population of the research is explained, and the methods of sampling that were used are described and justified in terms of their suitability for this research. Critical research issues of reliability and validity that impact on the scientific acceptability of the research are enunciated alongside possible limitations of the research.

3.2 METHODS OF INVESTIGATION

In the important observation of Brynard and Hanekom (1997:28), research methodology necessitates a reflection on planning, structuring and execution of research in order to comply with the demands of truth, objectivity and validity. Primarily, this research adopted literature review as a method of gathering important and relevant data. Under literature review, relevant books, journal papers and other related sources were examined and analysed. Official government documents such as *the Constitution* and Acts of Parliament were studied.

Participant observation as a method of sourcing data was used in the study given that the researcher is an employee and an official of the Department of Human Settlements administering intergovernmental relations and governance structures involving the City of Tshwane Metropolitan Municipality (CTMM)'s Department of Housing and Human Settlements, which is the specific site of this research.

Qualitative methodology and category research which this research employed refers to research which produces descriptive data which is generally based on people's own written or spoken words through data collection techniques such as case studies, in depth interviewing of key informants participants observations, questionnaires and perusal of documents. Qualitative research enables the researcher to see the world from the point of view of participants (Brynard & Hanekom, 1997: 33-37).

This research adopted the use of and administration of a questionnaire as a practical method of collecting relevant data from sources. In the observation of Scott and Marshal (2009:621), questionnaires are helpful in qualitative research in so far as they solicit direct and specific responses from carefully chosen respondents. Direct interviews that were also deployed in this reserach are important in that they assist in following and soliciting more detail from the respondents, in the process complimenting the questionnaire that by nature tends to be rigid and too specific in its orientation.

3.3 DATA COLLECTION TECHNIQUES

The primary and secondary sources of data described below were used to gather data.

3.3.1 Primary data sources

The collection of primary data also known as empirical investigation played a crucial role in this study. The empirical investigation involved consulting primary information sources such as:

- Interviews with experienced and knowledgeable officials from the CTMM's Department of Housing and Human Settlements.
- Speeches by politicians and deliberations in legislative institutions relating to intergovernmental relations.

Welman and Kruger (1999:166-68) differentiate between the three types of interviews such as structured, semi-structured and unstructured interviews. Structured interviews are a form of interview where the interviewer compiles a list of questions from a previously compiled questionnaire. This type of interview is restricted to questions, their wording and the order of their appearance with relatively very little freedom to deviate from the list. Semi-structured interviews are a form of interviews that could be found between structured and unstructured interviews and offer some form of versatile way of collecting data and can be used with all age groups. Unstructured interviews are used in exploratory research where the aim is to identify important variables in a particular area and to formulate penetrating questions as follow up from the responses, and eventually generate a hypothesis for further investigation. Based on the above reasons Wessels (2009:39) prefers the use of unstructured interviews. The present study deployed unstructured interviews.

3.3.2 Secondary data

Secondary data refers to the collection and analysis of existing written (published and unpublished) information which include:

- Published relevant text books.
- Previous research reports.
- Published articles.
- Current legislations (Acts of Parliament, provincial and local government legislation and white papers).
- Journals.
- Official documentation by the City of Tshwane Metropolitan Municipality.
- World wide website (internet).
- Official documentation by government departments.
- Relevant legal, policy and academic publications.
- Policy magazines.
- Personal observations.

A large part of the previous chapter of this research, which constitutes the literature review, dwells in significant depth and expanse on secondary literature that was examined in the progress of the research. This is because the questionnaire was the principal tool used to extract information from sources. Below the researcher undertakes to explain how the questionnaire was applied as a data gathering tool.

3.4 QUESTIONNAIRE

By its nature, the questionnaire grants the respondent the opportunity to express would be information, opinions and experiences that are relevant to the research. In the case of this research, the questionnaire was designed to draw from the respondents their perceptions, observations and direct experiences of the application of intergovernmental relations at the CTMM. Noteworthy is that the questions in the questionnaire were derived from the

research questions of the research that were profiled in the introductory chapter. For that reason, the respondents were asked to respond directly to the questions of the study.

One of the principal advantages of the questionnaire to research and to science at large is that it can be administered to a number of respondents at the same time, affording the researcher the opportunity to achieve a variety of responses to the same questions from different respondents. Although only twenty questionnaires were received back from the respondents, a total of forty questionnaires were administered to officials of the CTMM's Housing and Human Settlements Department. The questionnaire was designed alongside the categories of political, policies and regulations, human resources, institutional arrangements, finance, human livelihoods and legal issues which are categories that refer directly to the research questions of the study. Van der Westhuizen (2001:8) notes that administering questionnaires in a structured way, as opposed to doing it randomly, carries the advantage of ensuring that information can be obtained from a group of relevant respondents, saving time and financial resources by ensuring that money and time are not spent on uninformed and random respondents.

In the view of Barbie and Mouton (2001:95), a questionnaire boasts the research advantage of specificity of purpose and relevance to the target. This refers to its nature and design. A good questionnaire is straight forward and asks true to target questions that extract true to target answers. Barbie and Mouton warn, however, that this specificity of the questionnaire can be its limitation in so far as it can be too specific and rigid, tending to ignore some information that might be relevant to the research. For that reason, the present research complemented the questionnaire with some direct interview questions. Some of the follow up direct questions are contained in the questionnaire itself to permit respondents to give additional information and follow up and elaborate on their answers.

3.4.1 Questionnaire design

It should be borne in mind that the questionnaire was designed according to the research questions of the research and its stated objectives. The questionnaire that was used in this research was divided into categories for easy analysis. For example, Section A solicits information on gender, work experience, age and academic qualifications of the respondents. While this information is important, it did not have a direct bearing on the research, whose principal aim is to seek perceptions, observations and understanding of the respondents on the application and functioning of intergovernmental relations at the CTMM's Department of Housing and Human Settlements.

The second section of the questionnaire, B, was designed to enquire about the political factors impacting on the functioning of IGR and the implementation of policies and regulations at the CTMM in pursuit of the delivery of sustainable human settlements. Section C of the questionnaire focused on how policies, rules and regulations that govern the application of IGR at the CTMM hindered or permitted performance and service delivery. Pursuant to the questions and objectives of the research, Section D focused on capacity and skills of the personnel who manage the delivery of sustainable human settlements. Consistent with the objectives of the research, Section E was designed to enquire about the configuration of the institutional arrangements and policy framework of the CTMM to successfully execute decisions and implement policies to achieve sustainable integrated human settlements. Section F focused on the use of financial resources granted to the CTMM to establish whether the resources were sufficient and were utilised fruitfully. Section G of the questionnaire was designed to enquire about the impact of the delivery of sustainable integrated human settlements to the lives of the people in the CTMM. The last section, H, was designed to establish if legal/legislative shortcomings or loopholes hinder the smooth functioning of the CTMM in pursuit of the delivery of sustainable human settlements.

3.5 LIMITATIONS OF THE RESEARCH

Limitations of the research included the following:

- The research focused on the CTMM's Department of Housing and Human Settlements in Gauteng Province only.
- There was no access to classified information.

3.6 RELIABILITY AND VALIDITY

Scientific research by its nature and design invest a lot of importance on the issues of reliability and validity. In order to gain acceptance and achieve the use for its observations and arguments, a research needs to establish and prove its reliability and validity. For that reason, reliability and validity are important to studies and research (McNabb, 2001:273). Reliability refers to the quality of the research and the possibility of it to be repeated and still deliver and confirm the same results (Barbie and Mouton, 2001:275). This means that the research should be scientific and dependable, not reliant on the moods, attitudes and possible perceptions of the researcher or the respondents at the time of the research. As minimally as possible, the environment of the research should be permitted to impact on its outcomes, unless the environment is part of the inquiry.

Validity refers to the quality of research to measure and examine that which it is supposed to measure and examine (Barbie and Mouton, 2001:279). This refers to relevance and caution to offer leading questions and to deny the opportunity for respondents to respond honestly and in earnest, which might result in stage-managed and pre-determined results. Care was taken throughout this research to ensure reliability and validity of the research.

3.7 DOCUMENT ANALYSIS

Document analysis, in this research as in many other researches, is a methodical practice of scrutinising documents and decoding meaning and understanding emerging issues from them. Document study was applied in the varied literature that was sampled for this research. The literature that was used in the literature review of this research and in the other sections including this one was subjected to document study as a tool of research. Documents and literature, unlike respondents, offer usually fixed theoretical and factual information from scholars instead of flexible information from respondents that is vulnerable to influences of the environment of the research (McNabb, 2002: 295-296). To this, Brynard and Hanekom (1997:28) add that unlike live human beings who are aware that they are being studied and can change their attitudes to suit the situation, which is not the case with documents, hence they provide more reliability.

3.8 DATA ANALYSIS AND PRESENTATION

Until analysed and interpreted data has no meaning. Data obtained from the secondary sources was compared and evaluated against data from the primary sources. Since information was already available, the analysis of secondary data began before and while the interviews were still underway. The preliminary analysis was important as it enabled the researcher to redesign questions in order to focus on the central themes as the researcher continued interviewing.

The researcher began a more detailed and fine analysis of the interviewee's responses. This enabled the researcher to discover more themes and concepts to build towards an overall explanation. In order to finalise data analysis, the researcher put all the material from all interviews that addressed one theme or concept into one category.

The material was compared with the categories to establish possible variations and nuances in meanings. The researcher finally compared the data across the categories to discover connections between themes with a view to integrating the themes and concepts into theory that offers accurate and detailed interpretation of the research into the effectiveness of intergovernmental relations in the delivery of sustainable integrated human settlements with reference to the CTMM. The survey method was used as a data gathering technique during the research and the normative approach was adopted for processing data. The word “survey is comprised of two elements that indicate precisely what happens in the survey process. Sur- is a derivative of the Latin word super, meaning above, over, or beyond and the element vey- comes from the Latin verb videre, which means to look or to see. Thus, the word survey means to look or to see over or beyond the casual glance or the superficial observation” (Leedy in Mello 2007:9). In line with the explanation of the word survey, the research in which the “looking” may be done by means of interviews was conducted. The fact that the questionnaire was not administered to all the employees of the CTMM means the survey used random sampling.

3.9 CONCLUSION

This chapter explained data collection techniques and procedures followed by the researcher. The research design, data collection techniques, and data analysis and presentation described the specific methods and procedures followed in this research to make understandable the essence of the research and to show how the conclusion and recommendations were reached. The following chapter explores the overview of the CTMM’s institutional arrangements and policy framework applied by the CTMM’s Department of Housing and Human Settlements.

CHAPTER FOUR

OVERVIEW OF THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY

4.1 INTRODUCTION

The previous chapter discussed the research methodology and design, data collection techniques, limitations of the research, reliability and validity, and data analysis. In addition the chapter also enunciated the presentation as well as specific methods and procedures followed in this research. This chapter explores the historical background, institutional arrangements and the policy framework of the CTMM's Department of Housing and Human Settlements in order to provide an understanding of its functioning as a local sphere of government in relation to sustainable human settlements. The role of CTMM in the provision of sustainable integrated human settlements in the intergovernmental relations space will be discussed. It will also provide a picture of the inner workings of the City of Tshwane Metropolitan Municipality's Department of Housing and Human Settlements as a site of this study.

4.2 HISTORICAL BACKGROUND OF THE CTMM

The name "Tshwane is the authentic African name for the area in which, according to legend, was used by the early inhabitants who lived in the proximity of the Apies River under the Chieftainship of Chief Tshwane (Sokhela, 2006:19). Sokhela (2006) further asserts that, Chief Mushi, the father of Chief Tshwane had moved up from Zululand and settled in the area before the arrival of the Afrikaner Voortrekkers. As Pretoria developed into a town, the Batswana people, who were followers of Chief Tshwane, moved into the areas known as Sinnoville, Born Accord, Wallmansthal and

Hammanskraal. Chief Tshwane's descendants still reside in and around the area of Tshwane. Another explanation for the name "Tshwane" is that black migrant workers derived it from the word "tswana" which means "we are one/we are the same, because we live together". Oneness or unity has always been one of the principal values of the Batswana people of Southern Africa and it continues to be some kind of a motto and theme of the people of Pretoria and the surrounding areas (Sokhela, 2006:19).

Steeped in a rich cultural heritage that marks South African history, the CTMM has for many turbulent decades been central in the liberation struggle that culminated into the birth of democracy in 1994. In a symbolic and historical gesture, the iconic late former President, Nelson Mandela was inaugurated as South Africa's first democratically elected President at the Union Buildings in Pretoria or Tshwane in 1994 (<http://www.tshwane.gov.za/AboutTshwane/Pages/CityofTshwaneinaNutshell.aspx>). As indicated earlier in chapter one, the CTMM was established on 5th of December 2000 through the amalgamation of a multiplicity of local authorities and diversity of councils that used to make up what was called the Greater Pretoria Metropolitan Council (GPMC). Such local authorities and councils included the following:

- The Greater Pretoria Metropolitan Council;
- The City Council of Pretoria;
- The Town Council of Centurion;
- The Northern Pretoria Metropolitan Substructure;
- The Hammanskraal Local Area Committee;
- The Eastern Gauteng Services Council;
- The Pinaarsrivier Transitional Representative Council;
- The Crocodile River Transitional Council;
- The Western Gauteng Services Council;
- The Winterveld Transitional Representative Council;
- The Temba Transitional Representative Council;
- The Mabopane Transitional Representative Council;
- The Garankua Transitional Representative Council; and
- Eastern District Council.

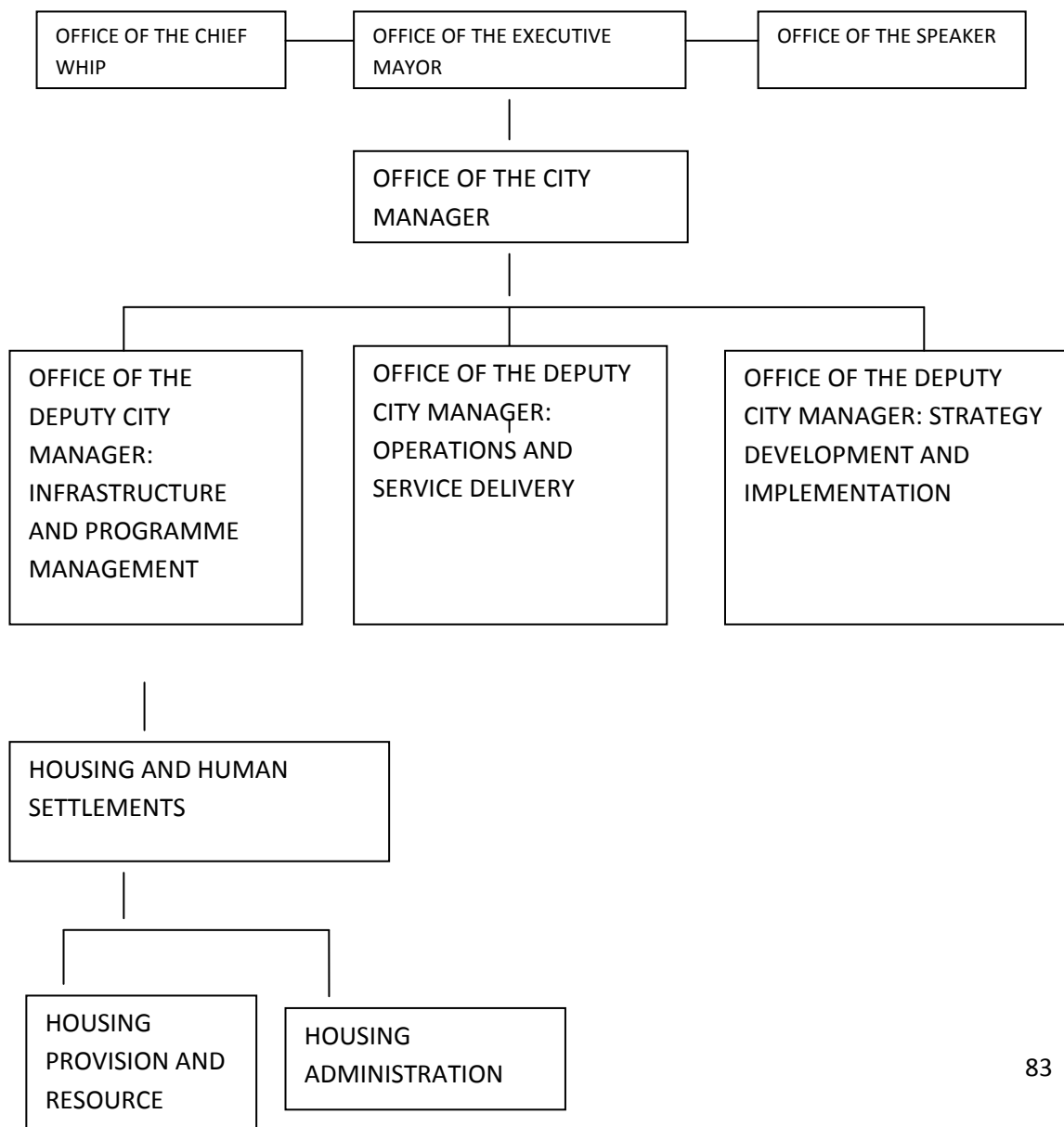
The Municipal Demarcation Board (MDB) classified the CTMM as a Category A-Grade 6 urban municipality in terms of section 4 of the *Local Government: Municipal Structures Act*, No 117 of 1988. The CTMM is an economic and industrial hub of the Republic of South Africa, second only to the City of Johannesburg, (<http://www.tshwane.gov.za> AboutTshwane/Pages/CityofTshwaneinaNutshell.aspx).

On 28th of May 2008, the CTMM was expanded further as it embraced more surrounding councils and municipalities. The City is the centre of government and hosts all national government departments. It forms part of the Gauteng region, which is the wealthiest and fastest growing economic region of South Africa. With universities such as University of South Africa, University of Pretoria, Tshwane University of Technology and the national councils such as the Centre for Scientific and Industrial Research (CSIR), Human Sciences Research Council (HSRC), Agricultural Research Council (ARC), National Research Foundation (NRF), Medical Research Council (MRC), and South African Bureau of Standards (SABS), the CTMM is a national centre of research and learning. Now covering 6 368 km², and boasting 2.5 million residents, the City is confronted with increasing pressure to deliver services and amenities including sustainable integrated human settlements. Hosting several embassies of other countries from across the globe, from Africa, Asia and Europe, the CTMM throughout all its seven regions, is under surmountable pressure to administer the housing and amenities needs of both the first and second economy of South Africa (<http://www.tshwane.gov.za> AboutTshwane/Pages/City-of-Tshwane-in-a-Nutshell.aspx).

4.3 INSTITUTIONAL ARRANGEMENTS OF THE CTMM

The organisational and institutional arrangements of the CTMM are important as a background to the understanding of how it works and discharges its duties to the City. The ensuing section of the research discusses this structure of the CTMM as illustrated by the organogram below. The structure below is in specific reference to the Department of Human Settlements which is the specific site of the present research within the CTMM.

Figure 4.1: Organogram of the City of Tshwane Metropolitan Municipality



The other two offices of the deputy city managers (Operations and Service Delivery and Strategy Development and Implementation) as well as their departments are not discussed in detail as they are less relevant to the research.

4.3.1 Office of the Executive Mayor

As the first citizen of the CTMM, the Executive Mayor has the overall political responsibility for the CTMM. The Executive Mayor manages all the affairs of the CTMM, which is already an insurmountable task due to its population estimate of 2.5 million people. The Mayoral Committee, which acts as a local cabinet constituted by eleven members including the Executive Mayor as the Chairperson, was established to assist the Executive Mayor with the management of the affairs of the CTMM. In consultation with the Mayoral Committee, the Executive Mayor has a political responsibility of providing sound governance and ensuring effective service delivery to the City of Tshwane populace. Another responsibility of the Executive Mayor is the management of the CTMM's physical development and promotion of the wellbeing of the community at large and focusing on the safety and security, preservation of the CTMM's natural and cultural resources and strengthening of the nation. In other words, the Executive Mayor provides political leadership that has a developmental agenda

<http://www.tshwane.gov.za/AboutTshwane/Council/OfficeofExecutiveMayor>).

In terms of section 151(2) of the *Constitution*, the Executive Mayor derives his functions and powers from the Municipal Council as the legislative authority of the municipality. Except that which is delegated to him or her by the Municipal Council, the Executive Mayor has no original legislative and executive authority. The Executive Mayor is therefore expected to report to the Municipal Council on decisions taken in the execution of his

duties. The Municipal Council can delegate limited functions to the Executive Mayor as and when it deems necessary. In line with section 160(20) of the *Constitution*, functions such as the passing of by-laws, approval of budgets, the imposition of rates and other taxes, levies and duties and the raising of loans may not be delegated to the Executive Mayor.

According to the *Local Government: Municipal Structures Act* 117 of 1998, in his performance of an executive role, the Executive Mayor reports to the Municipal Council on decisions taken and make recommendations regarding the strategies, programmes and services to address priority needs of the of the community through the Integrated Development Plan and the estimation of revenue and expenditure, taking into account national and provincial development plans.

In the light of the above, it could thus be concluded that the Executive Mayor plays an important role in the leadership of the municipality. This is a key role in the conduct and facilitation of intergovernmental relations with regards to the development of sustainable integrated human settlements by the CTMM's Department of Housing and Human Settlements, which is briefly discussed in paragraph 4.3.2.5 below. As a member of the Human Settlements MINMEC and or Human Settlements Implementation Forum discussed in detail in chapter two paragraph 2.14.2, the CTMM is represented by SALGA at quarterly meetings of the said intergovernmental relations structures. Its role is to influence other stakeholders and discuss issues of strategic nature relating to sustainable integrated human settlements that require political direction and intervention.

4.3.1.1 Office of the Speaker of Council

The Speaker of Council provides political leadership and manages public participation through ward committees, stakeholder forums, petition processes and enhances public relations. Strategic goals of the Office of the

Speaker include the following :

<http://www.tshwane.gov.za/AboutTshwane/Council/Office/Speaker>

- The provision of political leadership in ward participatory governance;
- Ensuring effective ward committees secretariat services;
- Ensuring oversight over Council Committees, rules and orders,
- Ensuring the implementation and maintenance of effective resolution tracking and monitoring for meetings of ward committees;
- Ensuring the planning, development and enhancement of effective policy and research in terms of the roles and delegations related to the Office of the Speaker;
- Communicating information concerning community participation in terms of section 18 of the *Local Government: Municipal Systems Act 32 of 2000*, and
- Involving the community in the affairs of the Municipality in terms of Sections 16 and 17 of the *Local Government: Municipal Systems Act 32 of 2000*.

From the above discussion, it could thus be concluded that by implementing the strategic goals, the Speaker of Council acts as a link between the Executive Mayor and the community of the CTMM to ensure that their voices and needs are heard and taken into consideration during the process of planning, developing and enhancing policy and research, in terms of the roles and delegations related to the Office of the Speaker. The function of ensuring effective ward committees secretariat services and oversight over Council Committees, rules and order as well as the implementation and maintenance of effective resolution tracking and monitoring for meetings of ward committees by the Speaker of Council is a critical one. It ensures that all matters discussed within governance structures of the CTMM are quality controlled and are in line with the Executive Mayors' intentions, before they are forwarded for further deliberations at intergovernmental relations

structures such as Human Settlements MINMEC and Human Settlements Implementation Forum discussed in chapter two paragraph 2.14.2.

