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INTERGOVERNMENTAL RELATIONS IN ROAD SAFETY MANAGEMENT

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A research report submitted to the Faculty of Management, University of the Witwatersrand, in 50% fulfilment of the requirements for the degree of Master of Management (in the field of Public and Development Management).

February, 2018

Declaration

I declare that this report is my own, unaided work. It is submitted in partial fulfilment of the requirement of the degree of Masters of Management (in the field of Public and Development Management) in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other university.

_____

Tankiso Molekane

Date:

Dedication

This report is dedicated to:

- Selinah Cobra “Magiba” Mofokeng, my maternal grandmother, for making me the man I am today. I am still wearing the Pierre Cardin she bought for me when I passed matric; and

- Steven Moraole Molekane, my paternal grandfather, for believing in me and encouraging me to keep to the straight and narrow.

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First of all, I would like to thank God all mighty for making this work possible. The following people also played a part, to varying degrees, in ensuring that this project gets completed:

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- RTMC
- Gauteng Department of Transport
- Ekurhuleni Local Municipality
- SALGA
- RTIA
- Ekurhuleni
- COGTA
- National Department of Transport

Abstract

Provision of integrated transport services, including road safety, is a concurrent competency of the national, provincial and local governments according to the Constitution of South Africa. Integrated transport services require the three spheres of government to coordinate their activities and work collaboratively to develop and deliver effective transport policy and services in the country. South Africa is ranked amongst the countries with the highest rate of fatalities due to road injuries. As a member of the United Nations, the country is a signatory to the United Nation's Decade of Action for Road Safety 2020, which aims to significantly reduce the number of global road fatalities by the year 2020. The coordination of intergovernmental efforts is critical in achieving the global target. This research considers **the factors that impede effective incorporation of cooperative and intergovernmental relations in management of road safety programmes** in South Africa.

This research study isolated and discussed a number of factors that impede the effective incorporation of intergovernmental relations in the management of road safety. The impediments to effective IGR in road safety management discussed in the study include the challenges posed by the legislation that governs IGR, the political and administrative challenges that are presented by the governance of different spheres by opposing political parties and the challenges of deficient capacity of the state to deliver services to the citizenry. The study also looks into challenges presented by IGR forums.

The findings of this research indicate that IGR is a complex concept that requires skilled personnel, at both political and administrative levels, to ensure its incorporation into the management of road safety. There are a number of factors that need to be in sync for IGR to be effective and these include an enabling regulatory framework, streamlined forums, good relationship between politicians and the management and lastly, administrative capacity. Lacking in any of these factors renders IGR ineffective albeit at different degrees.

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List of abbreviations

ANC	African National Congress
CBRTA	Cross Border Road Transport Agency
CSIR	Council for Scientific and Industrial Research
CODESA	Convention for a Democratic South Africa
COGTA	Cooperative Governance & Traditional Affairs
COTO	Committee of Transport Officials
DG	Director-General
IFP	Inkatha Freedom Party
IDP	Integrated Development Programme
IGR	Intergovernmental Relations
IRFA	Intergovernmental Relations Framework Act
MEC	Member of Provincial Executive Council
MINMEC	Minister and Members of Executive Council
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategy Framework
NATMAP	National Transport Master Plan 2050
NCOP	National Council of Provinces
NDOT	National Department of Transport
NLTA	National Land Transport Act
NGO	Non-Governmental Organization
NP	National Party
PICC	President's Co-ordinating Council
PIF	Provincial Intergovernmental Forum
PoA	Programme of Action
RAF	Road Accident Fund
RTMC	Road Traffic Management Corporation
RTIA	Road Traffic Infringement Agency
SANRAL	South African National Roads Agency Limited

SALGA	South African Local Government Authority

CHAPTER 1: INTRODUCTION AND BACKGROUND

The development and provision of transport policy and services, including road traffic regulation and public transport, is a concurrent competency of the three spheres of government according to Schedule 4 part A and B of the Constitution of the Republic. Thus the Constitution directs that the spheres should work collaboratively by consulting and cooperating with each other in the provision of these transport services.

The research investigates how intergovernmental relations are incorporated into the management of road safety by the three spheres of government. South Africa is, according to the Constriction, constituted by spheres of government which are distinct yet interdepend and interrelated. The literature indicates that there are many varying challenges that impede the effective incorporation of intergovernmental relations in government programme planning and implementation across the board, transport services is included in that equation. These challenges caused Coetzee (2010) to question whether the "effective functioning and correct implementation of cooperative governance is a myth" (Coetzee, 2010, p.84). The contributing factors to lack of service delivery, including road safety, are lack of co-operation, implementation and co-ordination between the three spheres of government (Coetzee, 2010). Therefore, this study will consider a selection of factors that impede the effective incorporation of intergovernmental relations in managing road safety.