4.3.1.2 Office of the Chief Whip

It is the responsibility of the Office of the Chief Whip to create synergy and maintain discipline among Councillors. The Chief Whip covers both the political and administrative domains of the Council with emphasis on political aspects. Within the Council, where eleven political parties are represented, the Chief Whip has to ensure that relationships are continuously improving the lives of the residents of the CTMM. The Chief Whip of the Council serves as a link between the Speaker, the Executive and Administration and the Chief Whip. His responsibilities include the management of the study groups and ensuring that members of the party speak with one voice. Amongst others, the Chief Whip is charged with responsibilities such as promoting good governance, ensuring that councillors are accountable towards their political parties, intervening in disputes between communities and councillors, facilitating consensus between different parties in Council during decision-making processes, ensuring adherence to the Code of Conduct in collaboration with the Speaker of the Council to maintain discipline by Councilors and ensuring that Councillors do their constituency work. The Office of the Chief Whip further provides an administrative and secretariat support function and Councillor capacity development

(<http://www.tshwane.gov.za/AboutTshwane/Council/OCW/Pages/default.aspx>).

From the above discussion, it could thus be concluded that the structural arrangements put in place enable the Executive Mayor to deliver on the political mandate and perform the functions and duties envisaged in the relevant legislation. They also facilitate intergovernmental relations with other spheres of government (national and provincial) to ensure amongst

other issues, the delivery of sustainable integrated human settlements by the CTMM.

4.3.2 Office of the City Manager

According to Section 55 of the *Local Government: Municipal Systems Act 32* of 2000 a municipality's administration is governed by the democratic values and principles enshrined in the *Constitution*. The Office of the City Manager ensures that employees of the CTMM are imbued with a team spirit and that a culture of high performance is established and maintained. The Office of the City Manager includes units such as the Private Office of the City Manager, Governance and Secretariat Services, Strategy and Operations, Business Planning, Monitoring and Evaluation, Integrated Communication, Marketing and Information Services, Internal Audit, Alternative Services Delivery Programme and Special Programmes.

Section 55 of the *Local Government: Municipal Systems Act 32* of 2000 states that the Municipal Manager also referred to as the City Manager is the head of administration and is responsible and accountable for the formation and development of an economical, effective and efficient and accountable administration subject to policy directions of the Municipal Council. The City Manager is also responsible and accountable for all income and expenditure of the municipality, all assets and the discharge of all liabilities of municipality and proper and diligent compliance with applicable municipal finance legislation.

From the above, it could thus be concluded that the City Manager plays an important role in the facilitation of intergovernmental relations through the implementation of the Integrated Development Plan. As a member of the Technical Human Settlements MINMEC or Technical Human Settlements Implementation Forum discussed in detail in chapter two section 2.14.2, the City Manager represents the CTMM at quarterly meetings of the said intergovernmental relations structures.

The Office of the City Manager is supported by three offices of Deputy City Managers: Infrastructure and Programme Management, Operations and Service Delivery and Strategy Development and Implementation as briefly outlined below.

4.3.2.1 Office of the Deputy City Manager: Infrastructure and Programme Management

The Office of the Deputy City Manager, Infrastructure and Programme Management is responsible for the following functions:

- Housing and human settlements,
- Transport and
- Public works and infrastructure development.

The Office of the Deputy City Manager: Infrastructure and Programme Management has agencies such as Housing Company Tshwane and Sandspruit Works Association, which provide support in terms of facilitating the delivery of sustainable integrated human settlements (<http://www.tshwane.gov.za/AboutTshwane/CityManagement/OfficeofCityManager/Deput...>).

In 2013, the Executive Mayor announced that, in line with its Tshwane 2055 vision to modernize the core of the capital, the CTMM will develop the western part of the city over the next five years at a cost of R 6 billion through the “West Capital Development Project”. This will provide mixed-use development where people can live, play, work and study. It is the intention of the project to provide residential accommodation that will include a student village, retail and commercial areas, inner city housing and health facilities.

The West Capital Development Project was initially envisaged as student accommodation owing to the shortage of student accommodation given that it is situated close to learning institutions such as University of Pretoria, University of South Africa and Tshwane University of Technology (City of Tshwane-Tshwane Update 2013:5).

After consultative processes which involved other IGR structures, the CTMM released portions of land for redevelopment through the West Capital Development Project which proposes a development catalyst that will encourage sustainable communities. The land consist of four portions of land parcels located to the west of the Central Business District (CBD) estimated at a total of 28 hectares. Phase one of the West Capital Development Project is envisaged to commence with Schubart Park residential complex that can be implemented over a short period to give effect to the order of the Constitutional Court of South Africa referred to below. The Constitutional Court of South Africa (2012:24-26) made the following order regarding the eviction of residents of Schubart Park:

1. Leave to appeal is granted.
2. The appeal is upheld.
3. The orders made by the North Gauteng High Court of Pretoria on 22 September 2011, 23 September 2011 and 03 October 2011 under case no. 53128/11 are set aside.
4. It is declared that the High Court orders did not constitute an order for the residents' eviction as required by section 26(3) of the *Constitution* and that the residents are entitled to occupation of their homes as soon as is reasonably possible.
5. The applicants and the City of Tshwane Metropolitan Municipality must, through their representatives engage meaningfully with each other in order to give effect to the declaratory order in paragraph 4 above. The engagement must occur with a view to reaching agreement on:

- 5.1 The identification of residents who were in occupation of Schubart Park before the removals that started on 21 September 2011;
 - 5.2 The date when the identified residents' occupation of Schubart Park will be restored;
 - 5.3 The manner in which the City will assist the identified residents in the restoration of their occupation of Schubart Park;
 - 5.4 The manner in which the identified residents will undertake to pay for services supplied to Schubart Park by the City on restoration of occupation;
 - 5.5 Alternative accommodation that must be provided to the identified residents by the City until restoration of their occupation of Schubart Park, and
 - 5.6 A method of resolving any disagreements in relation to the issues mentioned in 5.1 to 5.5.
6. The parties must on affidavit report to the High Court by 30 November 2012 on what plans have been agreed upon to provide alternative accommodation to the identified residents in terms of paragraph .5.5 above.
 7. The parties must on affidavit report to the High Court by 31 January 2013 on what agreement has been reached in respect of paragraphs 5.1, 5.2, 5.3, 5.4 and 5.6 above.
 8. The Registrar of this Court is directed to furnish this order to the Registrar of the North Gauteng High Court, Pretoria.
 9. The City of Tshwane Metropolitan Municipality is ordered to pay the applicants' costs in this Court and in the North Gauteng High Court, Pretoria, including, where applicable, the costs of two counsels".

The CTMM has in some cases used a public-private partnership approach and partnered with private developers to address the rising demand and to fast track housing provision. In this case, the CTMM has reached a development agreement with Tsosetso Consortium to redevelop Schubart Park in terms of phase one of the Project (City of Tshwane-Tshwane Update 2013:5).

The CTMM engaged Schubart Park residents and used all means provided by the democratic system including the Constitutional Court of South Africa to pursue meaningful discussions and resolve matters of dispute. Engagements/consultation between the CTMM and the Schubart Park residents facilitated by an appointed service provider are continuing as directed by the Constitutional Court of South Africa to reach long-term equitability in the areas of disagreement (City of Tshwane-State of the City Address by the Executive Mayor 2013:4).

From the above, it could thus be concluded that whilst the CTMM is implementing the guidelines adopted by the National Department of Human Settlements in 2004 referred to as the Breaking New Ground (BNG): Comprehensive Plan on the Development of Sustainable Human Settlements which advocates for mixed-use development where people can live, play, work and leisure, it is also engaging the private sector to address the rising demand and to fast track housing provision.

4.3.2.2 The Office of the Deputy City Manager: Operations and Service Delivery

The Office of the Deputy City Manager: Operations and Service Delivery is responsible for the following functions:

- Sports and recreation and environmental management;
- Health and social development and regional service delivery, and
- Rural and agricultural development.

<http://www.tshwane.gov.za/AboutTshwane/CityManagement/OfficeofCityManager/Deput...>

This office is represented in the IGR structures such as Human Settlements Implementation Forum and Technical Human Settlements Implementation Forum. It provides social amenities which are part of sustainable integrated human settlements to influence other stakeholders and discussions on the provision of the requisite social amenities.

4.3.3.3 The Office of the Deputy City Manager: Strategy Development and Implementation

The Office of the Deputy City Manager: Strategy Development and Implementation is responsible for the following functions:

- City planning and development;
- Economic development and investment attraction to CTMM;
- Development of city strategies and performance management;
- Research and innovation, and
- Communication and marketing and events.

The Office of the Deputy City Manager has agencies such as Tshwane Economic Development Agency (TEDA), Clean Development Desk (CDM) and Tshwane Convention and Visitors Services Bureau (TC & VSB) (<http://www.tshwane.gov.za/AboutTshwane/CityManagement/OfficeofCityManager/Deput..>).

Due to the nature of its functions relating to city planning and development, development of city strategies and performance management as well as research and innovation, this office is represented in the IGR structures such as Human Settlements Implementation Forum and Technical Human Settlements Implementation Forum to influence other stakeholders on the implementation of its functions.

4.3.4 Departments of the City of Tshwane Metropolitan Municipality (CTMM)

The CTMM serves its citizens through a number of departments such as the ones mentioned below. These will not be discussed in detail with the exception of the Department of Housing and Human Settlements, which is the operational organ responsible for the provision of adequate, safe and affordable housing/accommodation. This department is mainly referred to as “sustainable integrated human settlements”

(<http://www.tshwane.gov.za/AboutTshwane/CityManagement/CityDepartments/Pages/defa..>):

- Agriculture and Environmental Management;
- City Planning and Development;
- Economic Development;
- Emergency Services;
- Financial Services;
- Health and Social Development;
- Housing and Human Settlements;
- Metro Police;
- Public Works and Infrastructure Development;
- Sports, Recreation, Arts and Culture;
- Transport and Roads, and
- ICT.

4.3.4.1 Housing and Human Settlements Department

It is necessary to take a closer look at the Housing and Human Settlements Department of the CTMM as an operational organ responsible for the provision of adequate, safe, and affordable housing/accommodation. The Housing and Human Settlements Department of the CTMM has two divisions that manage the provision of adequate, safe, affordable and

sustainable accommodation administered in a transparent manner according to good governance. The Department of Housing and Human Settlements is represented at quarterly meetings of both political and technical Human Settlements MINMEC and or Human Settlements Implementation Forum discussed in detail in chapter two, to ensure that the CTMM influences other stakeholders and discusses issues of strategic nature relating to sustainable integrated human settlements. The two divisions which are the Housing Provision and Resource Management as well as the Housing Administration are discussed below.

4.3.4.2 Housing Provision and Resource Management Division

The mandate of the Housing Provision and Resource Management Division is to add significant value to sustainable living through the provision of sustainable housing. In order to deliver upon its mandate, the division ensures adequate supply of houses for sale to low income earners. The six categories of housing supplied by the division include the self-sufficient, elderly, high rise buildings, loose standing houses, hostels, converted family units and homeless shelters. The division is also charged with the responsibility to assure continuous affordable and adequate supply of quality bulk water in an economic, effective and efficient manner as well as collecting and conveying waste water in a sustainable, efficient and safe way. The provision of infrastructure and basic services to low income earners is also a responsibility of the Housing Provision and Resource Management Division

<http://www.tshwane.gov.za/AboutTshwane/CityManagement/CityDepartments/Pages/defa...>).

The division manages and eradicates housing backlogs and curbs land invasions by educating communities on the problems caused by invasions. This division further provides layout plans for informal settlements and identifies land that can be developed for the relocation of informal

settlements. It also empowers communities through housing support centres and the People's Housing Process (PHP), which is an initiative that teaches people the importance of saving money and assists with the development of building skills. Households earning not more than R 7000 combined income per month qualify for incremental low cost housing in all development areas including mixed developments in line with the *Breaking New Ground: Comprehensive Plan for the Development of Sustainable Human Settlements*.

The Department also administers the Housing Waiting List known as the Housing Demand Database and educates communities about the importance of the Demand Database and the subsidy administration programme. In order to register for government housing subsidy on the Housing Demand Database, beneficiaries must be 21 years or older, be married or single with dependants or cohabitating with a partner for a long time, be unemployed or earning not more than R 7000 per household per month, be a South African citizen or a foreigner with a permanent resident permit. Such a person must not have received a government housing assistance before and must be a first time house owner. Beneficiaries can apply at their nearest satellite offices which are linked to the central database. Applications for a government housing subsidy are free of charge and documents such as ID book, spouse's identity book, birth certificates of dependants, proof of income if employed and affidavit for extended family members are required for the purposes of application. Information on the progress made with applications can be obtained from satellite offices or the provincial office. The Housing Provision and Resource Management Division also transfers properties owned by municipalities, especially in township areas to private individuals through the Extended Discount Benefit Scheme (<http://www.tshwane.gov.za/AboutTshwane/CityManagement/CityDepartments/Pages/defa...>).

According to the Housing Subsidy System (HSS) of the Department of Human Settlements, 171 070 households have registered for housing subsidy assistance on the Housing Demand Database and only 30 864 have been approved to benefit or are in the process of benefitting from the housing subsidy. This implies that only a fraction of people qualifying for government housing subsidy have or are being assisted thus far. A lot more still has to be done.

As a metropolitan municipality, the City of Tshwane is represented in the intergovernmental relations structures discussed in Chapter Two such as Human Settlements MINMEC and Human Settlements Implementation Forum. This happens at both technical and political levels where it provides quarterly reports on the implementation of the Urban Settlements Development Grant (USDG) as well as deliberating on issues of strategic nature as well as influencing other stakeholders positively towards the development of sustainable human settlements. Another critical role player which the City of Tshwane interacts with at the above forums and outside the forums is the National Home Builders Regulatory Council (NHBRC). This is a regulatory body of the home building industry. It assists and protects housing consumers who have been exposed to contractors who deliver houses of substandard design, workmanship and poor quality material. According to the *Housing Consumers Protection Measures Act, No 95 of 1998* all builders are to register with the NHBRC to ensure compliance with the Act and protection of the interests of consumers. In conjunction with the inspectors of the NHBRC, the inspectors of the City of Tshwane Metropolitan Municipality conduct regular inspections during the construction of housing units to protect the interests of the beneficiaries. It is on this basis that all housing projects should be enrolled with the NHBRC before construction commences. Both the National Department of Human Settlements, provincial departments, local government including accredited municipalities that implement the USDG as well as human settlements entities including the NHBRC participate in meetings of Human Settlements

MINMEC and Implementation Forum, where issues affecting the implementation of their mandate are discussed to ensure the successful implementation of sustainable integrated human settlements. As this chapter proceeds to enunciate the internal structure and workings of the CTMM, it is important to note how the internal structures communicate, network and co-operate with each other.

4.3.4.3 The Housing Administration Division

The Housing Administration Division is responsible for the provision of rental accommodation for low income earners by managing rental accommodation to low income earners. The division de-stigmatises hostels by converting them into family units and develops economic ventures in which the community and the hostel residents can take part and own as a collective

<http://www.tshwane.gov.za/AboutTshwane/CityManagement/CityDepartments/Pages/defa...>).

The Social Housing Regulatory Authority is one of the role players with which the City of Tshwane Metropolitan Municipality collaborates with for the provision of rental/social housing. Social housing is a rental or cooperative housing option which requires institutionalized management provided by accredited social housing institutions in designated restructuring zones. The Social Housing Regulatory Authority (SHRA), which is the custodian of social housing in South Africa was established in terms of the *Social Housing Regulatory Act* 16 of 2008. The purpose of social housing is to contribute to the national priority of restructuring the South African Society to address structural, economic, social and spatial dysfunctionalities, thus contributing to Government's vision of sustainable integrated human settlements. Social/rental housing further widens the range of housing options available to the poor. Based on the *Social Housing Regulatory Act* 16 of 2008, the SHRA in consultation with relevant stakeholders which include amongst others, the National Department of

Human Settlements, provincial departments and metropolitan municipalities, developed the Social Housing Regulations which guides provinces, municipalities and accredited SHIs in the implementation of social/rental housing programmes.

SHRA is an actor outside government that interacts with the National Department of Human Settlements, provincial departments, municipalities and other human settlements entities at meetings of Human Settlements MINMEC and Implementation Forum. It facilitates intergovernmental relations in the delivery of sustainable integrated human settlements.

4.4 POLICY FRAMEWORK OF THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY

As indicated earlier in Chapter One, the *Constitution* commits government to take reasonable measures within its available resources to ensure that all South Africans have access to adequate housing, health care, education, food, water and social security. The *Local Government: Municipal Systems Act 32 of 2000* was enacted in order to realize the above objectives. In terms of *Chapter 5 of the Local Government: Municipal Systems Act 32 of 2000*, a municipality must undertake developmentally oriented planning in the form of integrated development planning to ensure that it achieves the objectives of local government as set out in the *Constitution*. Section 25 of the *Local Government: Municipal Systems Act 32 of 2000*, requires that each municipal council must, after the start of its elected term, adopt a single inclusive and strategic plan known as the Integrated Development Plan (IDP) for the development of the municipality which aligns the resources and capacity of the municipality with the implementation of the said plan. The IDP should form the policy framework and general basis on which annual budgets will be based and be compatible with national and provincial development plans (City of Tshwane: Integrated Development Plan (IDP) 2011:2).

The *Municipal Finance Management Act*, 56 of 2003 requires that a five year strategic plan should form the basis of the municipal budget. The five year plan reconfirms the Mission and Vision of the City of Tshwane Metropolitan Municipality. The IDP is guided by the following principles:

- To deliver on the mandate of the people of the City of Tshwane Metropolitan Municipality;
- Ensure continuity and make changes by reviewing and aligning where necessary to achieve delivery;
- Achieve state led development through an effective intergovernmental relations;
- Drive integrated development;
- Provide quality service delivery and implement *Batho Pele* principles;
- Build institutional capability and achieve transformation;
- Developing strategic partnerships;
- Achieve people centred development, and
- Use e-governance as one means to make government accessible to the people.

Through the implementation of the IDP, the CTMM seek to address strategic areas such as:

- Basic service delivery and infrastructure development;
- Building safer viable and sustainable communities;
- Economic growth and development;
- Investing in people and deepening democracy;
- Financial viability and management resources;
- Caring and effective government; and
- Institutional capacity and transformation.

According to the City of Tshwane: Integrated Development Plan (2011:3), the CTMM has developed a number of policies, strategies and indicators in line

with the prescriptions of legislation to ensure that all government activities are aimed at achieving the developmental needs expressed at the local government level. In order to deliver sustainable integrated human settlements, the CTMM adopted the guidelines contained in the “Breaking New Ground (BNG): Comprehensive Plan for the Development of Sustainable Human Settlements” published by the Department of Human Settlements in 2004 after it was approved by Cabinet in the following manner:

- Residents should live in a safe and secure environment and have adequate access to economic opportunities, a mix of safe and secure housing and tenure types, reliable and affordable basic services educational, entertainment and cultural activities and health and welfare and police services.
- Ensure the development of compact, mixed land use, diverse, life enhancing environments with maximum possibilities for pedestrian movement and transit via safe and efficient public transport in cases where motorised means of movement is imperative.
- Ensure that low cost housing is provided in close proximity to areas of opportunities.
- Integrate previously excluded groups into the city and the benefit it offers and to ensure the development of more integrated, functional and environmentally sustainable human settlements, towns and cities including densification.
- Encourage Social Housing through medium density which can make a strong contribution to urban renewal and integration.
- Move away from a housing only approach to a more holistic development of human settlements including the provision of social and economic infrastructure.
- Apply multi-purpose cluster concept to incorporate the provision of primary municipal facilities such as parks, playgrounds, sports fields, crèches, community halls, taxi ranks, satellite police stations, municipal clinics and informal trading facilities.

- The development and implementation of more appropriate settlements designs and housing products as well as more acceptable housing quality.
- Enhancement of settlement designs by including design professionals at planning and project design stages.
- Changing the face of the stereotypical Reconstruction and Development (RDP) houses and settlements through the promotion of alternative technology and design.
- Social housing must be understood to accommodate a range of housing product designs to meet spatial and affordability requirements.
- Funding support will shift away from the emphasis on uniform individual subsidies towards equity support for social institutions determined as a total percentage of the total capital cost of the project including medium density housing, communal housing, hostels and transitional housing.

What can be observed here is the clarity on paper of the CTMM in terms of planning to alleviate housing and human settlement challenges, especially for the poor and low income earners. Observable also, is the keen interest to eradicate housing and human settlements challenges that are associated with the apartheid past, such as inhospitable hostels that are being rehabilitated to accommodate families in dignity and reasonable comfort.

4.5 CONCLUSION

This chapter dealt with the overview of the CTMM. This included the historical background of the pre-1994 era when it used to be called the Greater Pretoria Metropolitan Council and how the CTMM came into being after the local government elections of 2000 which led to the amalgamation of a multiplicity of local authorities and councils and the origin of the name

“Tshwane”. Furthermore, the discussion dealt with the institutional arrangements, that is, various structures within the CTMM ranging from the political and the administrative arms of the CTMM and how such structures and departments support the Executive Mayor as the political head and the City Manager as the Accounting Officer, including their role in the facilitation of intergovernmental relations in order to realise the achievement of sustainable integrated human settlements.

Finally, the chapter dealt with the policy of the CTMM in relation to the delivery of sustainable integrated human settlements. This is achieved through the *Breaking New Ground: Comprehensive Plan on the Development of Sustainable Human Settlements, 2004*, published by the Department of Human Settlements and the Integrated Development Plan as required by the *Local Government: Municipal Systems Act 32 of 2000*. The next chapter seeks to align the arguments of scholars with the views and voices of practitioners of intergovernmental relations. It further seeks to link theory with practice and make observations that are aimed at answering the research questions of the research.

CHAPTER FIVE

INTERPRETATION AND ANALYSIS OF DATA

5.1 INTRODUCTION

The previous chapter explored the historical background, the institutional arrangements and policy framework of the CTMM's Department of Housing and Human Settlements. The chapter sought to provide an elaborate understanding of the functioning of the CTMM as a local sphere of government and a site of the research. This chapter seeks to provide an analysis of the data and information that was gained from interviews and questionnaires that were administered among officials within the CTMM's Department of Housing and Human Settlements. This chapter also posits to make logical deductions and defensible inferences from the data collected in order to enable the researcher to draw conclusions in the next chapter. To illustrate its findings and demonstrate the analyses with a measure of effectiveness, graphs will be used as visual representations of the information gathered. As the analysis of the research, this chapter embarked on interpretation of data that involved relating the results and findings to existing theoretical frameworks or models, and showing whether these are supported or falsified by the research (Mouton, 2001:109).