The focus on road safety management is deliberate and important because of its impact on society. According to the statistics released by the Road Traffic Management Corporation (RTMC) in 2016, a total of 14 071 people died on South Africa's roads in that year alone. This translates to about 40 people dying on South Africa's roads on a daily basis. In comparison, this is the same number of civilian causalities in the widely condemned Syrian Civil War during the same year. The number of road fatalities is consistently increasing each year and to curb this catastrophic situation requires coordinated action of all stakeholders, especially at government level. The mandate to halt and decrease the number of fatalities rests with the Department of Transport, across all three spheres. Road safety requires effective and

efficient management across the three spheres of government. It is estimated that about 1.2 million people are killed every year on the roads globally. These traffic injuries, reported by the World Health Organisation (WHO) as both predictable and preventable, are the leading cause of unnatural mortality (World Health Organization (WHO), 2015). Africa, especially countries in the Sub Saharan region, ironically, bears the highest burden of death due to road traffic injuries despite the fact that it is lowest motorised region of the world. Road fatalities in Africa significantly exceeds that of high-income regions of the world with highest registered motor vehicles per person (Moroz & Browner, 2014).

The WHO estimates that around thirteen thousand people died in South Africa in 2013 due to road injuries, and puts the estimated rate at 25.1 per 100 000 population. In contrast, Australia, which is a federal country, had just a little over one thousand people who died due to road crashes in 2013 and the estimated rate stands at 5.4 per 100 000 population. However, Australia had over seventeen million vehicles in 2013 and South Africa had about nine million vehicles registered in the same period (WHO, 2015). The anomaly between a number of cars and number of accidents between the two countries points to different approaches to road safety management. Australia is one of the countries that have drastically decreased the number of fatalities. Although this is not a comparative study, this dissertation will bring in comparative elements because Australia is a federal country and has to, like South Africa, manage road safety between different levels or spheres of government. The number of road fatalities in Australia, which has more cars registered, is very low and it is declining as opposed to South Africa. There is, therefore, a compelling need to investigate the management of road safety in South Africa with the context of IGR.

Furthermore, the deaths on South African roads continue to increase despite the fact that back in March 2010, the General Assembly of the United Nations (UN) took a resolution proclaiming a Decade of Action on Road Safety from the year 2011 to 2020 to improve global road safety. The WHO was then mandated to coordinate Road Safety efforts and formulate a Global Plan for the Decade of Action for Road Safety 2011-2020. The plan was based on the assumption that the Member States, including South Africa, will align their policies and plans on road safety for localised implementation in order to contribute to a global target. It is a framework and a guiding document that countries can use to plan their

road safety intervention in support of the global plan. The Global Plan called upon Member States to stabilize and reduce road fatalities by implementing road safety interventions centred around five identified pillars. The following are the pillars that were identified:

- Pillar 1: Road Safety Management
- Pillar 2: Safer Roads and Mobility
- Pillar 3: Safer Vehicles
- Pillar 4: Safer Road Users
- Pillar 5: Post-Crash Response ("Global Plan for the Decade of Action for Road Safety 2011-2020," 2011)

As a signatory to the Plan, South Africa should follow the said guidelines in formulating and aligning its national road safety interventions to these five pillars. This research study focuses specifically on the first pillar, which is the Road Safety Management, and how, in the South African context, intergovernmental relations are incorporated in the management of the country's road safety interventions. The fact that transport planning and services is a shared competency of the three spheres means that road safety interventions cannot be managed outside the intergovernmental space and in isolation.

The pillar on Road Safety Management is focussed on strengthening institutional capacity and encompasses, amongst others, the activities like establishment of a lead agency to coordinate the country's multi-sectoral road safety initiatives and the development of a national road safety strategy. Emphasis is placed on Road Safety as product that can be produced like any other goods and services. Producing a road safety "product" is a management function that requires institutional arrangements, interventions and is results driven (Bliss & Breen, 2009). This approach changes the focus from only implementing road safety interventions by introducing "institutional ownership and accountability for results" (Bliss & Breen, 2009, p.9).

The four other pillars of the Decade of Action, although equally important, are depended on the Road Safety Management Pillar for their success. All five pillars are interlocked and are all important to achieve the target of reducing deaths on the road. Achieving success in road safety requires intergovernmental coordination with clear targets and is results driven. The

pillar on road safety management focuses on institutional capacity to develop integrated road safety strategy, setting of targets and resources allocation. In the South African context, this requires alignment across all spheres as road safety is a concurrent function.

Although the national Department of Transport, through its entity called the Road Traffic Management Corporation (RTMC), is responsible for the leading the country's efforts to meet Global Plan for the Decade of Action for Road Safety 2020 targets, the provincial and local spheres of government also have a significant role to play, especially at planning and implementation phases. Therefore, for the country to contribute to the attainment of Pillar 1 of the global plan, the three spheres need to work collaboratively and in concert. The plans of the three spheres need to be aligned towards a common objective in line with the country's commitment to the UN Plan of Action on Road Safety.

IGR is both an administrative and political, therefore, it is imperative to investigate how the concept of intergovernmental relations, in relation to road safety management, is understood by the politicians and officials. Both the policy makers and implementers need to appreciate the importance of the concept of IGR in road safety management in order to fully incorporate it in the policies, programmes and projects.

This research report will first outline the problem and the questions that the study pursues, thereafter, present a review of literature on both intergovernmental relations and road safety management. The later chapters of this research paper will cover with research methodology, analysis and presentation.

1.1. Research Problem Statement

As the literature review will show, there are numerous challenges to effective incorporation of intergovernmental relations into government programme planning and implementation broadly and in general. Transport, including road safety, being a concurrent competency of National, Provincial and Local governments is not an exception. The spheres of government have distinct yet interrelated and interdependent roles in the management of road safety.

The development and monitoring of road safety policy, like all other transport policies, is a national competency while the planning and the implementation lie in provinces and local

government. Without co-ordination, cooperation and effective intergovernmental relations none of the spheres will be able to achieve their mandate. Effective intergovernmental relations will ensure seamless management of road safety from policy formulation to planning and implementation even though these mandates may lie in different spheres.

The Road Traffic Management Cooperation (RTMC), which is an entity of the national Department of Transport, was established by an Act of Parliament in 1999 to primarily facilitate "a cooperative and coordinated strategic planning, regulation, facilitation and law enforcement in respect of road traffic matters by the national, provincial and local spheres of government." (Road Traffic Management Corporation Strategic Plan 2015 – 2020, 2015). The RTMC's mandate, as derived from its founding legislation, is clear that it is responsible for the facilitation of intergovernmental relations in the management of road safety. The extent to which intergovernmental relations are incorporated in the management of road safety by spheres of government will ensure that the road safety interventions at all spheres of government are aligned and that government's approach to road safety management is congruent.

In March 2017, the Cabinet approved the National Road Safety Strategy 2016-2020 which was formulated by the Department of Transport, together with its road state owned entities including the RTMC, Road Infringement Agency (RTIA), Road Accident Fund (RAF) and South African National Roads Agency Limited (SANRAL). The strategy which is yet to be fully implemented is not oblivious to challenges that confront the Department with regard to road safety as it identifies the following as key challenges, amongst others, to effective management of road safety:

- Fragmentation and misalignment of plans in the execution of Road Safety initiatives by three spheres of government and other stakeholders;
- Weaknesses in cooperation and duplication of effort, particularly at implementation level; and
- Lack of resources, both financial and human, for road safety strategies thus making them dormant and not implementable.

However, it should be noted that this is not the first strategy to identify these challenges as impediments to road safety management. The previous strategies, like the National Road Safety Strategy of 2006, also identified these challenges.

The study, therefore, considers how intergovernmental relations are incorporated in the management of road safety and how these relations could be improved. The purpose of the study is to provide empirical evidence that may enable policy makers to make informed policy decisions. It is, therefore, also imperative to also investigate how politicians and officials relate in the context of intergovernmental relations as they manage road safety. IGR is both a political and administrative function and as such for it to be incorporated into the management of road safety it is requires both the political and administrative will and understanding of its importance.

1.2. Research Purpose

This enquiry will be conducted by critically assessing the important factors that influence effective IGR. The study also highlights challenges that impede the effective incorporation of intergovernmental relations in the management of road safety.

1.2.1. Research Question

1. The primary question that this research pursues and attempts to answer is: ***What are the factors that impede effective incorporation of cooperative and intergovernmental relations in management of road safety programmes?***

Secondary Questions are:

2. What is the current status of incorporation of intergovernmental relations in the management of road safety?
3. What institutional, administrative and legislative mechanisms are in place to ensure effective intergovernmental relations in the management of road safety?

CHAPTER 2: LITERATURE REVIEW

This chapter will cover the literature pertaining to intergovernmental relations and road safety management that was reviewed by the researcher. The purpose of reviewing literature is to create a firm foundation for advancing knowledge, facilitating theory development and to discover areas where research is needed (Webster & Watson, 2002). A literature review is an integral part of the research process because it informs the primary research study and familiarises the researcher with previous findings on the topic (Wagner, Kawulich, & Garner, 2012).

Literature reviews also assist in establishing academic and research areas that have relevance to the study and produces a conceptual framework that outlines the direction of the research (Kemoni, 2008).

In the first part of the literature review chapter, the concepts of cooperative governance and intergovernmental relations are defined followed by a discussion on the legal framework and institutional arrangements. The third part of the literature review is focused on challenges to intergovernmental relations and the last part deals with the Transport sector's intergovernmental relations mandate.

2.1. Concept of Cooperative Governance and Intergovernmental Relations

Although the concepts of intergovernmental relations and cooperative governance are often used interchangeably, Malan (2005) argues that there are conceptual differences between the two concepts. Cooperative governance is a "fundamental philosophy of government (constitutional norm) that governs all aspects and activities of government and includes the de-concentration of power to other spheres of government" (Malan, 2005, p. 230). According to Malan (2005) intergovernmental relations on the other hand are "means through which the values of co-operative government may be given both institutional and statutory expression and may include executive or legislative functions of government"(Malan, 2005, p.230). In other words, intergovernmental relations are the practical means to the vision of cooperative governance. The two concepts are defined in depth below.

2.1.1. Cooperative Governance

Mathebula (2011) defines cooperative governance as "a governance philosophy based on based on a reciprocal obligation of spheres of government to trust, support and assist one another in coordinating service delivery to the community" (Mathebula, 2011, p.840). The principle is that the three spheres have an equal obligation to cooperate with one another to provide services to the citizens.