5.2 ANALYSIS AND INTERPRETATION OF DATA

The sections that follow below seek to analyse and interpret the data gathered along the structure of the questionnaire and the sequence of the earlier stated objectives and research questions of the research. To start with, biographical data was analysed followed by data related to questions of possible political interference at the CTMM. After the analysis of the data

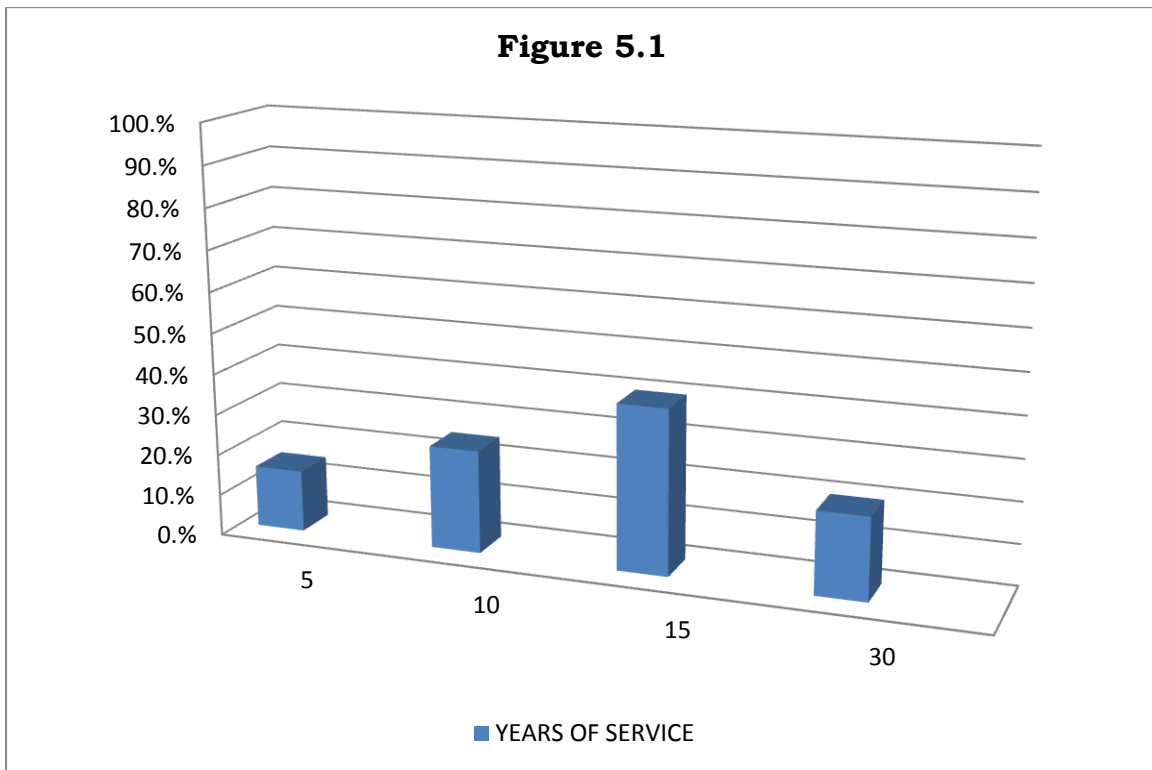
related to questions of policy and regulations that govern the functioning of the CTMM, and the analysis of information based on capacity building, skilling and training trends was carried out. The researcher also examined the institutional arrangement and policy framework of the CTMM and the management of financial resources. After that, the researcher analyses and interprets data related to human livelihoods and finally the legislation that govern the operations of the CTMM.

5.2.1 Biographical information

This section of the research seeks to read and interpret the biographical data that was drawn from the respondents at the CTMM's Department of Housing and Human Settlements. Bibliographic information data was gathered from the respondents in relation to the number of years of service, age, gender and academic qualifications. This information is critical in determining the effectiveness of the institution (CTMM) based on the level of education of its employees, its futuristic outlook based on the age group of the workforce as well as its compliance with the employment equity based on the gender representation of its workforce.

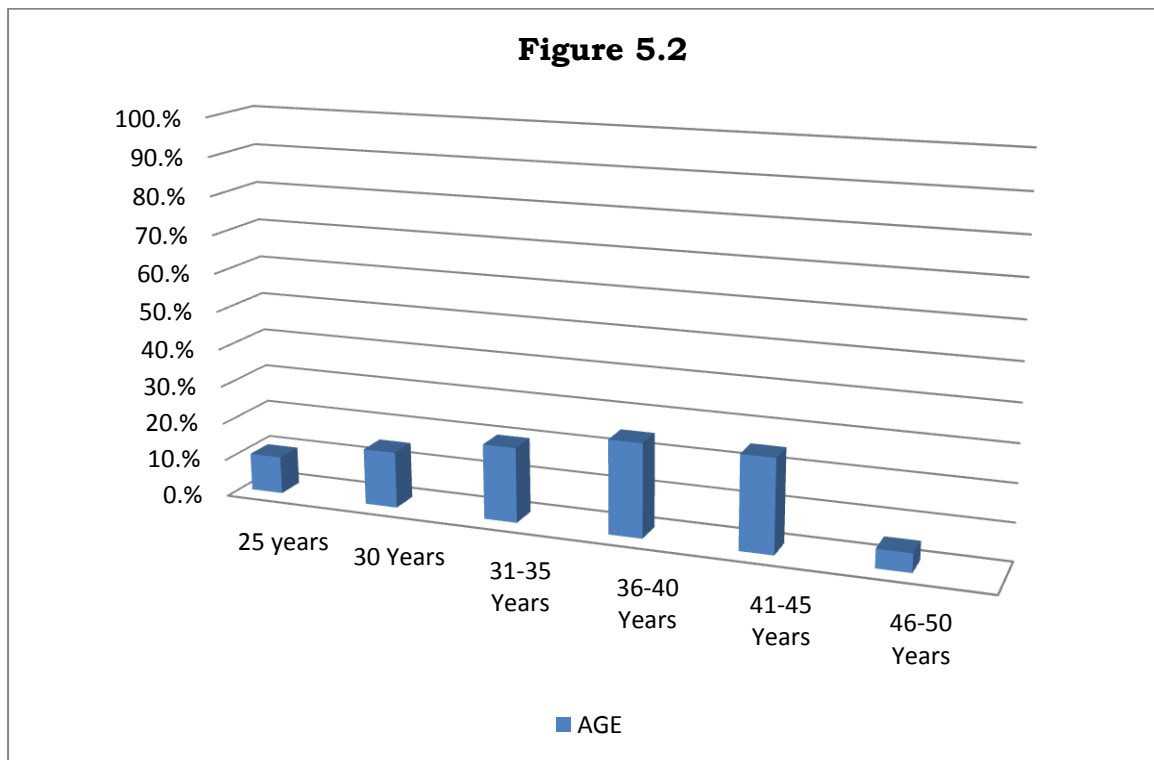
Figure 5.1 below illustrates that 15% of the respondents have been in the employ of the CTMM for five years. The same figure illustrates that 25% of the respondents have been employed by the CTMM for a period of ten years, while 40% of them have been in the employ of the CTMM for a period of fifteen years. Added to that, 20% of the respondents have been employed at the CTMM for thirty years. In brief, there is evidence that experienced employees are largely retained at the CCTM and that their long service and experience can possibly benefit the CTMM. It would be beneficial for the CTMM to ensure that the skills of employees with long service and experience are transferred to the less experienced employees to maintain its performance even after retirement of the experienced employees.

Figure 5.1: Years of service



Below, figure 5.2 indicates that 10% of the respondents are below 25 years of age and that 15% of them are below the age of 30 years. Twenty percent of the respondents are between 31 and 35 years of age. The age group between 36 and 40 years of age constitutes 25% of the respondents while another 25% is occupied by the age group between 41 and 45. The age group between 46 and 50 years of age has a share of 5% of the total number of respondents. Accordingly, in terms figure 5.2, Generation Y which is under 36 years of age is constituted by 45% of the workforce while Generation X which is under 51 years of age is constituted by 55%. According to figure 5.2, the institution has a promising future based on 45% of Generation Y while supported by 55% of Generation X.

Figure 5.2: Age group



Below, figure 5.3 shows the pattern of gender representation of the respondents. The reading of the gender pattern is that 65% of the respondents are male while the remaining 35% is constituted by female respondents. Despite the population figures of South Africa, which indicates that women are in the majority in terms of the census 2011 results by Statistics South Africa (Stats SA), figure 5.3 indicates that men generally dominate by population in the workforce of the CTMM. The statistics by the Department of Labour supports the study which indicates that males still dominate the professional workplace. While this might represent the history of exclusion of women from public service and professional service at large, it might also indicate that females at the CTMM did not take a significant interest in responding to the questionnaire.

Figure 5.3: Gender

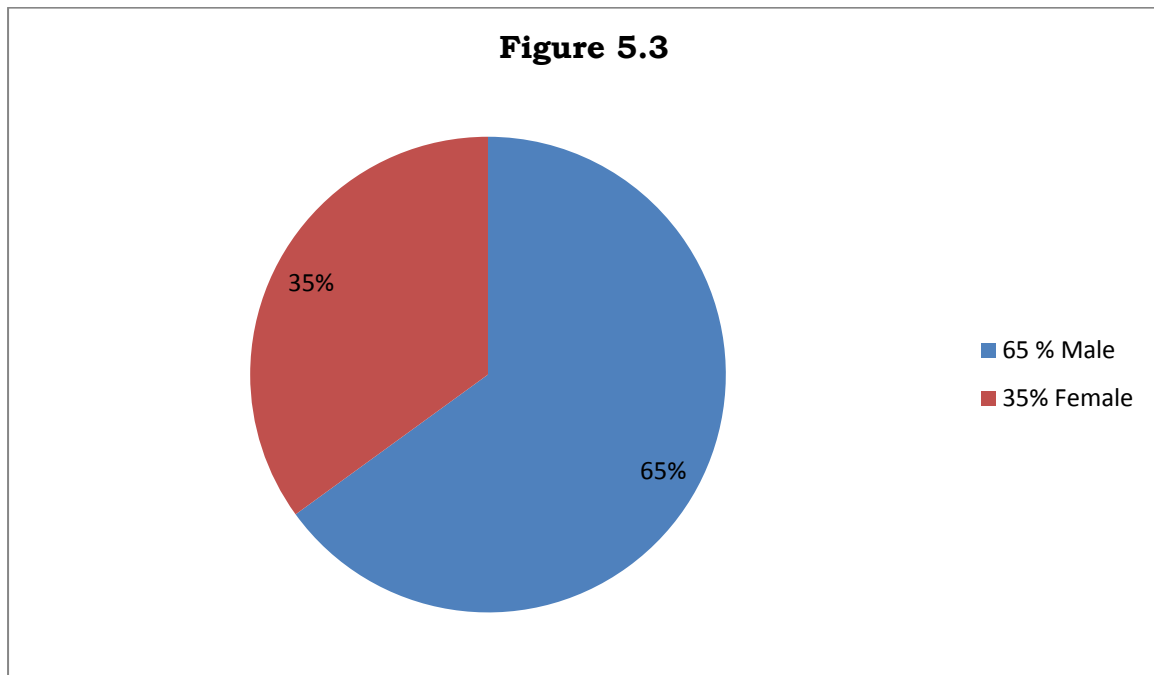
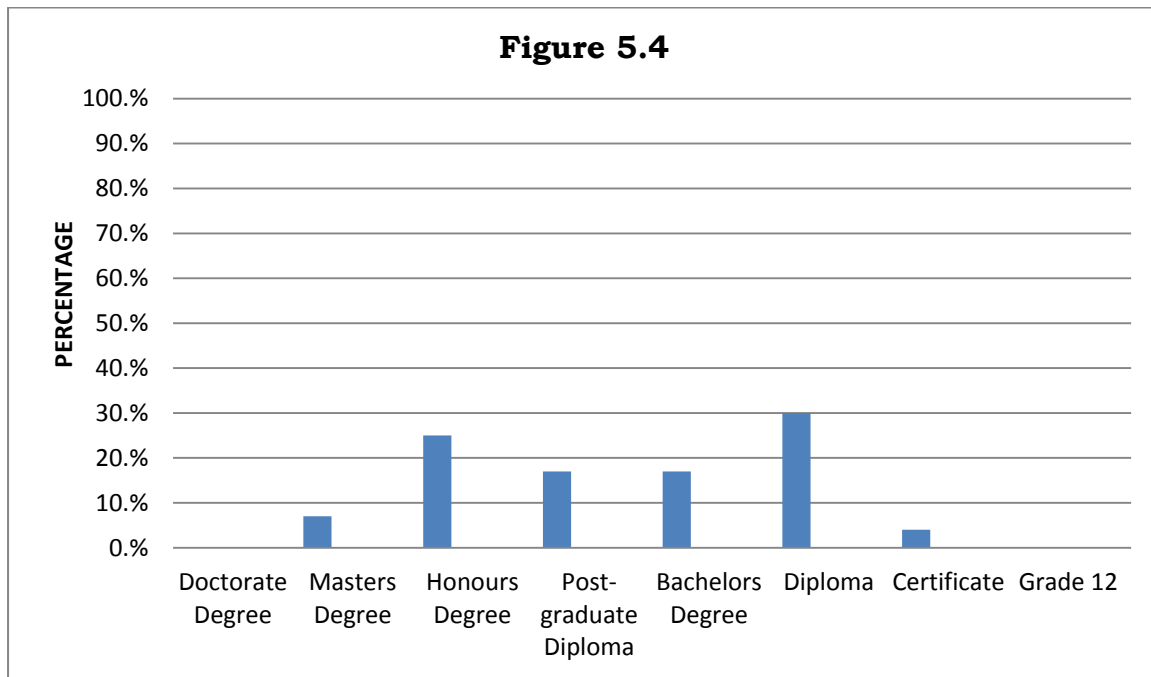


Figure 5.4 below illustrates the academic qualifications of the respondents. Accordingly 7% of the respondents have Master's degrees, 25% have honours degrees and 17% have post-graduate diplomas. Another 17% have Bachelor degrees. A total of 30% have diplomas and 4% have certificates. The results show that employees at the CTMM are well qualified, which means their performance should contribute to the institution's effectiveness.

Figure 5.4: Academic qualifications

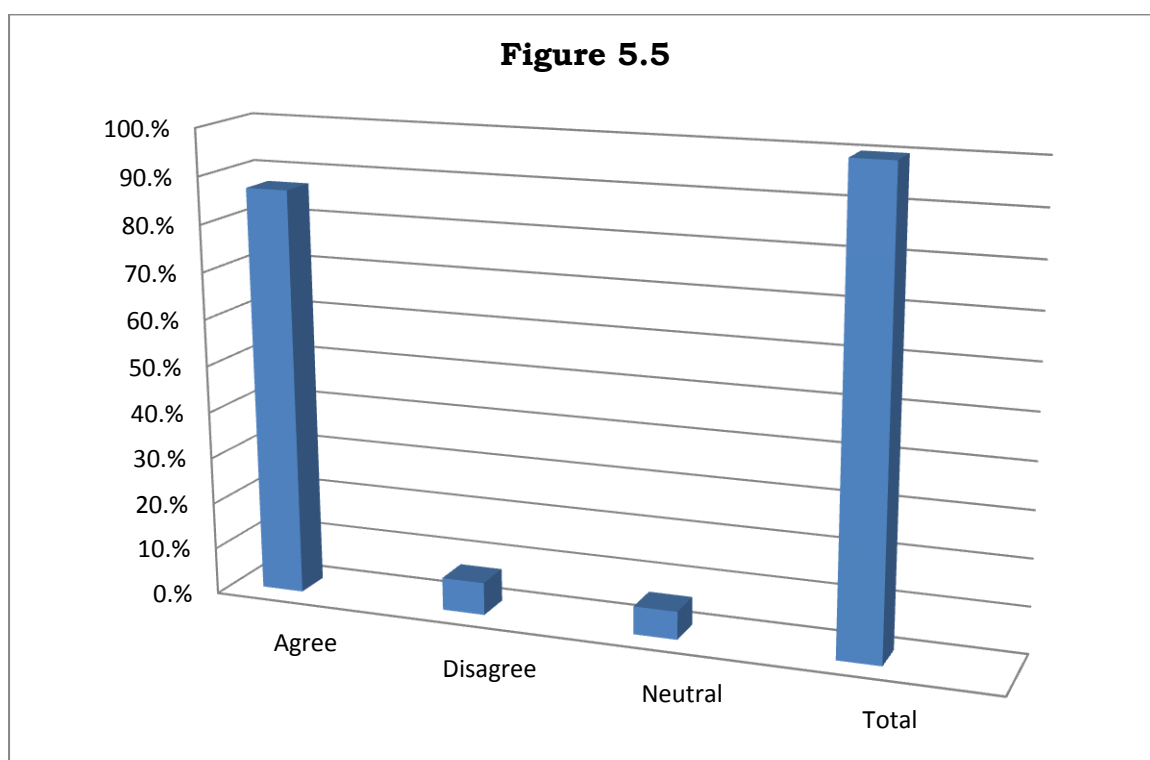


Accordingly information obtained regarding years of service indicates that experienced employees are largely retained at the CCTM and that their long service and experience should translate into increased performance which in turn should increase the institution's effectiveness and productivity. It is therefore advisable for the institution to ensure that the skills are transferred before retirement of the experienced personnel. The age group of the workforce of the CTMM indicates that the institution has a promising future based on almost 45% of the young generation of its workforce. This is an indication that on retirement, the older generation will progressively hand over the reins to the younger generation. Information obtained from the respondents on gender representation indicates the history of exclusion of women from the public service and professional service at large. Information on academic qualifications of the respondents indicates that the workforce of the CTMM's Department of Housing and Human Settlements is well qualified which means their performance should contribute to the institution's effectiveness as they are better placed to be able to interpret policies, regulations and legislations.

5.2.2 Political factors that impact on the delivery of sustainable human settlements

Key amongst the research interests of this research was to investigate whether political processes affect the functions of intergovernmental relations and service delivery within the human settlements sector. The aim of the research in advancing this question was to probe if political factors do or do not contribute to human settlements delivery failures.

Figure 5.5 Political factors hinder the smooth functioning of the spheres of government



An overwhelming majority of the respondents (87%) agreed that political factors hindered the smooth functioning of the spheres of government (“intergovernmental relations”), while 7% disagreed and 6% remain neutral. The intricacies of intergovernmental arrangements and the political complexity of managing relationships amongst spheres of government

makes it easy to lose sight of the constitutional goal of a better society for all. This is more so as institutions are trying to define their roles and relationship to one another.

Difficulties encountered in developing structures and processes required for proper intergovernmental communication obscure their goal. Failure to keep the constitutional goal of intergovernmental relations in mind when developing intergovernmental processes may compound problems as co-operation may be viewed as an end rather than a means to an end. Accordingly, the guiding question regarding the management of intergovernmental relations should be, “will this improve the ability of government to serve its citizens?” This is in support of Habib (2014:67) who suggests that South Africa’s democratic revolution got suspended as politicians and parties in South Africa expended more energies and efforts in the pursuit of, and retention of political power. Rhodes (2006:148) also supports this study in section 2.12 where he observed that party politics, personality cults and political jostling are the number one stumbling block to efficient and effective public service delivery.

Elaborating on his answers to the questionnaire, one of the respondents noted that “the ruling regime or party is failing to draw a line between government and politics as some politicians interfere at the level of administration in terms of what is to be on the agenda of meetings of technocrats and how the same should be resolved.” This observation indicates a scenario where partisan interest is privileged before administrative priorities which might lead to conflict of interests between party loyalty and government responsibility.

Figure 5.6 Political factors contribute to service delivery failures

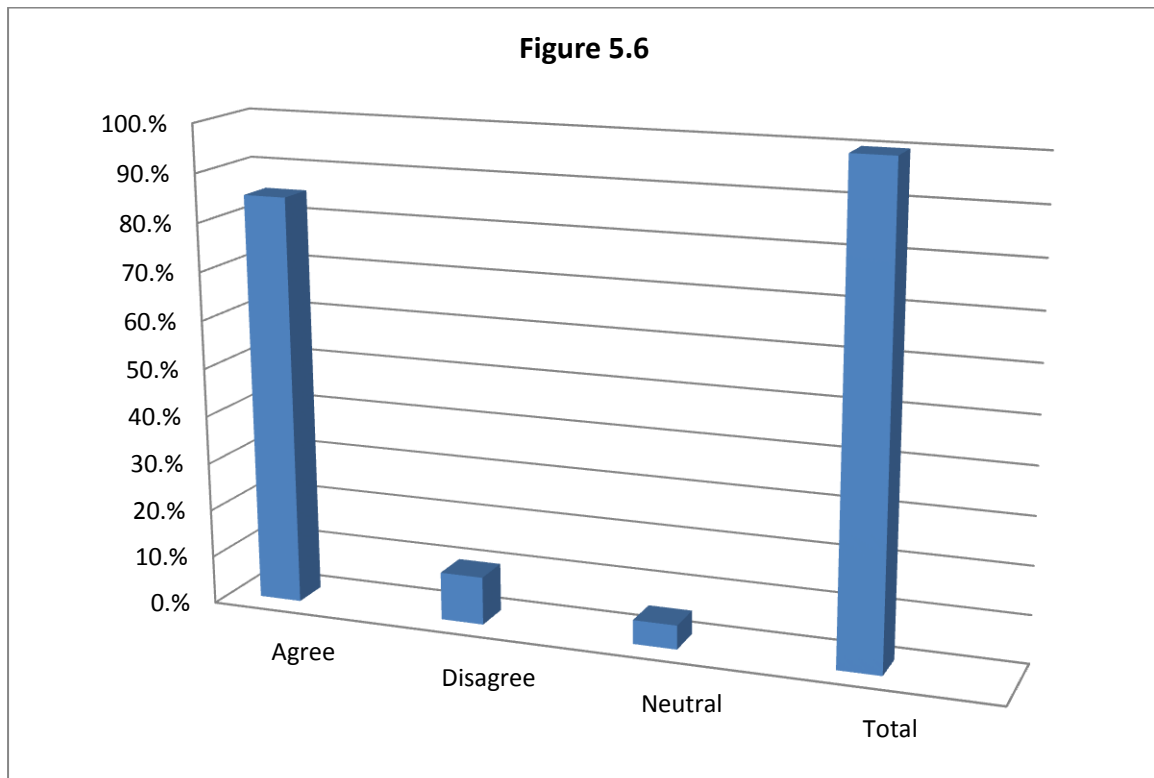
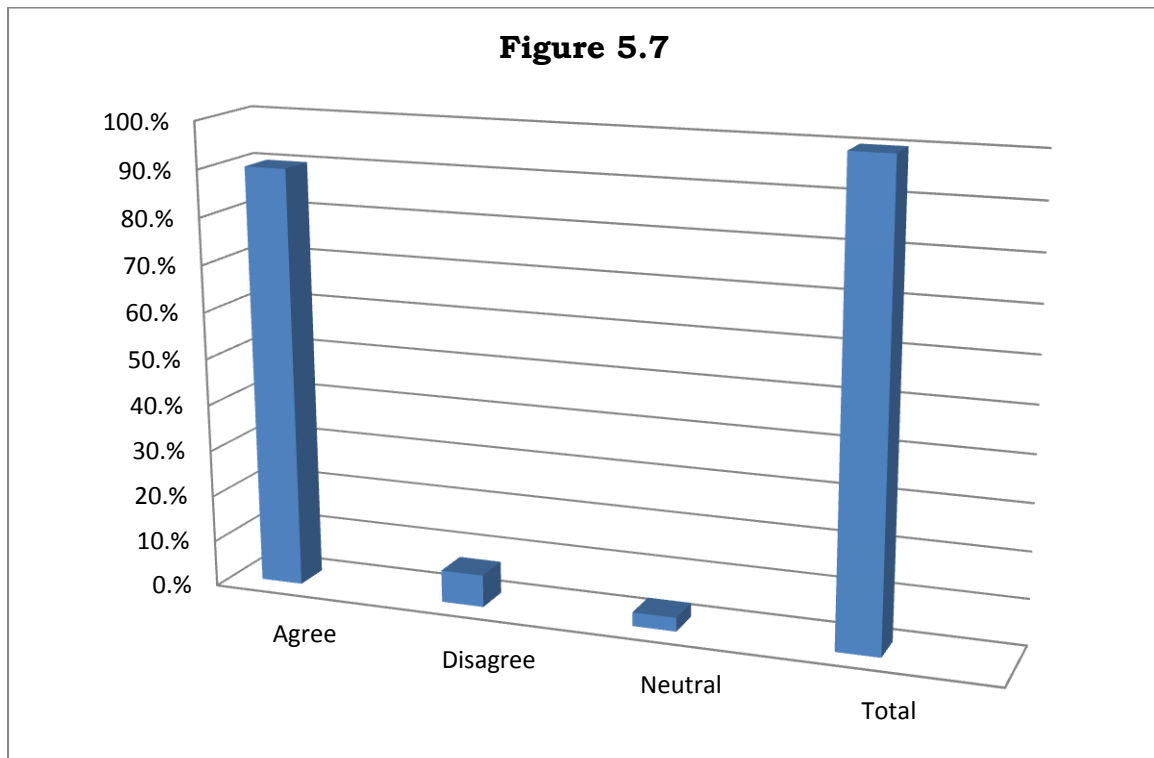


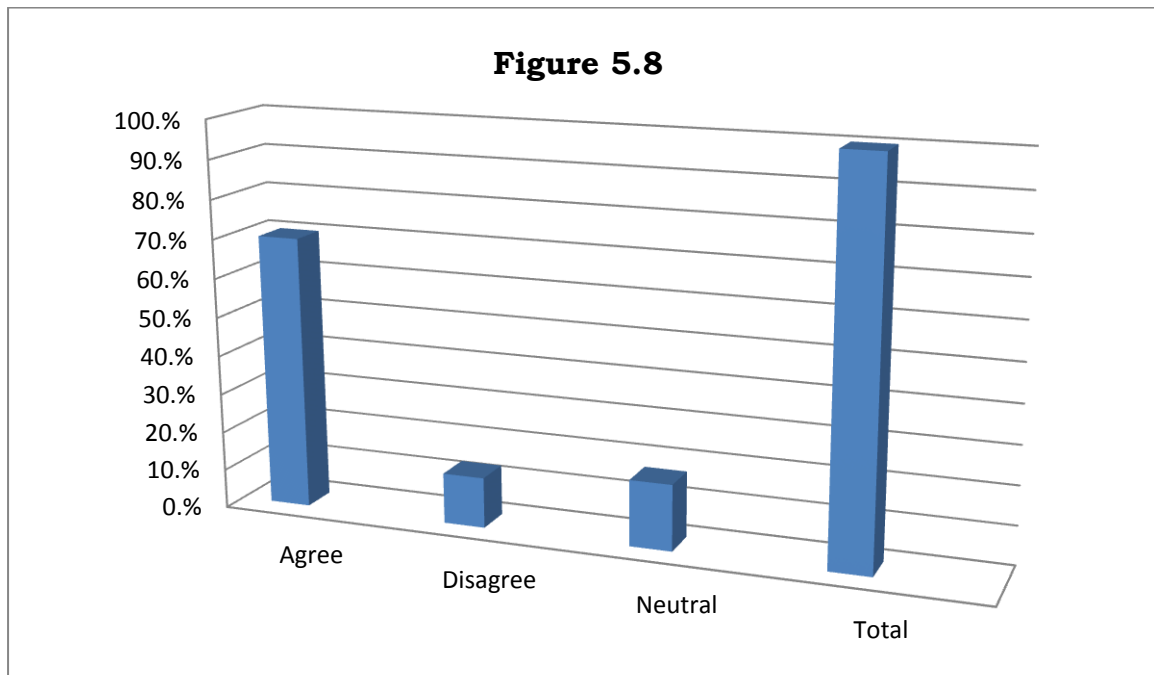
Figure 5.6 shows that political factors contribute to service delivery failures. The majority of the respondents (85%) agreed to this assertion whilst 10% disagreed and 5% remained neutral. In this regard, the study is aligned with the views of Du Plessis (2007) when he suggests that for effective performance and sustainable service delivery, partisan and personal politics should be set aside to allow officials to function without fear or favour. When functioning under the influence of politics, officials tend to lose focus on the implementation of policies since they may from time to time be given certain directives by politicians who may either be pursuing their personal interests or innocently acting without the understanding or knowledge of the consequences of their actions to the communities. The implementation of policies by officials whose independence is not tempered with can yield better results in the delivery of sustainable human settlements.

Figure 5.7 Political conditions and decisions affect performance



An overwhelming majority of the respondents (90%) agreed that political conditions and decisions affect performance, while 7% disagreed and 3% remained neutral. This shows that political factors hinder the fulfilment of human settlements goals. The observable number of respondents who agreed that politics hinder the smooth functioning of intergovernmental relations, contribute to service delivery protests and affect performance or the delivery of sustainable human settlements and those who disagreed together with those who remained neutral indicate that political factors are the main but not the only cause to minimal performance or failure in the delivery of sustainable human settlements in the CTMM. Other factors such as policy reasons might contribute to this state of affairs as can be observed in section 5.2.3.

Figure 5.8 There is undue political interference



On the question of undue political interference, figure 5.8 illustrates that 70% of the respondents agreed with the assertion whilst 13% disagreed and 17% remained neutral. Another respondent noted that political interference is not direct as politicians make promises on the delivery of human settlements on the basis of theoretical knowledge creating expectations that cannot be fulfilled practically. This response shows the degree of closeness between popular politics and administration. The danger with politicians to the functioning of the CTMM, noted another respondent, is that “politicians are worried about short term deliverables within their term of office; they can take short-cuts, forgetting about the long-term impact or consequences of their decisions and instructions.”

To the challenge where political interests interfere with administrative purposes, the solution lies in trained public service officials who should be able, in practice, to separate political statements from policy statements and stick to public service priorities.

It is advisable to educate politicians in public administration, economic development and general politics. It is clear that there is no such a thing as self-made politician. Formal education is a necessity. Politicians and public officials should be exposed to the same training by the National School of Government so that they both understand the functions and duties of each other. This will result in greater cooperation and interdependence.

5.2.3 Policy and regulatory factors that impact on the delivery of sustainable human settlements

The second question that this research investigated relates to how policy and regulatory factors hindered or permitted performance by officials to deliver sustainable human settlements.

Figure 5.9 The Breaking New Grounds support the delivery of sustainable human settlements

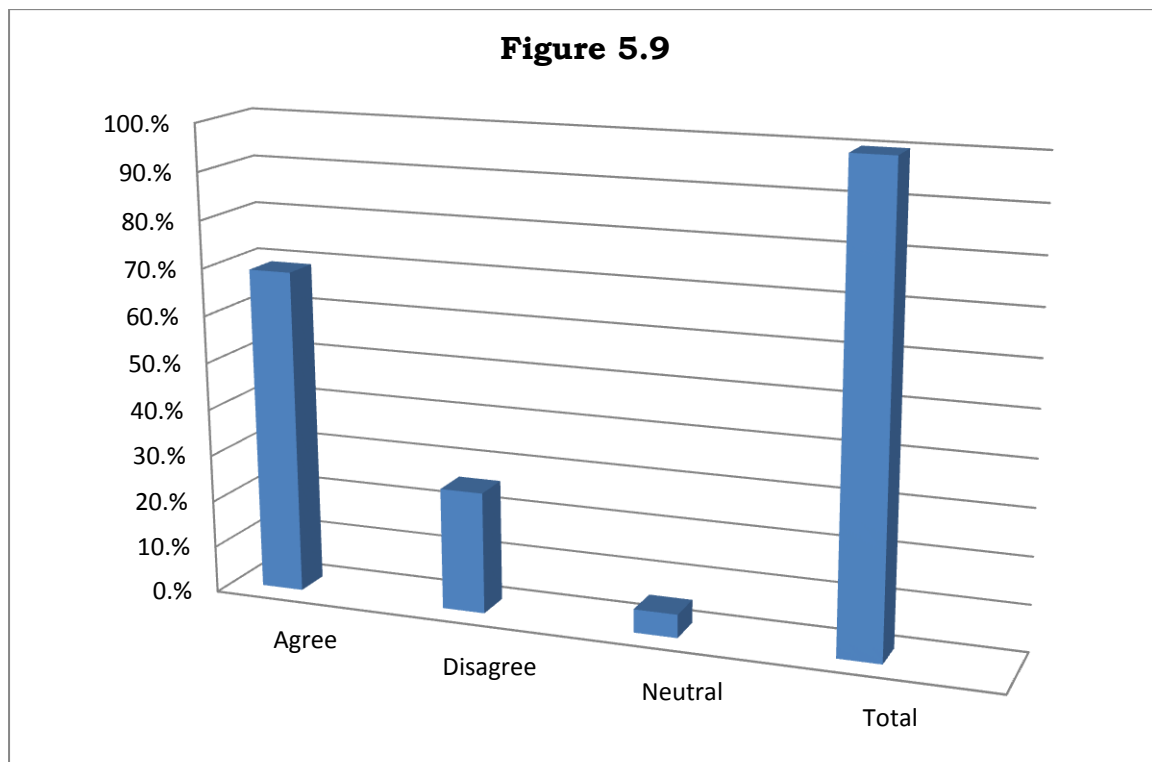


Figure 5.9 above illustrates that 69% of the respondents agreed that the BNG: Comprehensive Plan on the Development of Sustainable Human Settlements effectively supports the delivery of sustainable integrated human settlements, while 26% disagreed with this assertion and the other 5% remained neutral. The research is aligned to the views by Du Plessis (2007) who argues that the policy and regulatory climate is an influential factor that cannot be ignored in ensuring the achievement of the set goals and objectives.

Since the implementation of the BNG after it was approved by Cabinet in September 2004, there has been a positive change in the manner in which the function of housing development is carried out. There is an effort to build sustainable human settlements wherein houses come along with the requisite social amenities such as water, sanitation, electricity, roads,

recreational facilities, education and health facilities which is a positive development.

Figure 5.10 The housing subsidy quantum is sufficient for the development of sustainable human settlements

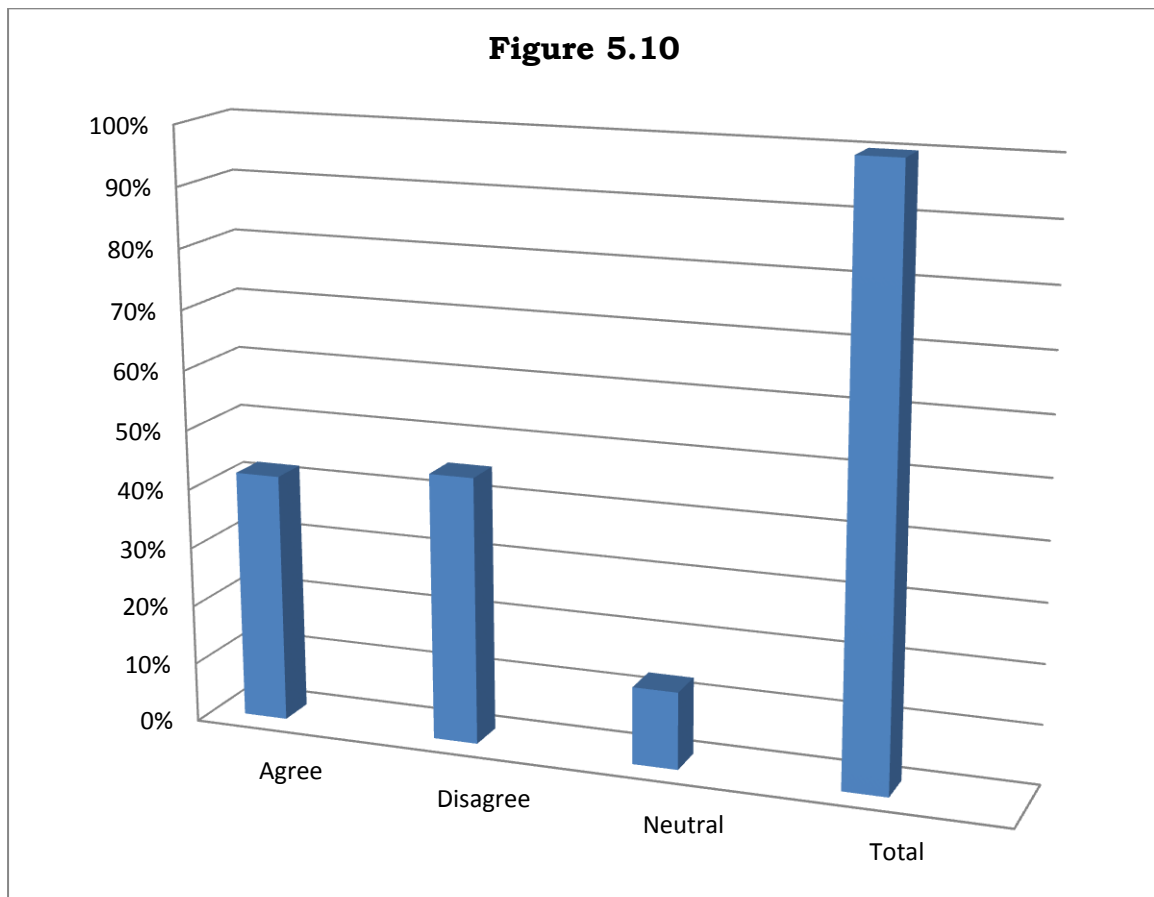


Figure 5.10 illustrates that a total of 42% of the respondents agreed that the current housing subsidy quantum is sufficient for the development of sustainable human settlements. Forty-five percent of the respondents disagreed that the current subsidy quantum is sufficient. A total of 13% of the respondents remained neutral on the question whether the housing subsidy quantum is sufficient for the development of sustainable human settlements. The indication of respondents in this regard indicates that there is a division of opinion as to whether the subsidy quantum is sufficient

for the development of sustainable human settlements. Depending on the orientation of the respondents, the determination of the right subsidy quantum will never be agreed upon as those who are in support of the estate agents will always want to push the subsidy quantum which determines the value of the house high to boost the commission of estate agents during the sale of properties. At the same time, those who have the interest of the poor at heart and carry the responsibility of ensuring that all the indigent South Africans are housed, will prefer to keep the subsidy quantum low to achieve more numbers with less funds in terms of the provision of housing.

There is greater agreement that the BNG supports the delivery of sustainable human settlements; however, the lack of consensus on whether the subsidy quantum is sufficient and whether the Housing Code of 2009 should be revised for alignment to the mandate of the Department is an indication that there is a multiplicity of other factors that needs to be examined besides the policy and regulatory climate. One of such factors according to De Visser (2001) is the human resources factors that include the training and capacitation of officials to provide for opportunities that need close examination if policy makers wish to improve the potency to successfully implement policies and regulations to achieve sustainable human settlements.

Figure 5.11 Need to align the Housing Code of 2009 to the new mandate of the Department

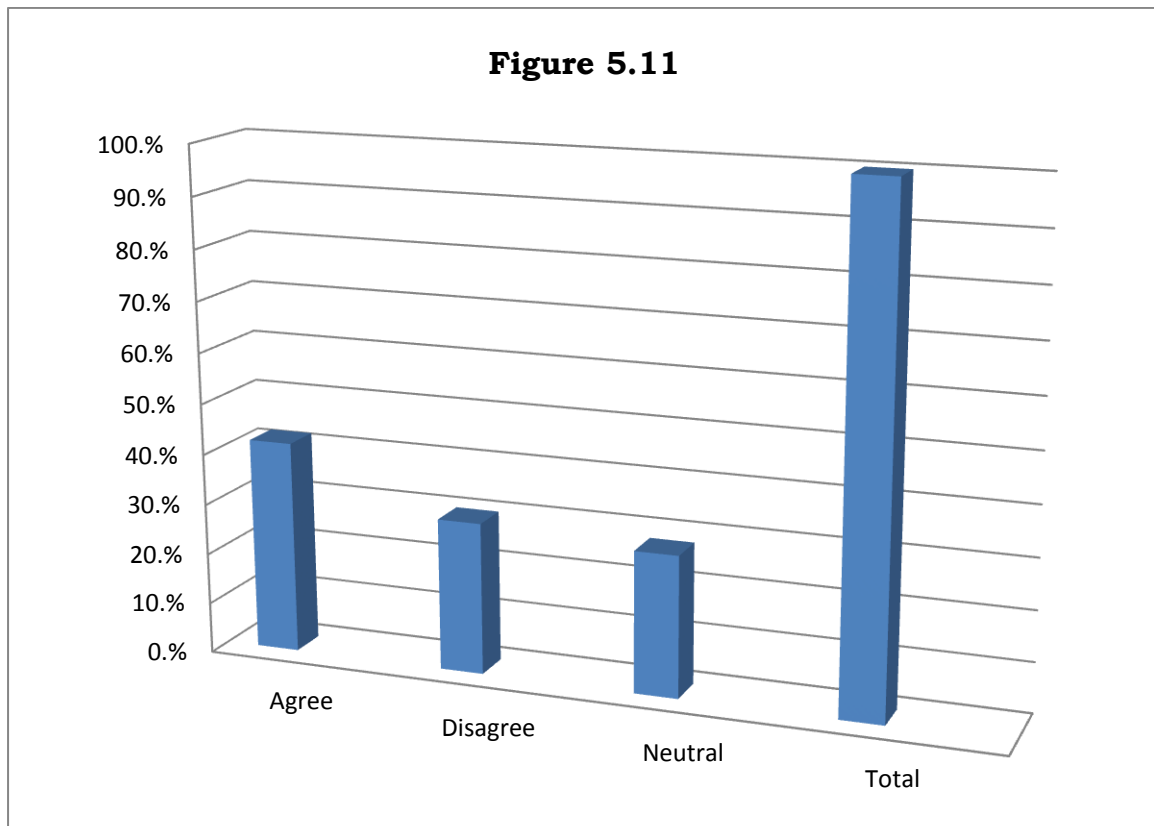


Figure 5.11 illustrates that 42% of the respondents agreed that there was a need to align the Housing Code of 2009 to the new mandate of the Department of Human Settlements to improve its relevance to the development of sustainable integrated human settlements, while 30% disagreed with this assertion and 28% remained neutral. According to the response indicated in figure 5.11 above, there was no consensus among respondents as to whether the Housing Code of 2009 should be revised for alignment with the new mandate of the Department of Human Settlements.

In a response to interview questions regarding the revision or alignment of the Housing Code of 2009 with the mandate of the Department, a respondent noted that “the inability for each sphere to enforce decisions independently of other spheres” is a challenge in that:

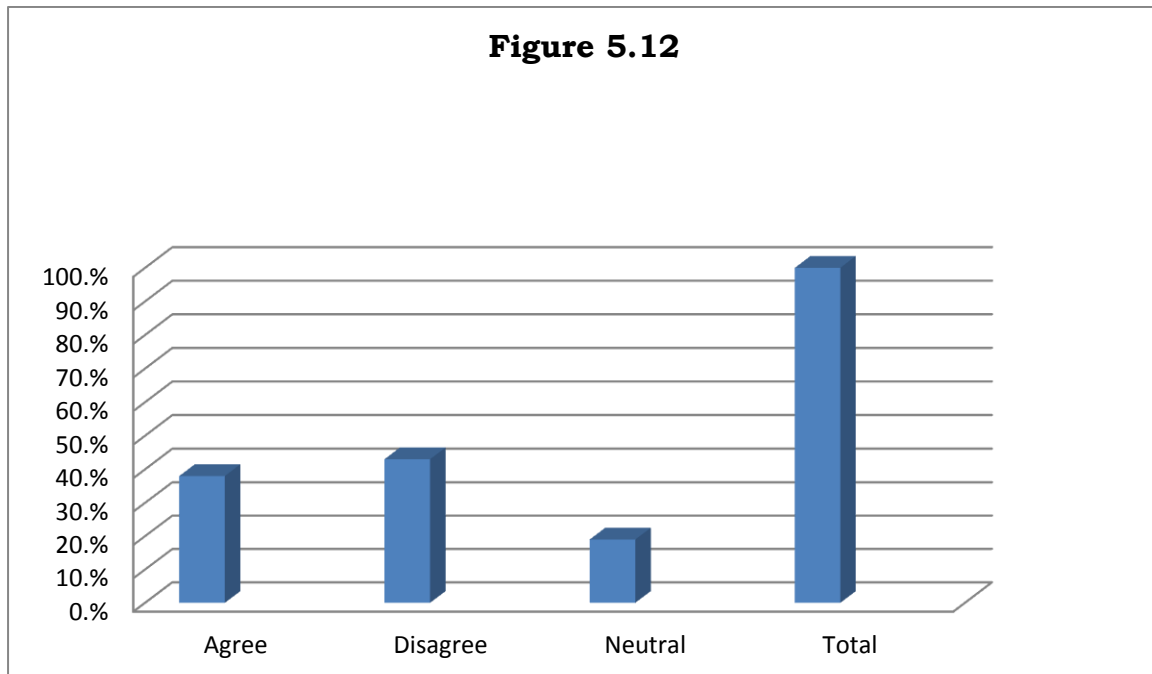
Provinces and municipalities are delivery agencies, however the national department is held accountable for human settlements nationally. The national department is at the mercy of these delivery agencies who will deliver as they wish with the knowledge that the national department has no authority over them.

This response implies a situation where a non-performing sphere of government or department can conceal their non-performance or inefficiency behind the huge machinery of the national government. This happens where monitoring and evaluation measures are absent or not rigorous enough. Another respondent blamed inefficiency of intergovernmental relations more on “personalities rather than policies,” individuals and their influence count more than what rules and regulations prescribe. This response almost directly relates to the response that indicated that politicians and the parties had more sway on the Department than regulations and standing policies. Hofmeyr (2012:66) notes that for intergovernmental relations to function smoothly, policies and regulations must be adhered to with emphasis, otherwise personalities and parties with their own agendas might gain influence. It would be advisable to train and motivate officials on the implementation of policies and regulations. A tradition of monitoring and reviewing to audit adherence to policies and regulations should be developed. It is also necessary to review and update policies and regulations regularly to align them to the ever changing environment.