The South African model of cooperative governance is entrenched in the Constitution that was adopted in 1996. This model of co-operative governance has three spheres of government, namely national, provincial and local government. Co-operative governance between these spheres of government is important as the programmes of the national sphere are implemented at provincial and local spheres (Coetzee, 2010). The principle of cooperative governance necessitates that the three spheres of government work in partnership and coordination to ensure that the needs of communities at local sphere are considered by national and provincial spheres (Edwards, 2008). The national and provincial government's constituencies are located at the local sphere and for services of the two upper spheres, national and provincial, to reach the constituencies there should be coordination and cooperation between spheres.

The Constitution directs that "government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated" (Constitution of the Republic of South Africa, 1996 and Regulations, 2013). The principles of cooperative governance, as outlined in Chapter 3 of the Constitution, places an obligation on the spheres to, amongst others, to respect the constitutional status, institutions, powers and functions of government in the other spheres. The spheres of government should not encroach on the geographical, functional or institutional integrity of government in another sphere and they should co-operate with one another in mutual trust and good faith. The Constitution recognises the importance of co-operation between the three spheres while affirming their autonomy and status.

The Constitution creates three spheres of government that are distinctive, interdependent and interrelated. The distinctive nature relates to the legislative and executive autonomy that each spheres enjoys in terms of the Constitution. Spheres are given the certain powers and functions and enjoy certain amount of autonomy over matters listed in the constitution (Coetzee, 2010). The assumption is that the unique location, characteristics and peculiarities of each sphere will best serve the allocated competencies (Uregu Ile, 2010). The autonomy, however, is not absolute and the following parameters and principles should be adhered to when exercising the autonomy:

1. The Constitution defines the autonomy of each sphere and no sphere can claim powers and functions outside the constitutional framework;
2. Spheres must respect each other's constitutionally defined autonomy;
3. Autonomy should be exercised in an non-divisive manner to promote peace, national unity;
4. The autonomy of spheres is bounded by the bill of rights and values as enshrined in the Constitution; and

5. The autonomy should be exercised responsibly in an effective, transparent and accountable manner; (Department of Provincial and Local Government, 2007)

Although the powers and functions of each sphere are clearly outlined in the constitution, these powers are not absolute and should be exercised in harmony between the spheres in the delivery of services. There are powers and functions, which are the exclusive responsibility of each sphere and some, like some transport services, are shared competencies.

While relatively autonomous, spheres of government are interdependent to each other to achieve their delivery mandates and have a responsibility to cooperate with each other because they are also interrelated (Malan, 2005). Coetzee (2010) argues that interrelatedness of spheres means the spheres exercise their autonomy under supervision of other spheres. The supervision is important, in this context, as an oversight mechanism to avoid abuse of power while ensuring spheres perform their development agenda and provide services. This supervision happens through support, monitoring and intervention (Department of Provincial and Local Government, 2007). The latter statement presents a

challenge in practice and appears to be contradictory because spheres are purportedly autonomous but yet under supervision of upper spheres. This is also a point of tension as lower spheres clasp to the autonomy and often view supervision as overreaching by other spheres. A top down approach to IGR leads to resistance by lower spheres. The effective IGR promotes consultation, consensus building amongst peers rather than imposition of policy by higher spheres.

According to Mathebula (2011) the interdependency relates to the degree each sphere depends to another for implementation of their constitutional obligations. In this context, therefore, the Constitution directs that these three spheres must harmonize their activities and relations through consultation, coordination and cooperation. The system is more about alignment of activities rather than competition between spheres. To this end, Reddy (2001) states that cooperative governance is based on the premise that spheres of government will address challenges more effectively if they act in concert than if they are in competition (Reddy, 2001).

Interrelatedness, as directed by chapter 3 of the Constitution, denotes that spheres are "inter-reliant, mutually dependent and supportive of each other" (Uregu Ile, 2010, p. 54). The spheres are expected to work together in concert to ensure that the machinery of government functions in its entirely and also as constituent parts (Reddy, 2001). Spheres of government have a responsibility to cooperate with each other and to avoid litigation against each other (Malan, 2005). Litigation against other spheres, although it happens in practice, must be used as a last resort after all mechanisms, including facilitation or mediation, as provided in the IGR Framework Act has been exhausted.

The fact that cooperative governance is embedded in the Constitution does not, however, imply that intergovernmental relations happens seamlessly between the spheres as suggested. There are a number of factors that impede effective incorporation of intergovernmental relations within government and amongst these factors, as du Plessis points out, is the contestation over turfs by officials who are unwilling to cooperate thus leading to misalignment of services by spheres (Du Plessis, 2008). Another challenge lies in the understanding of the concept of co-operative governments as Ntshakala (2015) points out:

> Unfortunately, however, it seems that in many intergovernmental forums "cooperative government" is understood to mean that the relevant national minister must ensure that national policies are implemented by the provinces, resulting in a lack of the true spirit of cooperation. (Ntshakala, 2015, p. 836)

This dominance, whether real or perceived, also creates resistance by lower spheres as it is viewed as overreach and interference by the upper sphere.