5.2.4 The human resource factors that impact on the delivery of sustainable human settlements

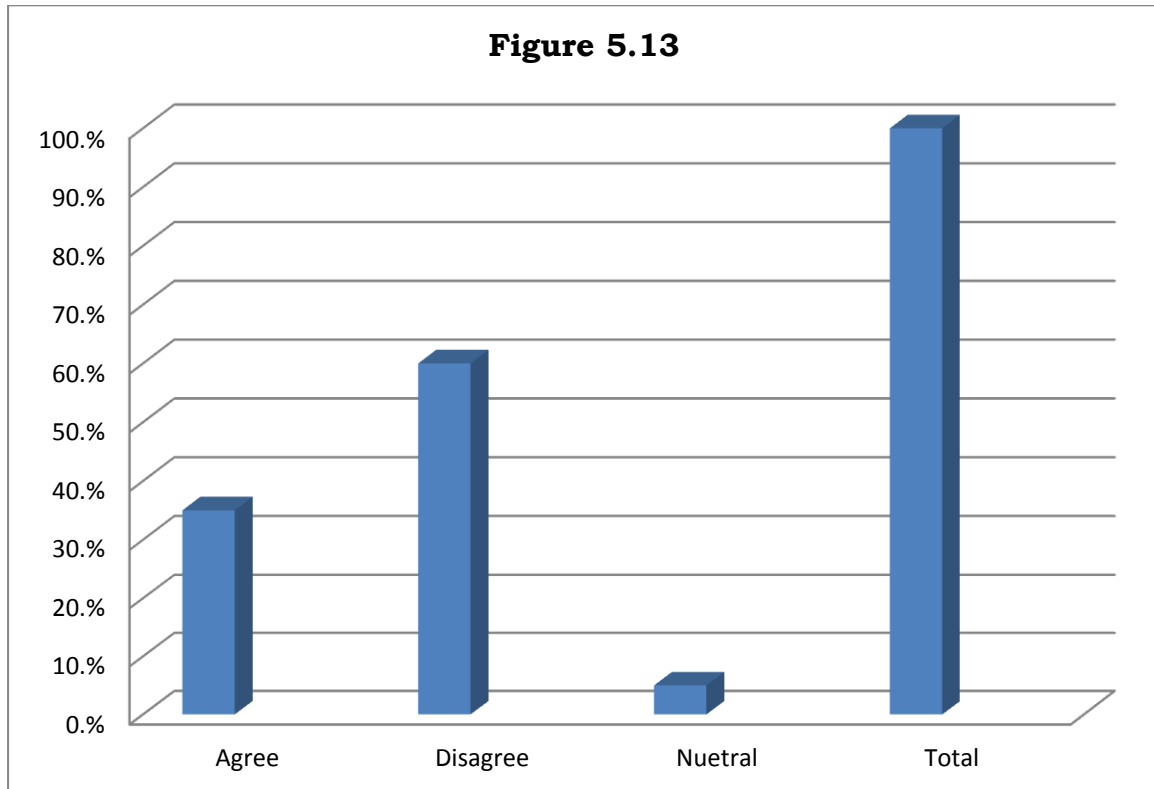
One of the objectives of the research was to investigate the impact of the capacity or skills of the personnel who manage the delivery of sustainable human settlements.

Figure: 5.12 The HRD structure is sufficient to capacitate officials for the delivery of sustainable human settlements



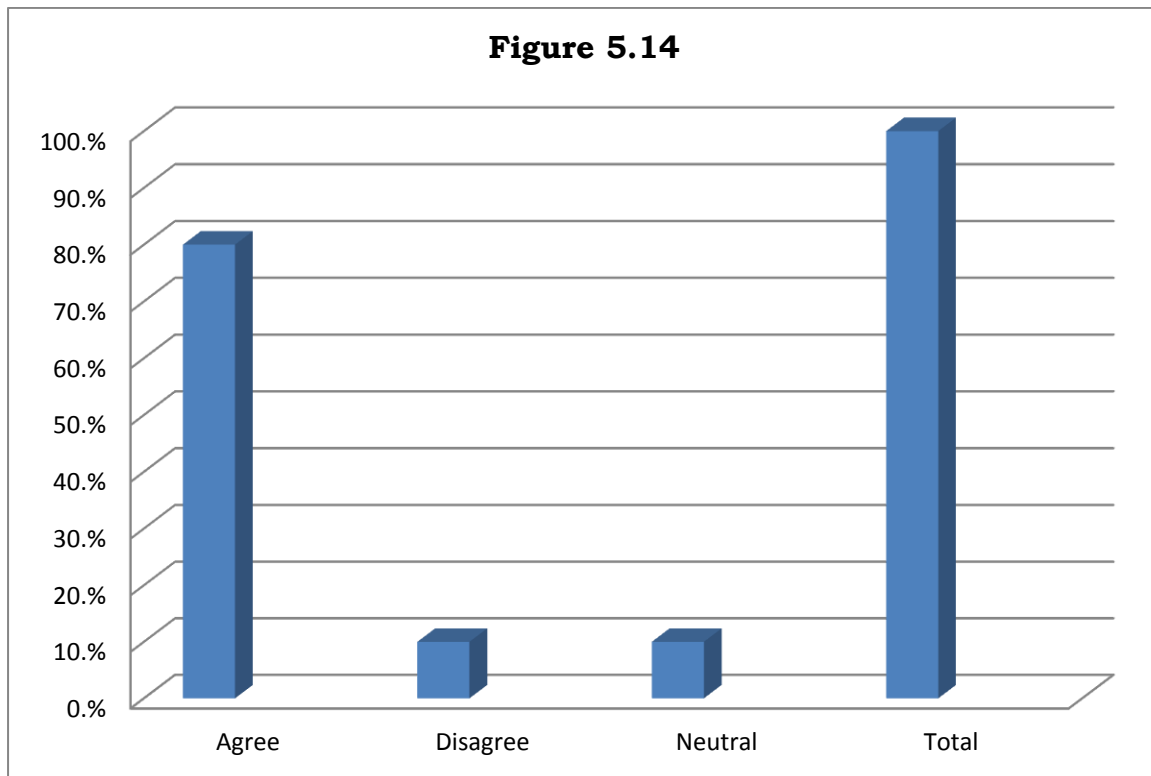
Responding to the question whether the HRD structure is sufficient to capacitate officials for the delivery of sustainable human settlements, 38% of the respondents agreed. Forty-three percent of the respondents disagreed with the above assertion, while 19% remained neutral. The respondents indicated that the HRD structure was not sufficient to adequately provide capacity building for officials to deliver on sustainable human settlements. The research agrees with Van Niekerk's views (2002:123) when he emphasises training and skilling for personnel in critical public organisations. Adding to Van Niekerk's views on training and skilling is Knipe (2002:229) who maintains that there is no modern organisation that can survive the challenges of the modern economy without the necessary knowledge and skills. It is advisable for the CTMM to improve the HRD structure to ensure that it is sufficient to provide the necessary skills required for the implementation of policies to achieve sustainable human settlements.

Figure 5.13 The level of capacity building and training offered to officials is sufficient to enable them to deliver sustainable human settlements



A low response of at least 35% of the respondents agreed that the level of capacity building and training offered to managers is sufficient, while 60% disagreed and 5% remained neutral. In a response to whether the level of capacity building and training offered to managers is sufficient to enable them to deliver sustainable human settlements, the respondents almost corroborated their views on whether the HRD structure of the CTMM is sufficient to capacitate officials by agreeing that the level of capacity building and training offered to managers is not sufficient and should be improved to upscale the level of capacity building.

Figure 5.14 Project management skills should be introduced or upscaled to improve performance



Responding to the question that project management skills should be introduced or up-scaled to improve the performance of managers in the delivery of sustainable human settlements, the majority of the respondents (80%) agreed, while 10% disagreed and the other 10% remained neutral. There is a strong agreement that the current training structure at the CTMM needs to be improved, that the level of training offered is not sufficient and that project management should be introduced or upscaled. According to the responses that are noted here, the argument by Van der Walldt (2002:166) and the observation by Kroon (1995:18) that managers in organisations need to be constantly trained and equipped with knowledge and skills are vindicated. Managing public organisations is a task that requires knowledge and skills, those who are entrusted with it must be prepared to keep up to date with fast changes and shifting trends (Price, 1999:78).

From the above notation, education and training for employees in the public service is of critical importance for service delivery.

The above views of the respondents are supported by Lle (2010) when he took a thorough scrutiny at where the spheres of government fail or are constrained from harmoniously delivering their mandate by listing issues for consideration such as training, management, finance, politics, project management and other themes that are central to the interests of this study.

In the view of Van der Walt (2002:166), human resources factors cannot be ignored if any project is to succeed. The key to success of any project, argues Van der Walt, lies in investing in people. The CTMM's HRD department should be improved to upscale the level of capacity building and training and make attendance of specific courses that are aligned to key performance areas of managers such as project, financial and risk management compulsory in order to achieve the delivery of sustainable human settlements. The CTMM may also consider partnering with accredited training providers who can carry out skills audit among officials and develop relevant training and teaching tools.

5.2.5 Institutional arrangements factors that impact on the delivery of sustainable human settlements

This research also investigated the institutional arrangements of the CTMM against the successful delivery of sustainable human settlements.

Figure 5.15 The City of Tshwane Metropolitan Municipality adhere to decisions of IGR structures and due dates for submission of information

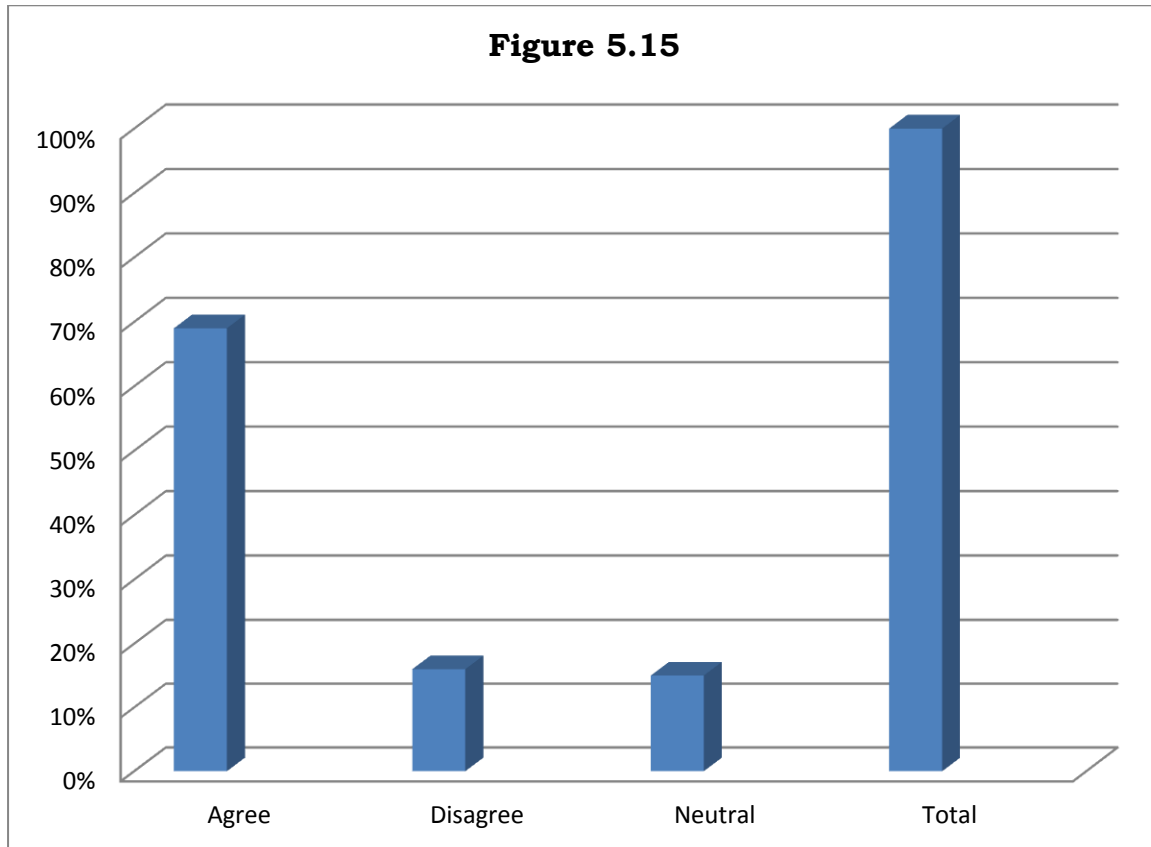
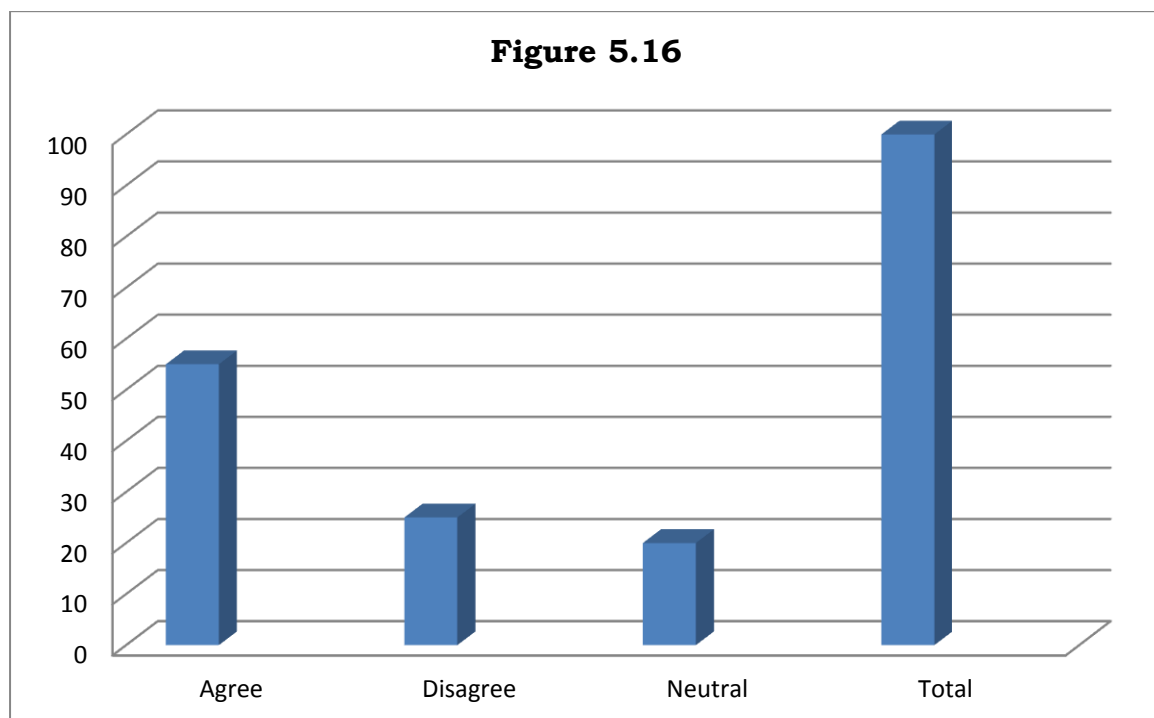


Figure 5.15 above illustrates that 69% of the respondents agreed that officials adhere to decisions of IGR structures and deadlines for submission of reports and information while 16% disagreed and 15% remained neutral. Notwithstanding the majority of respondents who agree that officials adhere to decisions of IGR structures and deadlines for submission of reports, the evident reality is that time management is a challenge for most public service institutions.

The existing IGR structures that have been established in line with the *Intergovernmental Relations Framework Act 13 of 2005*, which include Technical MINMEC and MINMEC, makes it possible for the spheres to

adhere to decisions and submit information timeously. Technical MINMEC discusses issues that are the responsibility of MINMEC and makes recommendations on how they can be addressed. It further facilitates, guides and monitors the implementation of decisions of MINMEC and report back on progress. This arrangement should be maintained and improved where possible as it enforces accountability by the spheres of government.

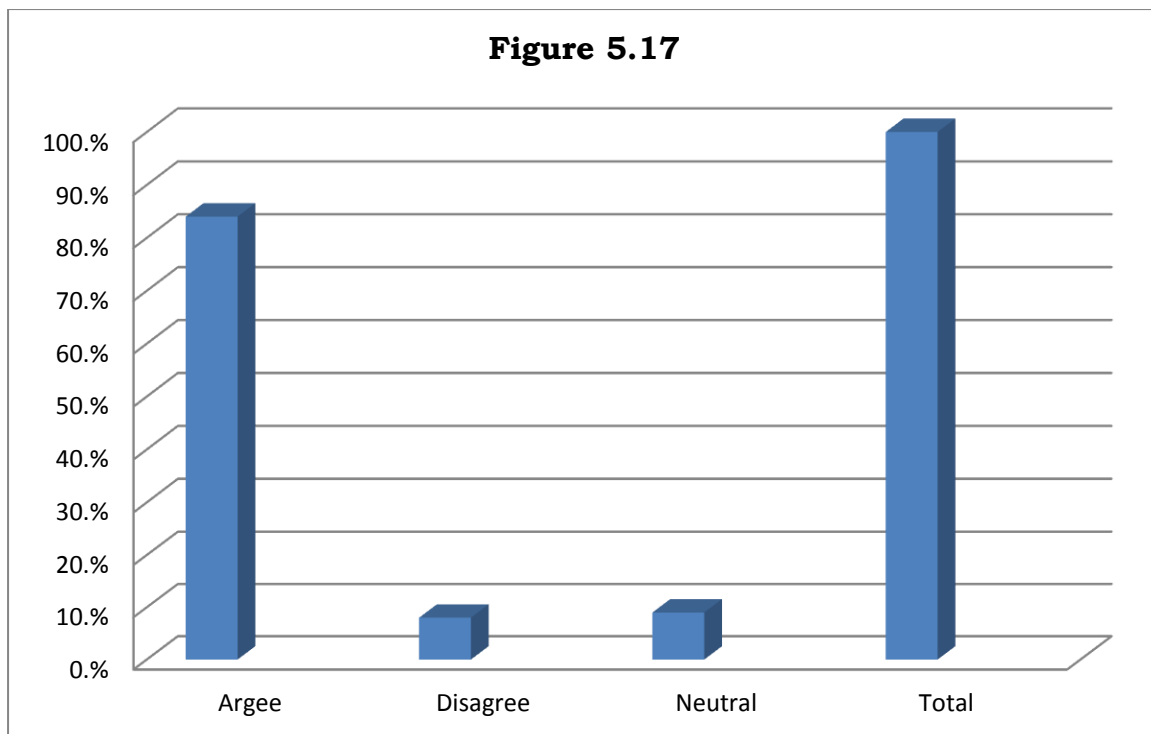
Figure 5.16 Representation of the City of Tshwane Metropolitan Municipality in intergovernmental relations structures is always at the required level by officials with decision-making powers



About 55% of the respondents agreed that representation of the CTMM in IGR structures is always at the required level by officials with decision-making powers, while 25% disagreed and 20% remained neutral. Although the respondents who support the assertion that representation of the CTMM in IGR structures is always at the required level by officials with decision-making powers are slightly in the majority (55%), it is important to note that the representation of spheres of government in IGR structures is crucial for

decision-making and providing feedback to principals to ensure that decisions taken by these structures are not questionable during implementation.

Figure 5.17 Accreditation of the City of Tshwane Metropolitan Municipality will result in faster delivery of sustainable human settlements



Eighty-four percent of the respondents agreed that the CTMM should be accredited to administer the housing development function to speed up the delivery of sustainable human settlements. There is 7% of the respondents who disagreed while 9% remained neutral. In terms of figure 5.17, the overwhelming majority of respondents support the accreditation of municipalities to administer national housing programmes to ensure faster delivery of sustainable human settlements. The research agrees with Kahn *et al.* (2011) who maintains that, despite the *Housing Act* 107 of 1997 making provision for accreditation of municipalities to administer national housing programmes, it is clear that municipalities have been under-utilised in the delivery of housing programmes across the country. Accreditation of

municipalities can result in faster delivery of human settlements as the planning of the human settlements development needs to be done at the local level.

The observation that can be made, however, in spite of the overwhelming majority of the respondents supporting accreditation of municipalities as represented in figure 5.17 above, is that the finalisation of the process of accrediting municipalities is still an outstanding matter, which is currently on the agenda for discussion between the Departments of Human Settlements, CoGTA and SALGA through joint MINMECs. It is advisable for the responsible departments to prioritise the finalisation of discussions on accreditation of municipalities and the provision of the necessary capacity to speed up the delivery of sustainable human settlements.

5.2.6 Financial factors that impact on the delivery of sustainable human settlements

This section focuses on data gathered on how finances are made available and managed at the CTMM's Department of Housing and Human Settlements. The research is interested in whether there is, among other things, accountability in expenditure, sufficient financial resources, and whether allocated budgets are spent. Figure 5.18 below provides a reading of the collected data on the subject of financial management.