Discussions on intergovernmental relations and its definition will now be entered into below.

2.1.2. Intergovernmental Relations

There is no consensus among authors on the origin of intergovernmental relations with some tracing the “connections between governments in a polity as far back to the age of empires” (Agranoff, 2011, p. 568). According to Edwards (2008), the origins of intergovernmental relations are connected to US President Roosevelt’s New Deal that was introduced in the USA in 1933 as a response to the crises of the great depression. For the purpose of this study and to provide context to it, a brief discussion on IGR from global perspective and on how South Africa came to adopt this system will be presented followed by the definition of intergovernmental relations.

Although the current concept of intergovernmental relations is relatively new in South Africa, almost all countries, whether unitary or federal, have intergovernmental relations of some sort, provided they have more than one level of government (Phillimore, 2013). In established federal democracies, notably the United States of America (USA), intergovernmental relations are based on distinguished allocation of powers to sub-national units by the federal unit. The sub-national unit’s autonomy to exercise that power in relation to the national authority differs from one federation to the other (Mathebula, 2011). Countries like United States, Australia, Canada, Germany, South Sudan and Nigeria are federal states.

Nigeria has 37 state governments and 774 local governments which makes its government machinery very complex as opposed to South Africa where there is only 9 provinces, 8 metropolitan, 44 district and 226 local municipalities (Kuye & IIe, 2007). The management of intergovernmental relations, which was brought to by British colonisers to Nigeria, is particularly challenging, yet essential, due to huge population of over 130 million (Kuye & IIe, 2007). The National Council on Intergovernmental Relations (NCIR) was established in 1992 to monitor the operations of the federal system in Nigeria (Bello, 2014). The complexity of intergovernmental relations in Nigeria has led to conflicts which led some of the states taking the central government to court over jurisdiction. These conflicts were about "resource control, maintenance of government roads by state government, power generation, local government creation, selection of National Assembly leaders, interagency supremacy" amongst others (Abidoye, 2015, p. 54). This indicates that IGR is a complex concept and its conflicts, though different, are not only limited to South Africa.

It should be pointed out that intergovernmental relations is not synonymous with federalism (Edwards, 2008). South Africa's system, which Mathebula (2011) refers to as quasi-federal, is peculiar because it has elements of both unitary and federal systems. Mathebula (2011) argues that although the South African political establishment prefers to refer to South Africa as a unitary state, in practice it is a federal in character. The distinctive characteristic of the South African system is that although classified as a unitary state it has elements of federalism. In federal states sovereignty is divided between two or more spheres so that they can exist independently in their jurisdiction (Devenish & George, 2006) while in unitary states, legislative, executive and judicial power is vested in central government, which then delegates some of which to lower levels. South Africa system is neither federal nor unitary but has elements of each. How did the country end up with this unique system?

According to van Niekerk (2012), a unitary system of government with some elements of federalism was adopted as a compromise following a series of heated negotiations, at the Convention for a Democratic South Africa (CODESA), on the form and structure that the new South African government was going to take. He argues that the adoption of this system, referred by some as quasi-federalism, came about following a series of negotiations and compromises, primarily between the African National Congress (ANC), National Party (NP)

and the Inkatha Freedom Party (IFP) during the constitutional negotiations. During these negotiations the ANC negotiators were mainly focused on transfer of state power whilst the NP focused on how to retain that power. The IFP, on the other hand, advocated for a purely federal state, as it believed such an arrangement would not interfere with its governance of the Natal region. Little or no focus was placed on negotiating a governance system that will enhance service delivery (van Niekerk, 2012).

The determination of the nine new provinces rested "primarily on political considerations on access to state power by the two key negotiating parties, the NP and the ANC" (van Niekerk, 2012, p.621) and as the result of this:

> "the final settlement at CODESA provided for a model of 'co-operative governance' between national government, nine new provincial governments and local government. This model coincided with the key objective of the NP in the negotiations to limit the ability of the ANC to wield central state power. Co-operative governance created potential, at worst, for conflict, duplication and re-fragmentation of the polity and, at best, confusion and ambiguity over which level of government should be held responsible for policy and service delivery". (van Niekerk, 2012, p. 622)

As the research will show, the issues of conflict, duplication and fragmentation are challenges which intergovernmental relations practitioners are still grappling with to this day.

According to de Villiers (2012), South Africa has followed a two-pronged approach with the rolling out of its system of intergovernmental relations. He argues that the first approach, which was ad hoc and spontaneous, was primarily driven at the discretion of national ministries who set the agenda and calendar of meetings with their provincial counterparts. The second approach, according to de Villers (2012), was legislated by the introduction of the IGR Framework Act in 2005 which provided a basic framework for the conduct of intergovernmental relations and facilitated interactions between spheres through formal and informal forums. The research will show that informal interactions are as efficient as formal interactions and that some formal forums are ineffective due to a number of factors.

2.1.2.1. Intergovernmental Relations defined

Mathebula (2011) provides an expedient definition of what intergovernmental relations is by dissecting it into three individual words: inter, governmental and relations. These three words when combined denote a particular meaning. The author defines the word *Inter* in the context of intergovernmental as "that which is between, among, in the midst of, during, mutually done by and reciprocally accruing in, for and by government" (Mathebula, 2011, pp. 835). The word *Governmental* refers to what pertains to government and government is defined as an authority with powers to make laws (Legislature), to execute and implement those laws (Executive) and to interpret and apply those laws (Judiciary) (Mathebula, 2011). Lastly, the word *Relations* means the way one thing is thought of in relative to another and in the context of intergovernmental relations, *"relations* will herein mean the quality that connects two or more governments as working together within a reciprocity-governed environment" (Mathebula, 2011, p. 837).

Therefore, intergovernmental relations, according to Mathebula (2011), can be defined simply as the interactions between governments in reality and regularity. There are, however, different views of what constitutes intergovernmental relations by authors. It is imperative to define the concept of intergovernmental relations in order to comprehend its meaning and how it relates to the governance system in South African context.

Reddy (2001) defines intergovernmental relations, in the South African context, as an "interacting network of institutions at the national, provincial and local levels, created and defined to enable the constituent parts of government to function in accordance with defined institutional arrangements" (Reddy, 2001, p. 23). As Phillimore (2013) points out, the concept of intergovernmental relations involves processes and institutions through which governments within a political system interact. According to Malan (2005), intergovernmental relations are a set of formal and informal processes as well as institutional arrangements and structures for bilateral and multilateral co-operation within and among the three spheres of government (Malan, 2005). These formal and informal processes include, for example, coordination of actions, consultation, information sharing, monitoring, interventions and dispute resolution (Malan, 2005). Thus intergovernmental relations involve institutions and defined rules of engagement.

Uregu Ile (2010), takes the definition of intergovernmental relations even further by referring to it as a "glue" that holds together "the executive mechanisms, coordinating mechanisms, cooperative agreements, judiciary and legislative mechanisms that facilitates government machinery" (Uregu Ile, 2010, p. 53). The intention of intergovernmental relations is to promote and facilitate co-operative decision making across the three spheres of government (Edwards, 2008). Intergovernmental relations aims, therefore, to facilitate government service delivery, through mutual vertical and horizontal relationships, and improve "synergy, efficiency and effectiveness" in delivery to sustain democracy (Uregu Ile, 2010, p. 53). There is general consensus amongst authors that intergovernmental relations is a complex concept with common key characteristics including formal and informal processes, interactions, facilitation, institutions, systems, alignment at vertical and horizontal levels, agreements and protocols.

A discussion on the legislative framework that underpins the conduct of intergovernmental relations in South Africa and institutional arrangements that the legislation introduced will be presented below. The discussion on the legislative framework will focus on whether legislation, that is meant to regulate, is enabling or hindering the incorporation of IGR in the management of road safety.

2.1.2.2. Intergovernmental Relations Legislative Framework in South Africa

As indicated in the discussion above, intergovernmental relations and cooperative governance in South Africa are entrenched in the highest law of the land, the Constitution. The Constitution of the Republic stipulates that government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated (Constitution of the Republic of South Africa, 1996 and regulations, 2013).

Chapter 3 of the Constitution further stipulates that these three spheres of government and organs of state must, *interalia*, secure the well-being of the people of the Republic, co-operate with one another in mutual trust and good faith by informing one another of, and consulting one another on, matters of common interest and also by coordinating their actions and legislation with one another.

The drafters of the Constitution expressly included this provision in the supreme law of the country to ensure that there is co-ordination and alignment of legislation, policy and programmes between the three spheres of government. However, the emphasis on cooperation and co-ordination does not imply that intergovernmental conflict and competition do not occur (De Villiers, 1997). The Constitution envisaged this and included a provision that stipulated that spheres of government must avoid conflicts and legal proceedings against one other. Conflicts in IGR are inevitable especially, in South African political context, where different spheres of government are under different political parties. Parliament was directed to pass an Act that must provide appropriate mechanisms and procedures to facilitate settlement of intergovernmental disputes (Constitution of the Republic of South Africa, 1996 and regulations, 2013).

In 2005, the Parliament passed the Intergovernmental Relations (IGR) Framework Act to give effect to Chapter 3 of the Constitution. The Intergovernmental Framework Act facilitates co-ordination in the implementation of policy and legislation, including coherent government, effective provision of services, monitoring of policy and legislation and realization of national priorities (Intergovernmental Relations Framework Act Evolution & Practice: Act No. 13 of 2005, 2007) The IGR Framework Act also introduces Implementation Protocols that could be considered and entered into by different spheres to jointly implement a national priority. These protocols are meant to assist the national and provincial spheres of government to provide assistance and support the local sphere of government where it lacks capacity (de Villiers & Sindane, 2011)

Tapscott (2000) has correctly observed, and practice has proven, that whilst the South African Constitution makes provision for national legislation to regulate IGR, making it a law in itself will not necessarily lead to dramatic improvements in performance (Tapscott, 2000). Despite the enabling legislative framework, the spheres of government and organs of state still continue to plan and implement service delivery policies and programmes in a fragmented manner. It is also important to note that none of the older federations' Constitutions, for example the United States, provide for intergovernmental relations explicitly like in South Africa (de Villiers & Sindane, 2011). These countries have practiced IGR for centuries without having it in their statutes, including the constitution.