Figure 5.18: Financial resources granted to the City of Tshwane Metropolitan Municipality are sufficient for the delivery of sustainable human settlements

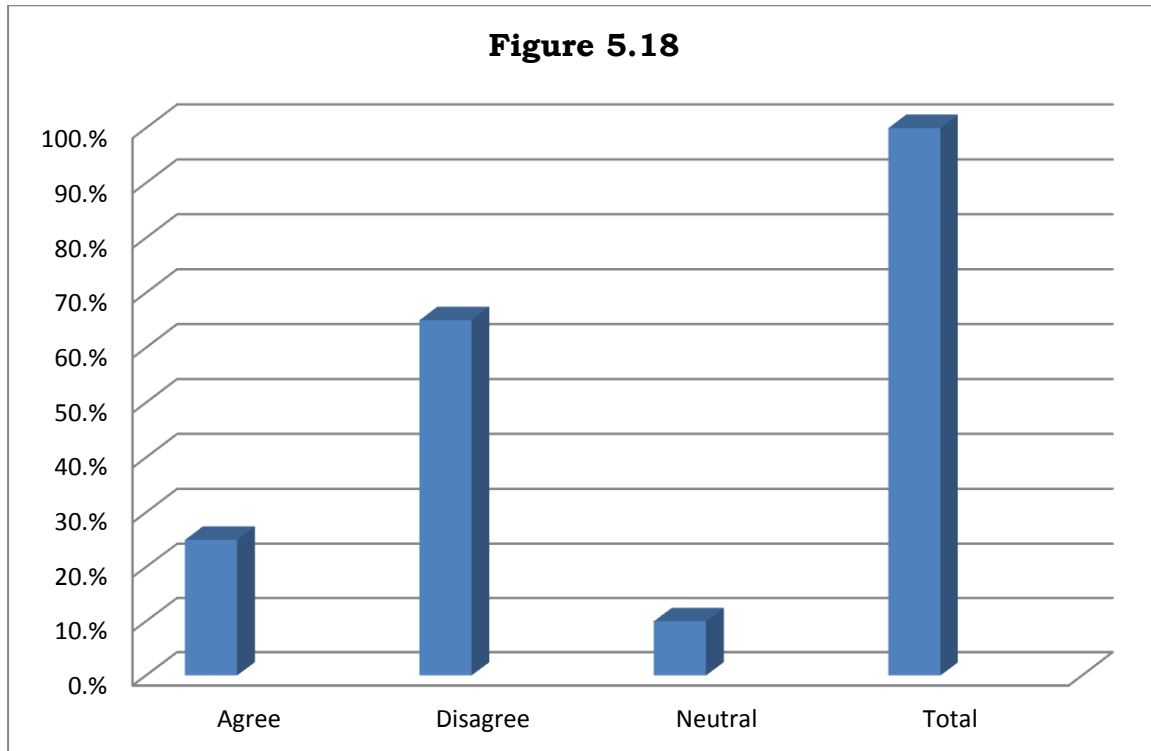
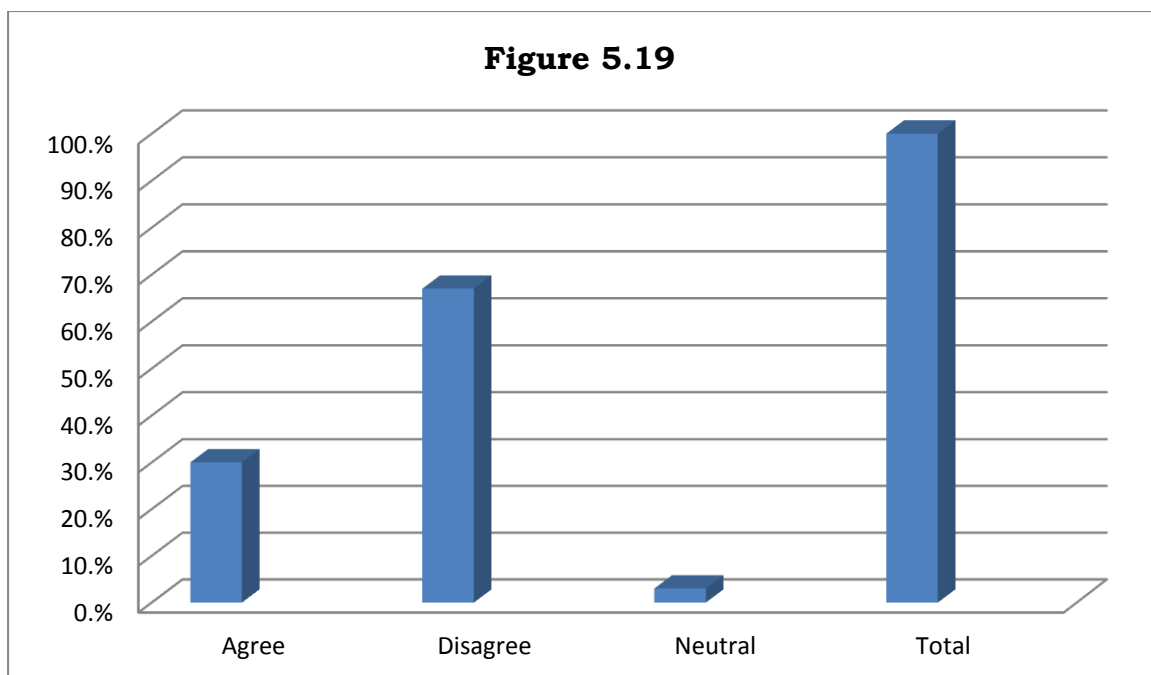


Figure 5.18 indicates that 25% of the respondents agreed that the financial resources granted to the CTMM are sufficient for the delivery of sustainable human settlements, while 65% of the respondents disagreed and 10% remained neutral on whether funds allocated are sufficient for the delivery of human settlements. It should be noted that the provision of housing has shifted from just a house to sustainable human settlements which means a house comes with the requisite amenities including water, sanitation and electricity. This change brought huge financial implications to the human settlements sector. The adoption and implementation of the revised subsidy quantum from approximately R 60 000 to almost R 120 000 per housing unit with effect from the current financial year in order to adhere to the requirements of Section 4 of the *National Building Regulations and Building Standards* of 2012 exacerbated the problem. Other factors which render the allocated budgets insufficient includes the migration patterns which

indicates that the majority of people seeking better economic opportunities migrate to Gauteng Province most of whom settle in the CTMM and the City of Johannesburg. The CTMM have the opportunity to build a strong case for the motivation of additional funds in this regard.

Figure 5.19 The City of Tshwane Metropolitan Municipality spent the allocated budget effectively



An insignificant number of respondents (30%) agreed that budgets are spent effectively, while 3% remained neutral. There is an indication by 67% of the respondents who disagree that allocated budgets are always spent effectively as planned. As indicated by a respondent during an interview, a certain amount of the allocated budget that remains unspent and gets rolled over to the next financial years raises a concern that the CTMM’s Department of Human Settlements might not always be adhering to its projected plans and that some of its planned goals tend to remain unfulfilled.

On the issue of public financial management and the returning of unspent funds, Gildenhuys (1993) argues it may be “an unfortunate indicator of poor

planning and possibly a sign of unaccomplished goals.” In light of Gildenhuy’s observation above, this trend presents a concern that the CTMM is not operating according to its projected plans or might be trapped in inadequate strategic planning that in turn leads to unfulfilled plans. Ineffective use of financial resources is, according to Erasmus & Visser (1997:162) and Aronson & Swartz (1981:91), an indicator that an organisation is severely under-performing or other challenges such as corruption and incompetence might be in effect.

Figure 5.20 There is accountability by the City of Tshwane Metropolitan Municipality on the spending of allocated budget

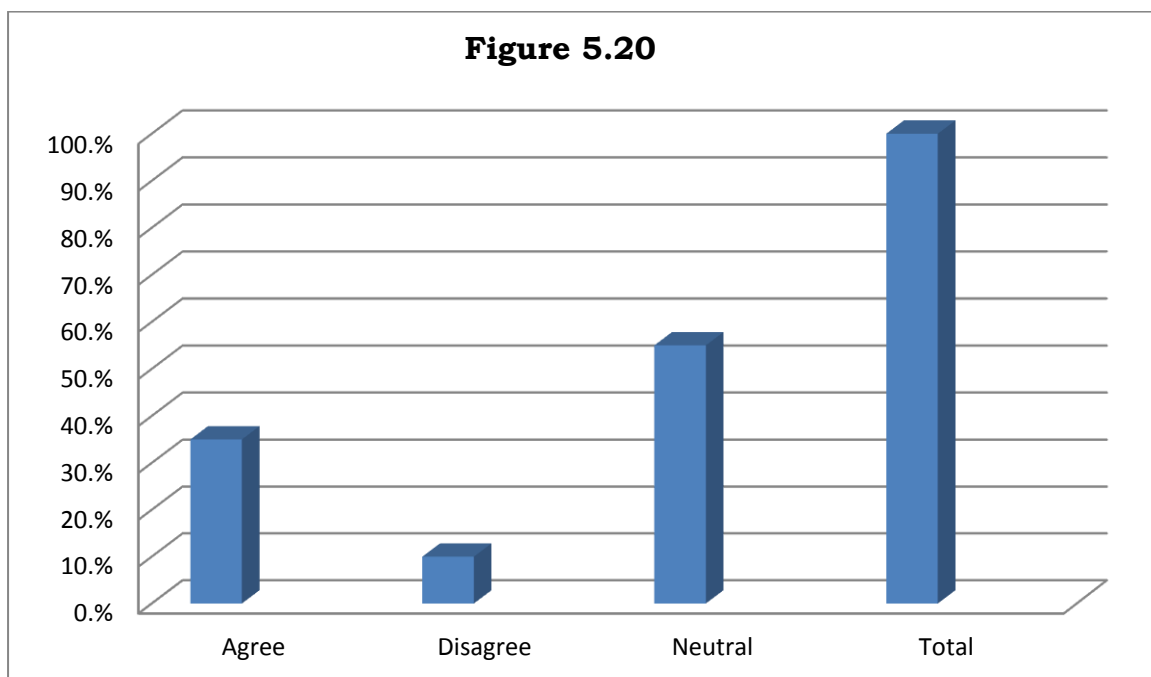


Figure 5.20 illustrates an indication, however, that raises concern with 55% of the respondents who indicated neutrality on whether there is accountability on expenditure. The research agree with Trotman-Dickenson (1996:39) who points out that lack of financial accountability is a major stumbling block to building the necessary public credibility that public organisations need in order to be seen as dependable agents of development and democratisation. An insignificant number of 35% of the respondents

agreed that there is accountability on financial resources allocated to the CTMM while 10% disagreed.

While financial resources are not adequate for projects, the fact that budgets remain unspent and rolled over to the next financial years indicate inefficient use of funds and lack of accountability. There is a need for more rigorous financial controls and more astute financial management. A public institution that does not have proper and adequate control mechanisms in place is sure to collapse.

5.2.7 The impact of the development of sustainable human settlements on the people of the City of Tshwane Metropolitan Municipality

The research sought to find out how the performance of the CTMM in its delivery of sustainable human settlements impacts on the livelihoods of the citizens. Questions were asked whether the delivery of sustainable human settlements have an impact on the lives of the people of the CTMM or supports such other public social amenities. Other questions probed if economic freedom and the performance of learners at schools and performance of employees at work were being enhanced by the delivery of the sustainable human settlements.

Figure 5.21 Housing units are handed over with the requisite social amenities including water, sanitation and electricity

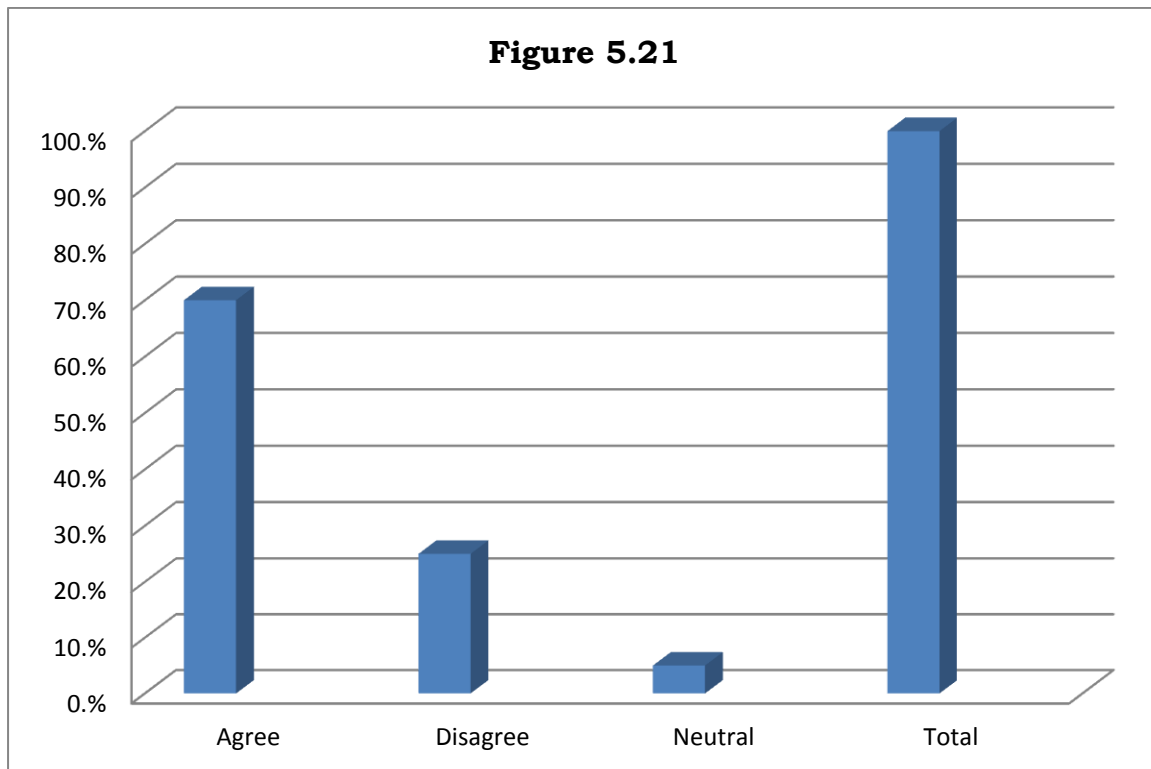
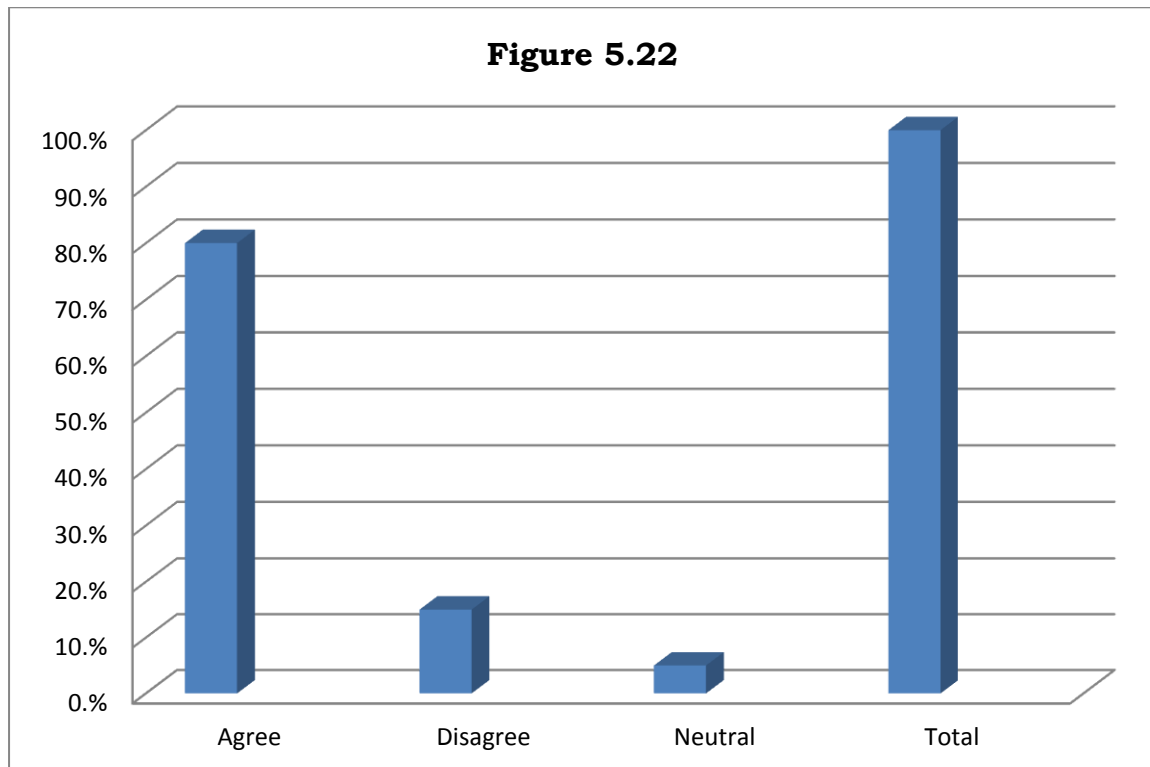


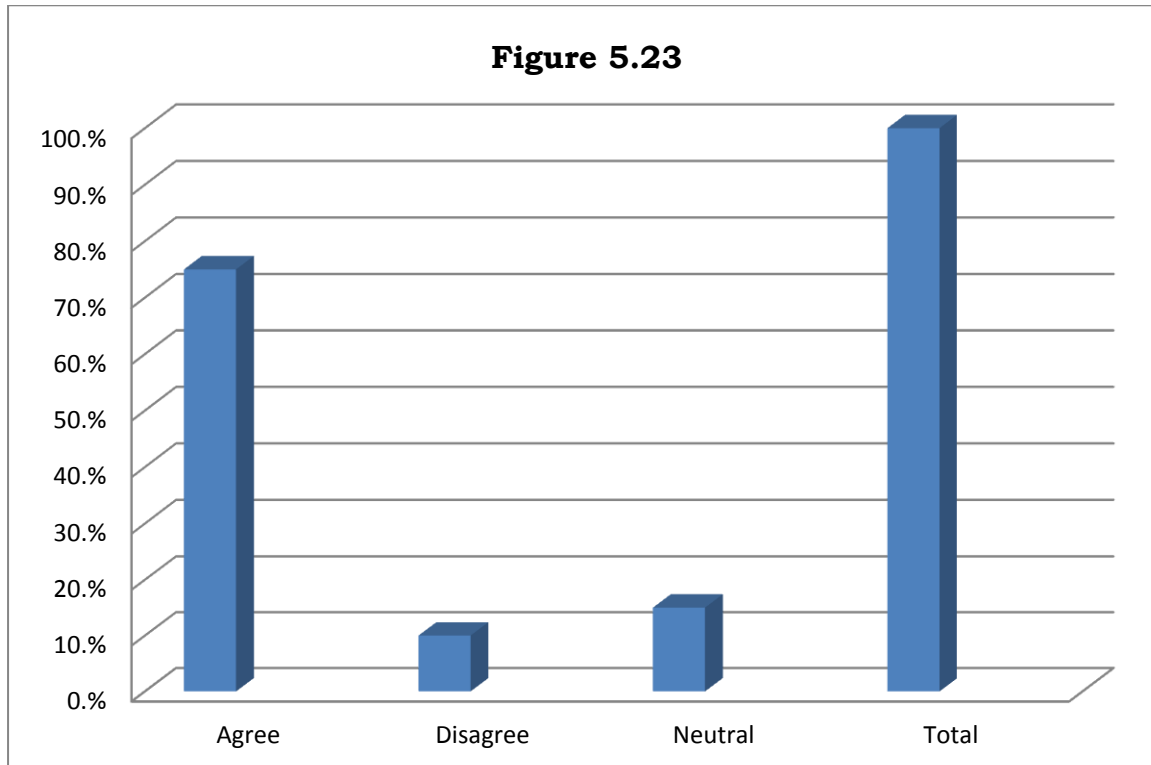
Figure 5.21 above illustrates the impact of the delivery of sustainable human settlements that are accompanied by the requisite social amenities to the people of the CTMM. To the question whether housing units are handed over to beneficiaries with the requisite social amenities including water, sanitation and electricity, 70% of the respondents agreed, while 25% disagreed and 5% remained neutral. Clearly, there is an understanding that human settlements are important not only for the physical welfare, but for the dignity and happiness of communities. The research agree with Mello (2007) who notes the importance of how intergovernmental relations can have their impact and fruitfulness measured against how they are relevant to public interests and community needs.

Figure 5.22 The delivery of sustainable human settlements improve the performance of learners at school and productivity of employees at work



Responding to the question whether the delivery of sustainable integrated human settlements improve the performance of learners at schools and productivity of employees at work, 80% of the respondents agreed, while 15% disagreed and 5% remained neutral. The high number of respondents who agreed is an indication that once a basic need such as shelter is met, people have peace of mind knowing that when they come back from work or school they have a place to go and rest before they get ready for the next day; thus the improvement of performance of learners and productivity of employees at work is enhanced.

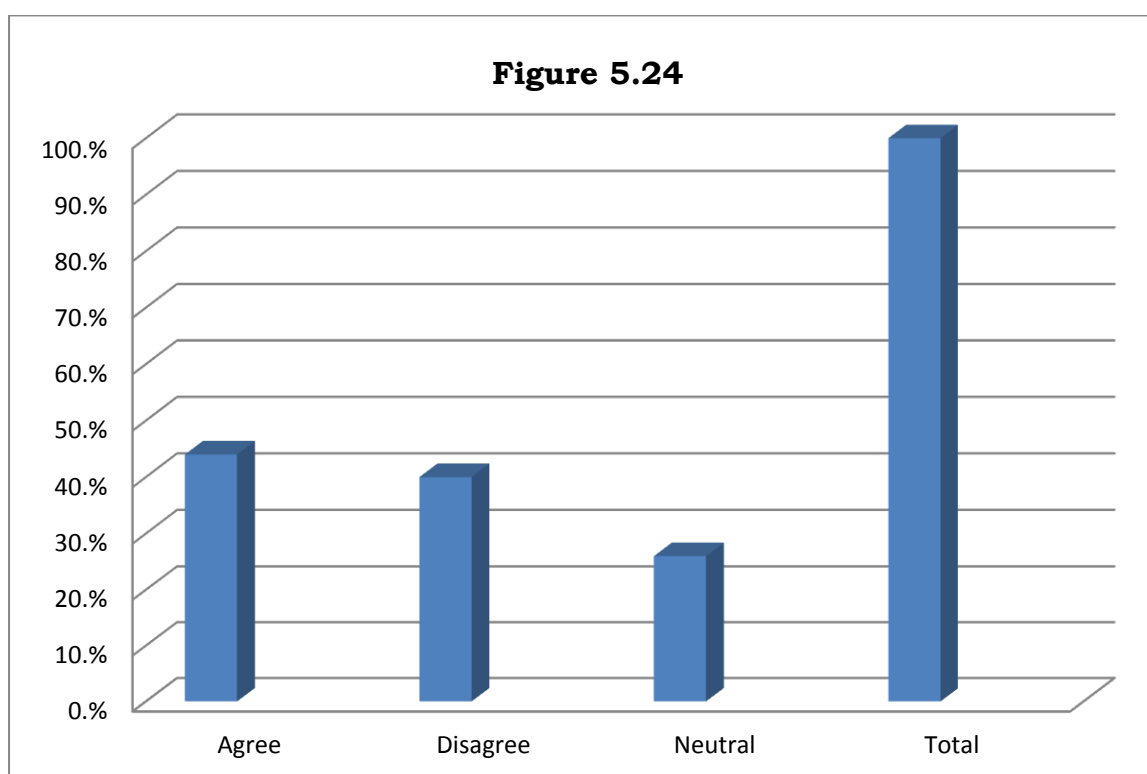
Figure: 5.23 The delivery of sustainable human settlements provide economic freedom to the people of the City of Tshwane Metropolitan Municipality



A total of 75% of the respondents strongly agreed that human settlements have helped communities to achieve economic freedom. Another 10% of the respondents disagreed on this question, while 15% of the respondents remained neutral. Whilst one would agree with the response of the officials on the question of economic freedom of beneficiaries brought by sustainable human settlements, a vivid feeling that not enough is being done in terms of creating awareness by the CTMM to assist the communities to understand the whole question of economic independence and freedom brought by owning a property. Van Dijk (2004:517) emphasises that the community should not only benefit, but they should be empowered with information and “knowledge” of what government is doing for them and how it is doing it. Information and knowledge will enable the public to appreciate the economic freedom that is brought by the delivery of sustainable human settlements. That knowledge, in the argument of Van Dijk (2004:517) helps

to bridge information gap and communication breakdown that easily collapse to service delivery protests and strikes. Hesse and Wissink (2004:47) state that communities must have development and service delivery explained to them in the context of their own indigenous knowledge systems so that they can appreciate and understand.