In summary, legislation provides an enabling framework to conduct intergovernmental relations however, as proven in other countries like the United States with 50 states and Australia with six states, legislation is not a prerequisite for successful implementation of intergovernmental relations. Both countries did not make significant provision for intergovernmental relations in their constitutions (Phillimore, 2013) yet debatably managed their intergovernmental relations complexities through informal and formalized arrangements and engagements. This point will be a central theme in reflecting on the empirical research of this study.

Although legislating intergovernmental relations, what de Villiers (2012) refers to as codification, is important for statutory certainty and predictability it needs to be coupled with ad-hoc and informal interactions. The extent to which the legislation governing road safety management enables or hinders intergovernmental relations forms part of the enquiry of this study and will be discussed in detail later in this paper.

2.1.2.3. Intergovernmental Relations institutional arrangements

The Intergovernmental Relations Framework Act, which was passed by Parliament in 2005, introduces a number of statutory intergovernmental forums. Key amongst these are the following forums:

1. President's Coordinating Council which is convened and chaired by the President and comprising of nine Premiers and organized local government association, South African Local Government Association (SALGA). This forum, which meets twice a year, is the most important intergovernmental relations forum, at least theoretical, for policy coordination and where matters of national importance, including budget, are discussed (de Villiers, 2012) ;
2. Minister and MECs Forums, commonly referred to as MINMECs, which is convened and chaired by Ministers with portfolio MECs and SALGA as members. According to the Act, MINMECs should meet at least once a quarter;
3. Premier's Coordinating Forum (PCF) which is a forum of the Premier and Executive Mayors in a particular province;

4. Intergovernmental technical support structures which according to the Act may be established to provide technical support to the political forums mentioned above.

In South Africa much emphasis is placed on forums as a panacea for the efficient management of IGR. Although forums brings about predictable organization and order, poor intergovernmental relations co-ordination and integration in South African context is in most cases a capacity and efficiency challenge rather than a problem of procedure. (Tapscott, 2000). As it will be argued in this study, efficient IGR is not only depended on forums but on a combination of many factors, including capacity and enabling legislation.

Countries like Australia, which is a federal country, intergovernmental relations engagements are largely under-institutionalized in structures and depend on ad hoc negotiations and agreements. These engagements are based on "partisanship, personality and political cycle" (Menzies, 2013, p. 382). Menzies (2013) argues that in the absence of strong institutions, Australian intergovernmental relations are managed through "soft" factors which are depended on actors and relationships. The informal ties, what Granovetter (1973) refers to as weak ties, have more capacity to link members of different groups rather that formal ones. The latter tend to be concentrated within a particular group and may lead to fragmentation while, on the other hand, weak ties, that is informal engagements, tend to build bridges outside the realm and are essential to opportunities (Granovetter, 1973) . This is important for IGR as emphasis again is placed on institutional arrangements and forums.

However, there are debates in Australia aimed at formalizing these forums to manage intergovernmental relations more effectively. These discussions are informed by the need to a national agenda and "counteract the current short term thinking generated by constant political churn" (Menzies, 2013, p. 386). The Council of Australian Government (COAG), which is chaired by the Premier and meets twice a year, is considered a weak institution because of, amongst other reasons, time limitations to negotiate complex matters and finding solutions (Menzies, 2013).

It is evident that for intergovernmental relations to truly work all characteristics should be present, including but not limited to, enabling legislative framework; institutional capacity and human resource capacity at political and technical levels.

From the literature reviewed, it is apparent that even countries that adopted the system of intergovernmental relations many decades ago, like the USA, are still struggling to master the system. The system of intergovernmental relations is continuously evolving. For example, the US Federal Systems Panel of the National Academy of Public Administration had, as recent as 2008, advised the incoming President Obama's administration to restructure intergovernmental relations across the federal system on the basis of collaboration and not on command and control (Kincaid & Stenberg, 2011).

As discussed above, the institutionalization of intergovernmental relations brings about predictability, order and accountability but, as the research will show, this also presents an area of conflict because of the forum's top-down posture and ownership, perceived or real, by upper spheres. The forums are viewed as platforms of upper spheres to communicate their policies to lower spheres and as I will show, this takes away the sense of ownership and participation of spheres as equals as envisaged by the Constitution. Intergovernmental relations require that forums are managed in order to build collaboration, buy-in and coordination rather than imposition of already taken decisions. This and other challenges presented by the forums will be discussed in detail in the chapters below, in reference to empirical material presented.

2.1.2.4. Vertical and Horizontal Alignment

Intergovernmental relations include two equally important dimensions: vertical and horizontal. The vertical IGR alignment is between the national, provincial and local governments. This alignment can be with one or more spheres, meaning, that IGR can be bi-lateral and multi-lateral (Phillimore, 2013). This study is focused on the vertical alignment of IGR which is between the national, provincial and local spheres of government.