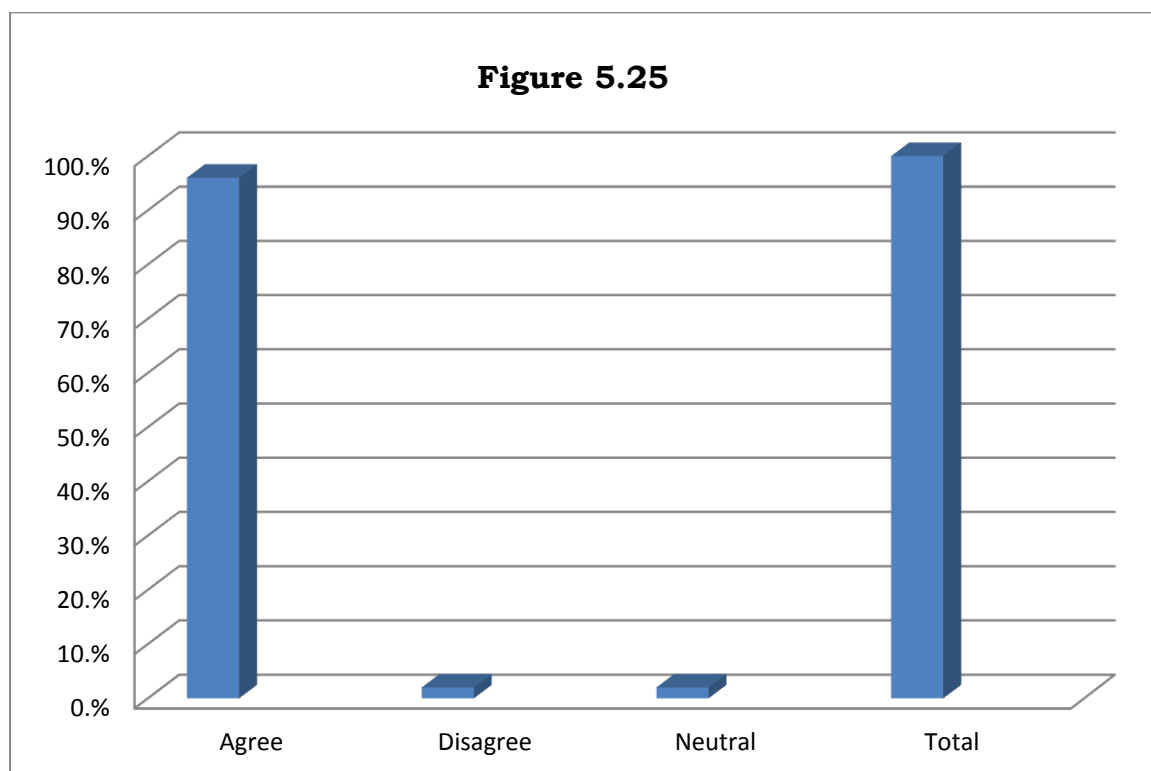
Figure 5.24 The delivery of sustainable human settlements deracialise communities



A total of 44% of the respondents agreed that human settlements contribute to the important process of deracialisation, towards a situation where people are not settled according to their race in a discriminatory manner but are treated equally as citizens deserving public services. A meaningful 40% of the respondents disagreed that human settlements have contributed to deracialisation. A total of 26% of the respondents expressed neutrality. This means that there is no obvious consensus on whether the apartheid legacy

of discriminatory and racialised human settlements is being resolved speedily enough.

Figure 5.25 The delivery of sustainable human settlements give dignity to the people of the City of Tshwane Metropolitan Municipality



A significant number of 96% of the respondents agreed that the delivery of human settlements bring dignity to the people. Another 2% of the respondents disagreed to this assertion, while 2% remained neutral. As basic necessities such as education, health and economic freedom are important to livelihoods of communities, human settlements are increasingly expected to compliment them by providing appropriate infrastructure and amenities that goes together with a house. The research supports Hofmeyr (2012) who advances the important argument that public services, that include the delivery of water, electricity, education and transport to communities are actually interdependent, and that almost all of them are dependent on human settlements.

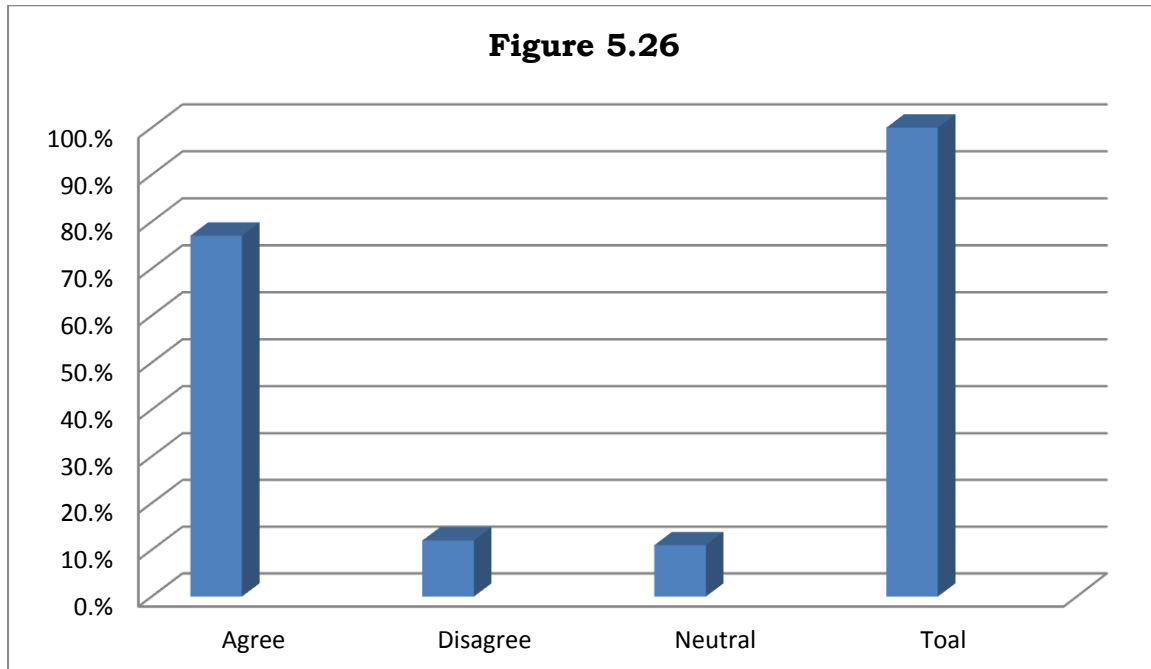
For that reason, it is important to note how the conditions of human settlements in the CTMM enables or disables the delivery of other basic necessities to the public.

Noteworthy however, is that these responses on the impact of the delivery of sustainable human settlements are emerging from officials of the CTMM and not from members of the public who are the recipients of the service. As officials of the CTMM, the respondents are interested parties who, to a large extent, would want to give a positive appreciation of their work. Equally significant is the impression that the officials of the CTMM are aware of the critical importance and centrality of housing and the requisite amenities in the livelihoods of South Africans and the delivery of other developmental services such as education, health, sport and recreation.

5.2.8 Legal/legislative factors that impact on the delivery of sustainable human settlements

Another objective of the research is to investigate whether legislation that regulates the development of sustainable human settlements in the CTMM's Department of Human Settlements permits or hinders performance and service delivery. Opinions of officials of the CTMM were sought on the legal environment and climate that impacts on their work on a daily basis.

Figure 5.26 The Intergovernmental Relations Framework Act 13 Of 2005 ensures accountability and improve relations between the spheres of government

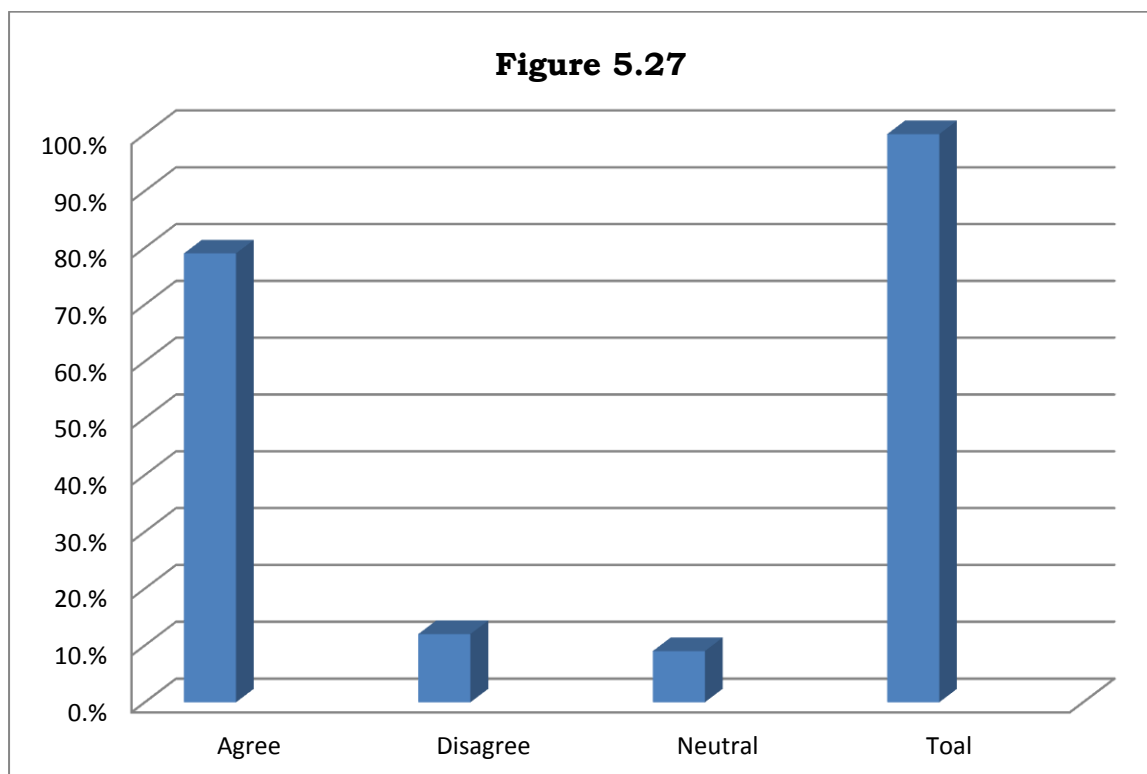


A significant total of 77% of the respondents agreed that the *Intergovernmental Relations Framework Act No 13 of 2005* is sufficient to enable the spheres of government to function harmoniously to deliver sustainable human settlements. At least 12% of the respondents disagreed that the Act ensures accountability and improve relations between spheres of government while 11% remained neutral. The enactment of the *Intergovernmental Relations Framework Act No 13 of 2005*, has since given the MINMECs and Technical MINMECs the basis for legislation. Technical MINMECs which are established to support the political structures for intergovernmental relations and to promote cooperation and consultation at the administrative level ensures accountability by monitoring implementation of decisions of MINMECs. Technical MINMEC, which is the administrative arm of the MINMEC, discusses issues that are the responsibility of MINMEC and makes recommendations on how they can be addressed. The research support the views by Kahn *et al.* (2011) who

maintain that Technical MINMEC further facilitates, guides and monitors the implementation of decisions of MINMEC and reports back on progress, thereby ensuring accountability and improving the relations amongst the spheres of government on the delivery of sustainable human settlements.

The CTMM reports to the Technical MINMEC and MINMEC on the implementation of decisions and expenditure on a quarterly basis. The enactment of *Intergovernmental Relations Framework Act 13 of 2005* therefore ensures accountability of the spheres of government including the CTMM.

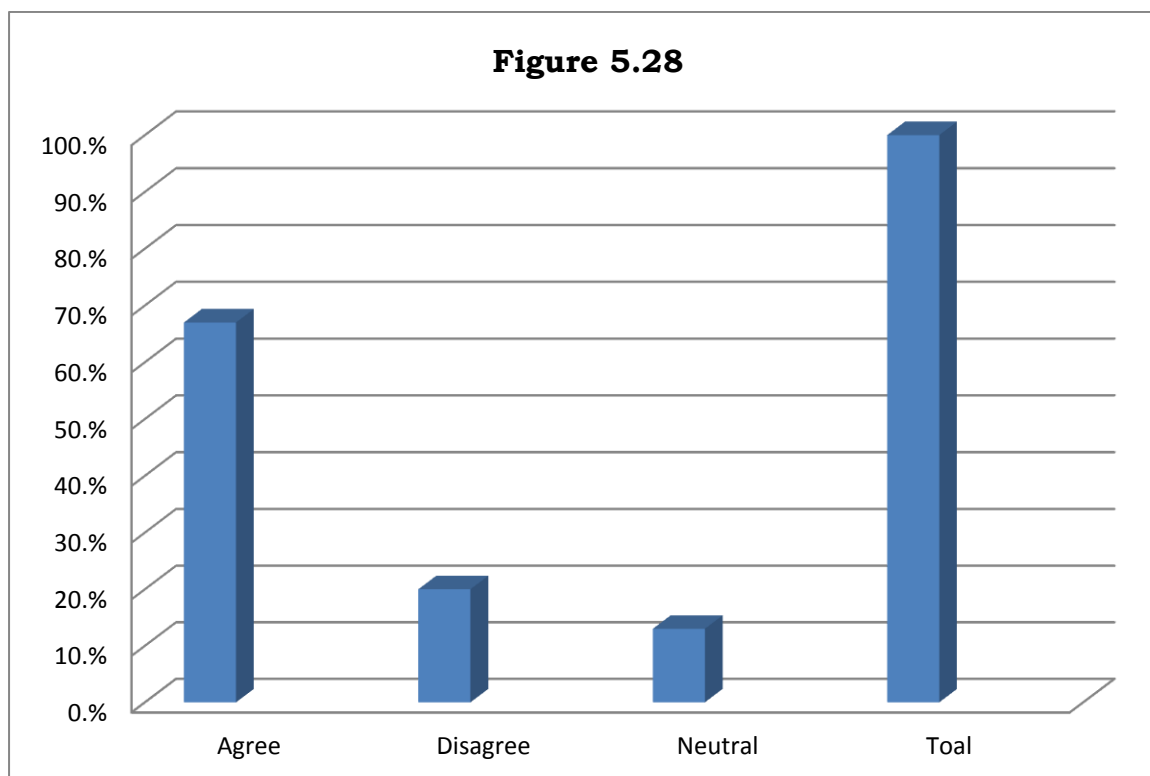
Figure 5.27 Amendment of the Housing Act 107 of 1997 is necessary to support the delivery of sustainable human settlements



The amendment of the *Housing Act*, No 107 of 1997 received an affirmation of 79% respondents who agreed that it is a necessary amendment that will make the legislation completely supportive to performance and service

delivery. Du Plessis (2007:371) notes that if laws that regulate the functioning of a public organisation are not adequately aligned to the institution's daily operations or are prohibitive to performance, they may turn out to be a hindrance to progress rather than an enabling factor that they are supposed to be. An insignificant 12% of respondents disagreed with the assertion, while 9% remained neutral. The *Housing Act* 107 of 1997 is the basic enabling legislation for human settlements practitioners and therefore needs to be revised to align with the new mandate of the Department of Human Settlements.

Figure 5.28 Court rulings on invasion of land and houses hamper the delivery of sustainable human settlements

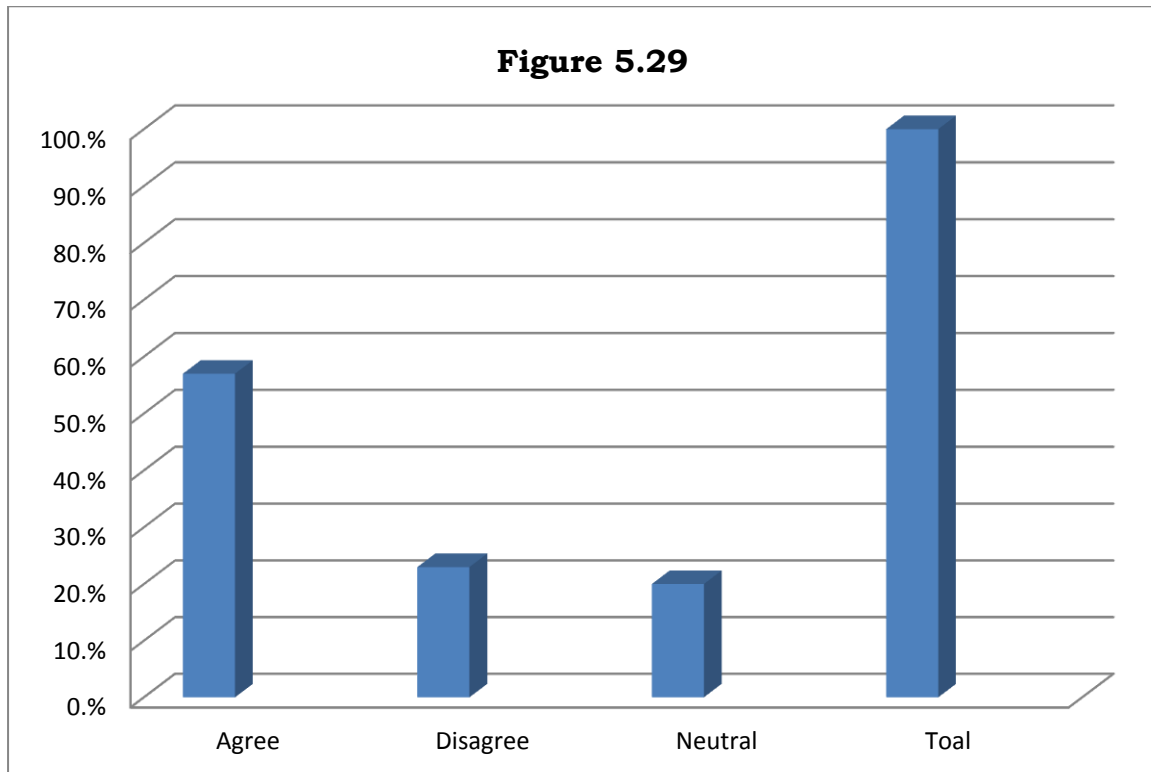


A significant number of respondents (67%) agreed that the court rulings on land invasions are hampering the smooth operations of the three spheres of government in the delivery of sustainable human settlements. Twenty percent of the respondents disagreed with the assertion, while 13% remained neutral.

The CTMM fought a long battle against the residents of Schubart Park for a long time spending a significant amount of money and eventually losing the case. The Constitutional Court of South Africa granted leave of appeal, upheld the appeal, set aside the orders made by the North Gauteng High Court of Pretoria on 22 September 2011, 23 September 2011 and 03 October 2011 under case no. 53128/11, and ordered the City of Tshwane Metropolitan Municipality to pay the applicants' costs to itself and in the North Gauteng High Court of Pretoria, including, where applicable, the costs of two counsels. According to the order of the Constitutional Court of South Africa, the CTMM also had to provide alternative accommodation to the identified residents of Schubart Park until restoration of their occupation of Schubart Park. Briefly, the Constitutional Court of South Africa declared that the High Court orders against the residents of Schubart Park did not constitute an order for the residents' eviction as required by section 26(3) of the *Constitution* and that the residents are entitled to the occupation of their homes as soon as is reasonably possible.

In resolving this matter which was due to the application of the *Constitution*, the CTMM spent a significant amount of funds which could have been utilised for the delivery of sustainable human settlements. It may be advisable for the CTMM to provide training to its officials regarding the application of legislation or even keep a team of legal professionals on a retainer for use as and when necessary to counteract wasteful exercises such as the Schubart Park case.

Figure 5.29 The right of citizens to housing enshrined in the Constitution makes people feel entitled to the provision of sustainable human settlements



To the question whether the rights of citizens to housing in terms of the *Constitution* might be having the negative effect of making citizens feel entitled to receiving houses from the state, 57% of the respondents agreed with the assertion. The question, however, is whether it is negative in the first place for citizens to feel a sense of entitlement to what the state may provide in terms of the basic necessity of human settlements. Fuggle and Rabie (1999:7) observe that human settlements and other public amenities that go with a house are actually a developmental and democratic right of citizens. A meaningful 23% of the respondents, however, disagreed that there is any negative sense of entitlement amongst citizens arising from the *Constitution* that enshrines the right of citizens to housing while 20% remained neutral.

Edwards (2008:65) observes that for co-operative governance and intergovernmental relations to function effectively, the actual legislation and regulations that govern them should be permissive to fast decision-making and execution of the decisions and resolutions. The legislation that governs the operations of the CTMM is largely appreciated by the respondents. It is an indication of the respondents that the legal environment and climate at the CTMM on average does not appear to be a serious hindrance or an impediment to performance and service delivery.

Noted from the responses to the interview question is that, the laws that govern the spheres of government are satisfactory; however, officials should be trained on the application of legislation since they have socio-economic implications if implemented in a wrong manner.

This response largely observes that the legislation that governs the CTMM is adequate and points to lack of skilled human resources. The respondent suggests education and training as a possible intervention to this challenge as has been observed above by scholars such as Van Dijk. Another respondent, however, said the laws must be reviewed regularly to keep abreast of changes in the international and national environment, suggesting that old and rigid laws easily become impediments to service delivery. Another respondent noted that the laws are not the challenge, but communication and the speed of transmitting messages amongst the spheres of government need to be improved. This respondent puts emphasis on organisational communication.

5.3 CONCLUSION

This chapter paid attention to interpreting graphical representation of gathered data and attempting to weigh the observations from the figures against some arguments and postulations of scholars. From the graphical representations, among many other observations is that while political factors are not the main cause, they remain having a notable impact on intergovernmental relations and the operations of the CTMM's Department of Housing and Human Settlements. This research indicates that there is a need for project and financial management skills amongst officials. It also reveals that managers and senior officials require constant training and skilling so that they can keep abreast of the changing circumstances and environment in the public service.

The prevalence of the incidence where budgeted funds are rolled over was noted and understood as an indication of poor planning and a level of lack of efficiency and competence at pursuing organisational goals. The research highlighted a need for a culture and spirit of business commitment amongst officials to ensure that employees do not conceal their incompetence and non-performance behind the huge government machinery. The research also noted at varying levels that the delivery of sustainable human settlements is adding value to livelihoods within the communities. The next chapter will provide the findings and recommendations, and will conclude the research.

CHAPTER SIX

FINDINGS, RECOMMENDATIONS AND CONCLUSION

6.1 INTRODUCTION

Chapter five focused on the interpretation and analysis of the results regarding how intergovernmental relations enhance or hinder the delivery of sustainable integrated human settlements and explored how the three spheres of government can work in harmony to deliver sustainable integrated human settlements in the CTMM in Gauteng Province. This chapter concludes the research by analysing the findings, and provides recommendations.

6.2 OVERVIEW OF THE STUDY

Chapter one presented the background and rationale, problem statement, research objectives and questions, literature review, contextualisation of the study in the literature, limitations of the research, as well as the research methodology and design of the research. Data collection and analysis, clarification of concepts, ethical considerations as well as the outline of chapters were also discussed in chapter one.

Chapter two presented a literature review that provided a survey of the relevant literature that illuminates the observation, arguments and recommendations of the research. This chapter illustrated the legal and institutional framework that defines intergovernmental relations in South Africa. Starting with the *Constitution* and other official documents, this chapter explored and examined literature that enabled this research to

understand its own project in examining the application of intergovernmental relations at the CTMM, in particular, the Department of Housing and Human Settlements. The wealth of scholarly literature that this chapter explored benefited the research by affirming or challenging its own observations and arguments. The input of academic literature and scholarly debates helped locate the research within the enriching climate of other studies on the subject of intergovernmental relations.

Chapter three described the methodology and design of the research. Both qualitative and quantitative research methods were used to collect data as well as a questionnaire. The questionnaire was designed to ask both closed and open-ended questions to ensure that the results of the research remained objective. The keys ranged from agree, disagree to neutral. In analysing the data, the number of similar responses were counted and converted into percentage for each question.

Chapter four discussed the historical background, institutional arrangements and the policy framework of the CTMM's Department of Housing and Human Settlements in order to provide an understanding of its functioning as a local sphere of government in relation to sustainable human settlements. The role of the CTMM in the provision of sustainable human settlements in the intergovernmental relations space was discussed in this chapter, providing a picture of the inner workings of the CTMM's Department of Housing and Human Settlement as a site of this research.

Chapter five provided the analysis and interpretation of the results of the research. Closed and open-ended questions revealed issues that formed the basis of the results of the research. The questions from the questionnaire were derived from the research questions of the research that were profiled in the introductory chapter. For that reason, the respondents were asked to respond directly to the questions of the research.

Chapter six, which is the concluding chapter, provides the research findings, recommendations and conclusion of the study.

6.3 FINDINGS OF THE STUDY

The findings of the study are discussed below.

6.3.1 Political factors that impact on the delivery of sustainable human settlements

The research revealed that political factors bear a significant influence on performance and the delivery of sustainable human settlements and application of intergovernmental relations at the CTMM's Department of Housing and Human Settlements. Officials are not completely able to carry out their duties and responsibilities without fear of political pressure. Intergovernmental relations should take preference before party politics. The majority of the respondents who agreed that political factors hinder performance of their functions is an indication that political factors are the main but not the only cause of minimal performance or failure in the delivery of sustainable human settlements by the CTMM.

6.3.2 Policies and regulations that impact on the delivery of sustainable human settlements

Policies and regulations that govern the CTMM's Department of Housing and Human Settlements are commendable. However, the difficulty arises on the implementation and practicality thereof. The reserach revealed that with the passage of time, policies and regulations become obsolete due to the ever changing socio-economic and political environment and in this case the

approval of the BNG: Comprehensive Plan on the Development of Sustainable Human Settlements by Cabinet in September 2004 and change of the mandate of the Department from housing to human settlements in 2009 which implied the revision of certain policies and regulations. The research also revealed that since the change of mandate of the Department from housing to human settlements in 2009 to date (2014), not enough has been done to amend existing policies and regulations. The implementation of policies and regulations to achieve the objectives of government programmes require close cooperation between the spheres of government. Like other spheres of government, the CTMM is facing the challenge of sharing information and coordinating efforts with other stakeholders in order to achieve their objectives by applying existing policies and regulations. If left unattended, obsolete policies and regulations can pose a threat to the successful delivery of sustainable human settlements.

6.3.3 Human resource factors that impact on the delivery of sustainable human settlements

The study revealed that although the CTMM offers a number of courses that are relevant to the delivery of sustainable human settlements including financial and project management, the existing training programme is not well coordinated as officials are at liberty to decide whether to attend such courses or not. The current capacity building programme and HRD strategy leaves room for officials to prioritise and schedule themselves to attend courses of their own choice that may not necessarily be aligned to their key performance areas. The HRD structure of the CTMM on its own was also found to be insufficient to offer adequate training and capacity to officials.

6.3.4 Institutional arrangements factors that impact on the delivery of sustainable human settlements

While the current institutional arrangements of the CTMM are impressive and commendable, respondents note that implementation of decisions that are taken by IGR structures may be a challenge. This may result in inadequate levels of adherence to due dates for implementation of decisions of intergovernmental relations structures or timely provision of information as requested, thereby threatening the whole question of accountability.

6.3.5 Financial resources that impact on the delivery of sustainable human settlements

The research revealed that while the allocated budgets for the development of sustainable human settlements are not sufficient, a certain percentage of the budget is not spent by the end of each financial year leading to the application for rollovers. It should be noted that in order to deliver sustainable human settlements effectively, financial management and project management cannot be separated. Officials need both project and financial management skills in order to develop credible business plans and make correct financial projections that can see implementation of projects to their logical conclusion within the estimated period. The CTMM should gather evidence on the migration patterns and build a strong case for presentation to request additional funds through equitable share.

6.3.6 The impact of the delivery of sustainable human settlements to the people of the City of Tshwane Metropolitan Municipality

The research revealed that the delivery of sustainable human settlements has a positive impact on the people of the CTMM in various aspects such as giving dignity to the people, complimenting the provision of education, health care as well as improving or providing economic freedom to the beneficiaries. The study also revealed that due to lack of knowledge of the impact of the delivery of sustainable human settlements by the public, the information gap and communication breakdown about the positive impact of the good work of the CTMM may easily lead to service delivery protests and strikes.

6.3.7 Legal/legislative factors that impact on delivery of sustainable human settlements

The research revealed that the legal/legislative framework that governs the CTMM enables performance and is supportive to the delivery of sustainable human settlements. However, the application and practicality thereof continues to prove to be a challenge. The number of court cases against the CTMM resulted in huge political and socio-economic implications and should be given urgent attention to allow the City to focus on the delivery of sustainable human settlements rather than legal battles such as the Schubart Park case referred in section 4.3.2.1.

6.4 RECOMMENDATIONS

Based on the results of the research, and in line with the stated objectives of the research, this section seeks to present the recommendations and propositions of the research.

6.4.1 Political factors that impact on the delivery of sustainable human settlements

It is recommended that politicians should be educated in public administration, economic development and general politics. Politicians and public officials should be exposed to the same training by the National School of Government so that they can both understand the functions and duties of each other. This will result in greater cooperation and interdependence. In order to minimise political interference and the interference of influential and partisan persons, the human resource department should strengthen awareness campaigns to familiarise officials with policies and regulations and train officials to be able in practice to separate political statements from policy statements and stick to public service priorities. There is also a need for a strong ethical regime that will forbid the infiltration of personality and party politics into the professional function.

6.4.2 Policies and regulations that impact on the delivery of sustainable human settlements

It is recommended that officials should be trained and motivated on the implementation of policies and regulations. A tradition of monitoring and reviewing to audit adherence to policy and regulations should be developed. The policies themselves require constant review and updating to align them

to fast changing economic and political conditions in the country and internationally. Institutional communication within and outside the CTMM should be improved to allow smooth transmission of information to the different spheres of government. Organisational communication skills and methods need to be developed lest the heavy and inefficient bureaucracy that is traditionally associated with public organisations settle in and cause a derailment to the delivery of sustainable human settlements.

6.4.3 Human resources factors that impact on the delivery of sustainable integrated human settlements

It is recommended that the CTMM's human resources department should upscale the level of capacity building and training and make the attendance of specific courses aligned to key performance areas of officials compulsory in order to achieve the delivery of sustainable human settlements. Project management skills are likely to inculcate business and entrepreneurial culture amongst officials and encourage adherence to institutional decisions, resulting in implementing resolutions timely. In this case, the CTMM can partner with accredited service providers who can first carry out skills audit among the officials and develop customised training and teaching tools that can be dispensed to them according to their key performance areas.

6.4.4 Institutional arrangements factors that impact on the delivery of sustainable human settlements

The existing institutional arrangement of the CTMM and its institutional culture is, for the most part, commendable. However, close cooperation by the three spheres of government may enhance the ability to achieve sustainable human settlements. It is recommended that a much more rigorous monitoring and review process be implemented to ensure that

decisions and resolutions of the intergovernmental relations structures are carried out to their logical conclusion and that information is submitted on due dates when it is requested. Judging from the above notion, there is a need for vigorous mechanisms of audit, monitoring and review to ensure that decisions that are taken are implemented speedily.

6.4.5 Financial factors that impact on the delivery of sustainable human settlements

Financial management is an institutional challenge and has a potential and contributory factor to the dearth of service delivery at the CTMM. This emerged prominently in the findings of the present research. Financial stewardship has proven to be an asset to financial management in the private and public sectors. The research recommends that the CTMM can benefit from exploring educational and industrial options of training and skilling in financial management for its employees. The CTMM is encouraged to partner with institutions of higher learning, which provide short courses on financial management to keep its officials on a lifelong learning programme that will align their financial management skills with the ever changing environment of public administration.

6.4.6 The impact of the delivery of sustainable integrated human settlements to the people of the City of Tshwane Metropolitan Municipality

In the observation that housing and human settlements are an exalted human good and that they are a constitutional right in South Africa, it is important for them not to be seen just as a service but part of the national quest for development and democracy. This recommendation is in line with the thinking in development studies that development is freedom and that any democracy without an element of development becomes empty and meaningless in the main. Accordingly with the finding of the research that

knowledge helps to bridge information gaps and communication breakdown that easily collapse to service delivery protests and strikes, the delivery of sustainable human settlements and service delivery should be explained to beneficiaries in the context of their own indigenous knowledge systems so that they can appreciate and understand the positive impact of the delivery of sustainable human settlements.

6.4.7 Legal/legislative factors that hinder the smooth functioning of the spheres of government in particular the City of Tshwane Metropolitan Municipality to deliver sustainable human settlements

Due to the ever changing socio-economic and political environment that may render legislation obsolete with the passing of time, it is recommended that legislative review be conducted on a regular basis to align existing legislation to modern and international best practices. In order to resolve the challenge of the application and practicalisation of existing legislation, officials should be exposed to robust capacity building programmes to ensure the correct application of legislation and avoid legal battles that result in huge political and socio-economic implications to the CTMM. Alternatively the CTMM may take a conscious decision to keep a team of legal professionals on a retainer to be engaged as and when necessary to save the costs related to prolonged legal battles.

6.5 CONCLUSION

This chapter has provided a summation of the observations and arguments of the research. In addition, the chapter examined the derivations and deductions from the data gathered to provide some recommendations. Political interference, lack of adherence to policies and resolutions of the intergovernmental relations structures and the need for financial and

project management skills were identified as some of the limitations that prevent the fruitful application of intergovernmental relations. There was also an emphatic indication that the policies, laws and regulations that govern the operations of the Department need to be constantly reviewed to align them to the fast changing national, regional economic and political environment. The revision of policies, regulations and legislation governing the Department of Human Settlements required urgent attention since the approval of the BNG: Comprehensive Plan on the Development of Sustainable Human Settlements by Cabinet in September 2004 and subsequently the change of mandate of the Department from housing to human settlements in 2009.

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APPENDIX A: QUESTIONNAIRE

I am a registered student of the University of South Africa in the Faculty of Economic and Management Sciences: Department of Public Administration and Management. As part of my studies towards a Masters Degree in Public Administration (MPA), I am required to submit a dissertation in partial fulfillment of the degree. The research is conducted under the supervision of Professor S.B. Kahn from the Faculty of Economic and Management Sciences.

My research interest is to investigate how effective intergovernmental relations enhance the delivery of sustainable integrated human settlements in the City of Tshwane Metropolitan Municipality in Gauteng Province South Africa.

With regard to ethical issues guiding the study, the researcher pledges strict adherence to ethical conduct as it applies to academic research projects in higher educational institutions in South Africa. This means:

- (i) Respondents are not required to disclose their identity;
- (ii) The information collected from the respondents will be used for research purposes only;
- (iii) The respondents in the study are not in any way going to be appraised, demoted or promoted on the basis of their participation in this research project, and
- (iv) Respondents have the right to participate and withdraw their participation in the study at any time.

To this end, I request you to complete the attached questionnaire regarding the research project. It should not take longer than 15-20 minutes of your time to complete this questionnaire. Although your response is of utmost importance, your participation in this project is entirely voluntary.

Please do not enter your name or contact details on the questionnaire as it remains anonymous. Information provided by you remains confidential and will be used for research purposes only.

Should you have any queries or comments regarding this questionnaire, you are welcome to direct enquiries to contact details appearing on the cover page.

GUIDELINES TO PARTICIPANTS

This research is aimed at investigating how effective intergovernmental relations can enhance the delivery of sustainable integrated human settlements within the City of Tshwane Metropolitan Municipality in Gauteng Province, South Africa. There is no **RIGHT** or **WRONG** answers and your honest, anonymous opinion will be appreciated. I am **NOT** asking about anything that you or any other person has done or not done. I am merely seeking your **PERSONAL PERCEPTION**

- Please read the statements carefully before indicating your choice in the appropriate block.
- Please indicate only **ONE** choice per statement by marking the relevant box with an **X** and elaborate in the space provided where necessary.
- After completion of the questionnaire, please contact the researcher through the contact details appearing on the cover page to come and collect it or send it back by fax or email.

Example(s):

Number	Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	For Office Use only
1	Decisions of intergovernmental relations structures are not binding.	1	2 X	3	4	5	

- Ensure that you complete **ALL** the statements in **ALL** the sections.
- The last part on each section (**Additional information or comment if any**) is for **ANY** information you wish to supply.
- This is an anonymous questionnaire. Please do **NOT** write your name or personnel/identity number anywhere on the questionnaire.
- Please do not complete anything in the **GREY** boxes as they are for office use only.

Thanking you in advance for your participation and invaluable contribution.

SECTION A- BIOGRAPHICAL INFORMATION

1. PLEASE INDICATE YOUR GENDER

1	Male	
2	Female	

2. PLEASE INDICATE YOUR AGE GROUP

1	20-25	
2	26-30	
3	31-35	
4	36-40	
5	41-45	
6	46-50	
7	51 or more	

3. PLEASE INDICATE YOUR YEARS OF SERVICE RELATED TO THE DELIVERY OF SUSTAINABLE INTEGRATED HUMAN SETTLEMENTS WITHIN THE THREE SPHERES OF GOVERNMENT

1	0-5	
2	6-10	
3	11-15	
4	16-20	
5	21-25	
6	26-30	
7	31 or more	

4. PLEASE INDICATE YOUR HIGHEST QUALIFICATION

1	Doctorate	
2	Masters Degree	
3	Honours Degree	
4	Post Graduate Diploma	

5	Bachelor Degree	
6	Diploma	
7	Certificate	
8	Grade 12	

SECTION B - THE EFFECT OF POLITICAL PROCESSES ON POLICY AND PROJECT IMPLEMENTATION WITHIN THE HUMAN SETTLEMENTS SECTOR

Please indicate your choice at each of the statements listed below with an **X** and elaborate in the space provided where necessary.

Number	Statement/Question	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	For Office Use only
1	Political factors hinder smooth functioning of spheres of government (IGR).	1	2	3	4	5	
2	Political factors contribute to service delivery failures.	1	2	3	4	5	
3	Political conditions and decisions affect and hinder the delivery of human settlements.	1	2	3	4	5	
4.	There is undue political interference.	1	2	3	4	5	

5. Have you experienced or observed any undue political interference in the execution of your official duties or the performance of your institution? **(Please elaborate)**

.....

SECTION C – POLICIES, RULES AND REGULATIONS UNDERPINNING INTERGOVERNMENTAL RELATIONS WHICH MAY BE THE CAUSE OF FAILURE TO DELIVER SUSTAINABLE INTEGRATED HUMAN SETTLEMENTS

Please indicate your choice at each of the statements listed below with an **X** and elaborate in the space provided where necessary.

Number	Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	For Office
1	The BNG supports the delivery of sustainable human settlements.	1	2	3	4	5	
2	The current housing subsidy quantum is sufficient for the development of sustainable human settlements.	1	2	3	4	5	
3	There is a need to align the Housing Code of 2009 with the development of sustainable integrated human settlements as per the new mandate of Human Settlements Department.	1	2	3	4	5	

4. How does policies, rules and regulations that govern intergovernmental relations impact on your work and the performance of the department? **(Please elaborate)**

SECTION D – CAPACITY/SKILLS OF THE PERSONNEL WHO MANAGE THE DELIVERY OF SUSTAINABLE INTEGRATED HUMAN SETTLEMENTS

Please indicate your choice at each of the statements listed below with an **X** and elaborate in the space provided where necessary.

Number	Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	For Office
1.	The current HRD structure of the CTMM is sufficient to support the delivery of sustainable integrated human settlements.	1	2	3	4	5	
2.	The level of capacity building and training offered to managers is sufficient to enable them to deliver sustainable integrated human settlements.	1	2	3	4	5	
3.	The provision of project and management skills should be introduced or up-scaled to improve the performance of managers in the delivery of sustainable integrated human settlements.	1	2	3	4	5	

SECTION E – CONFIGURATION OF THE INSTITUTIONAL ARRANGEMENTS IN THE CTMM FOR THE SUCCESSFUL EXECUTION OF DECISIONS AND IMPLEMENTATION OF POLICIES

Please indicate your choice at each of the statements listed below with an **X** and elaborate in the space provided where necessary.

Number	Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	For Office Use only
1.	The CTMM adheres to the decisions of the IGR structures and due dates for submission of reports.	1	2	3	4	5	
2.	Representation of the CTMM in IGR structures is always at the required level by officials with decision-making powers.	1	2	3	4	5	
3.	Representation of the CTMM in IGR structures is consistent to ensure accountability.	1	2	3	4	5	
4.	Accreditation of municipalities will result in faster delivery of sustainable human settlements.	1	2	3	4	5	

5. From your experience, what are the institutional weaknesses that hinder your work and the performance of the department? **(Please elaborate)**

.....

SECTION F – THE USE OF FINANCIAL RESOURCES GRANTED TO THE CTMM

Please indicate your choice at each of the statements listed below with an **X** and elaborate in the space provided where necessary.

Number	Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	For Office Use Only
1.	The financial resources granted to the CTMM are sufficient for the delivery of sustainable integrated human settlements.	1	2	3	4	5	
2.	The CTMM always spends the allocated budgets.	1	2	3	4	5	
3.	There is accountability by the CTMM on the spending of the allocated budgets.	1	2	3	4	5	

4. Are there any changes that you can recommend to improve the way in which the resources are allocated and being used? **(Please elaborate)**

.....

SECTION G – THE IMPACT OF DELIVERY OF SUSTAINABLE INTEGRATED HUMAN SETTLEMENTS TO THE LIVES OF THE PEOPLE

Please indicate your choice at each of the statements listed below with an **X** and elaborate in the space provided where necessary.

Number	Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	For Office Use Only
1.	Housing units are handed over with the requisite social amenities including water, sanitation and electricity.	1	2	3	4	5	
2.	The delivery of sustainable integrated human settlements improve the performance of learners at school and performance of employees at work.	1	2	3	4	5	
3.	The delivery of sustainable integrated human settlements will provide economic freedom of the people.	1	2	3	4	5	
4.	The delivery of sustainable integrated human settlements will deracialise communities.	1	2	3	4	5	
5.	The delivery of sustainable integrated human settlements give people dignity.	1	2	3	4	5	

6. Are the beneficiaries aware of the impact of the delivery of sustainable integrated human settlements on their lives? **(Please elaborate)**

.....

SECTION H – LEGAL/LEGISLATIVE SHORTCOMINGS OR LOOPHOLES THAT HINDER THE SMOOTH FUNCTIONING OF THE THREE SPHERES IN PARTICULAR THE CTMM TO DELIVER SUSTAINABLE INTEGRATED HUMAN SETTLEMENTS

Please indicate your choice at each of the statements listed below with an **X** and elaborate in the space provided where necessary.

Number	Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	For Office Use Only
1.	The Inter-Governmental Relations Framework Act, 2005 (Act No. 13 of 2005 is sufficient to ensure accountability and improve the relations between the spheres of government in respect of the delivery of sustainable integrated human settlements.	1	2	3	4	5	
2.	The amendment of the Housing Act, 1997 (Act No 103 of 1997) or the development of Human Settlements Act is necessary to support the delivery of sustainable integrated human settlements as per the new mandate of the Department of Human Settlements.	1	2	3	4	5	
3.	Court Rulings on the invasion of land and houses hamper the smooth functioning of the three spheres to deliver sustainable integrated human settlements.	1	2	3	4	5	
4.	The right of citizens to housing as enshrined in the Bill of	1	2	3	4	5	

	Rights have unintended consequences of making people feel entitled to the provision of sustainable integrated human settlements by the state.						
<p>5. In your daily experience, how do you think the laws that regulate intergovernmental relations hinder your daily work? (Please elaborate)</p> <p>.....</p> <p>.....</p> <p>.....</p>							
Additional comments							

Thank you for taking the time to complete this questionnaire.



**CITY OF
TSHWANE**

IGNITING EXCELLENCE

Research and Innovation Department

Room 1315 | 13th Floor | Bothongo Plaza East | 285 Schoeman Street | Pretoria | 0002
PO Box 440 | Pretoria | 0001

Tel: 012 358 2000 / 012 358 1428 | Fax: 123 358 4464

Email: Zukiswanc@tshwane.gov.za | www.tshwane.gov.za | www.facebook.com/CityOfTshwane

My ref: Access letter
Your ref:
Contact person: Pearl Maponya
Section/Unit: Knowledge Management

Tel: 012 358 4559
Fax: 012 358 4464
Email: PearlMap3@tshwane.gov.za

TO: Joe Senoamadi
283 A Orion Avenue
Waterkloof Ridge
0181

DATE: 07 August 2014

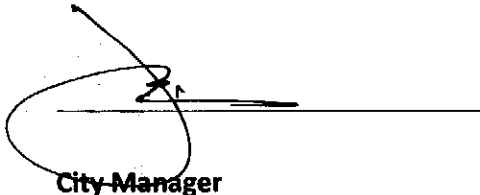
APPROVAL TO CONDUCT RESEARCH IN THE CITY OF TSHWANE MUNICIPALITY

Your request to conduct research on the topic **“Intergovernmental relations: Sustainable human settlements in the City of Tshwane in Gauteng Province”** has been reviewed and we are pleased to inform you that permission is hereby granted for you to conduct research the City of Tshwane Metropolitan Municipality.

You will be conducting your study at the **Housing department**, and the Research and Innovation Department will be facilitating the process. Therefore any communication should be directed through Research and Innovation Department.

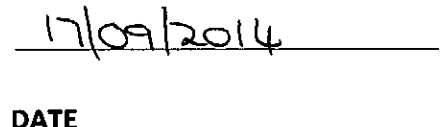
Please be informed that upon completion of your study you will be required to give feedback of your findings in a form of a seminar presentation, and a copy of your dissertation/thesis should be submitted to the Research and Innovation Department.

You are also required to sign the Confidentiality Agreement.



City Manager

Jason Ngobeni



DATE



UNIVERSITY OF LIMPOPO
TURFLOOP CAMPUS

December 12, 2014

University of Limpopo
Faculty of Humanities
School of Languages and Communication Studies
Email: mkutiL@ul.ac.za
Phone: (015) 268 3038

Prof. S. B. Kahn
UNISA
Pretoria

Dear Prof. Kahn,

LANGUAGE EDITING LETTER

This letter serves as proof that I edited the dissertation of Mr. JOHANNES MALOSE SENOAMADI entitled, **Intergovernmental Relations: Sustainable Human Settlements in the City of Tshwane Metropolitan Municipality in Gauteng.**

Regards

Dr. Lukas Mkuti