The horizontal IGR alignment refers to the inter-sphere engagements because is between peers on the same sphere and is also catered for by the IGR Framework Act. The Inter-Provincial (between Provinces) and Inter-Municipal forums (between municipalities) are examples of IGR Forums that could be established in accordance with the IGR Framework Act. Horizontal alignment can also be between sister government departments of the same sphere.

What is critical is that for intergovernmental relations to be effective it should be institutionalised and alignment should be both vertically and horizontally (between and within National, Provinces and Local governments themselves) (Menzies, 2013).

2.2. Challenges of Intergovernmental Relations

In this section, challenges of intergovernmental relations will be discussed. The challenges are grouped into four themes, namely Legislative challenges, Political and Administrative challenges, Capacity challenges and lastly, challenges of IGR Forums.

2.2.1. Legislative Challenges

Legislation is an important component of IGR as it provides an enabling legal environment and clarity. However, the Constitution and the IGR Framework Act 2005 are inconsistent and present a challenge to the very objectives they seek to achieve as this section goes on to explain.

As the literature illustrates, there are glaring legislative challenges that need to be reviewed to enable intergovernmental relations to be effective. Firstly, in accordance with the constitution, the spheres of government are autonomous entities with powers and functions. Therefore, the constitutional status of spheres of government need to be respected (Malherbe, 2006) yet to some degree the IGR Framework Act (2005) gives the national government dominance over the other spheres. This dominance is further cascaded down to provinces over municipalities. The power dynamics and struggles affect the

incorporation of intergovernmental relations in government programme planning as it is resisted by lower spheres.

The President's Coordinating Council (PICC), for instance, is defined by the IGR Framework Act as a consultative forum of the President of the Republic to consult with Premiers of nine provinces on the implementation of national policy. The Act further goes on and defines the forum of the Minister and portfolio Members Executive Councils (MECs), known as MINMEC, as the consultative forum of the Minister with MEC on the implementation of sectoral national policy and solicit the MEC's views on the policy. These definitions imply that the higher spheres own these forums and therefore, determine the agenda.

The hierarchical make-up of these forums, although not explicitly stated as their objective in the IGR Framework Act but by implication, infer that the agenda of the higher forum will be influenced by the lower forums and the other way around. For instance, the PICC will be seized with issues emanating from MINMECs and the latter will discuss national policy as directed by the former. From participant observation, this is not the case in practice as the agendas of the PICC and MINMECs are not aligned and influenced by each other. For example, the researcher has been in the employ of the Department of Transport for over six years and throughout that period there has been no agenda item that was either escalated from MINMEC to PICC or vice versa. This misalignment does not improve coordination efficiency neither vertically between spheres of government nor horizontally between Departments at different spheres.

The other challenge is that the consultations take place only after the formulation of policy and this removes element of ownership of the national policy from the consulted sphere. These definitions entrench a top down approach to policy formulation and, although trivial, maintain the view by lower spheres that upper spheres are dominating them in IGR forums. According to Malherbe, " the Act is less concerned with intergovernmental relations per se, than with the concerns and priorities, specifically the implementation of national policy" (Malherbe, 2006, p.817).

His conclusion is that IGR Framework Act "reflects the present centralizing tendency from the side of the national government and it will serve to confirm, not reinforce, the de facto status of the other spheres as delivery agents of national government" (Malherbe, 2006 p.818). This conclusion, to some extent, explains the resistance displayed by some Provincial and local spheres and departments to intergovernmental relations.

Phillimore argues that even though, legislating intergovernmental relations might have its own unintended adverse ramifications, intergovernmental relations are more like diplomatic relations than contractual or legal relations (Phillimore, 2013). This suggests the IGR is not voluntary and not binding which, as the study will show, presents a challenge in implementation of IGR decisions.

What is gathered from the literature is that legislating intergovernmental relations brings about an enabling regulating environment and clarity on roles of each sphere. However, legislation also has unintended consequences especially at interpretation and application. The study will investigate whether the legislation is an enabler or an impediment to effective implementation of intergovernmental relations. The focus will be on the key legislation that governs IGR in road safety management, namely the Constitution of the Republic, IGR Framework Act of 2005 and the Road Traffic Management Corporation Act of 1999.

2.2.2. Political and Administrative Challenges

Blaatjies (2010) indicates that intergovernmental relations are meant to provide for processes where political priorities flow, in a harmonized manner, towards same political direction but challenges persist (Blaatjies, 2010). The origin of some of these challenges, in the South African context, can be traced back to CODESA negotiations. During the negotiations, cooperative governance was agreed upon as a compromise to manage power dynamics post-Apartheid and not because it was the most efficient tool or system of governance points. This gives weight to claims by some that there is no political understanding of the concept and, therefore, no political commitment to manage it.

Although the Constitution drafters may have envisaged an environment where spheres of government operated voluntarily with mutual respect and at some level of equality, political dynamics prevents this from happening; in South Africa political leadership deployment in government is closely linked to levels of seniority in political parties. For example, the President of the country is the President of the ruling party, the Premier is normally the high ranking official in the political party in the province and Mayors are, in most cases, regional chairpersons of the ruling party. This arrangement prevents spheres from operating on an equal basis as challenging the higher level in government could be viewed as a transgression of party discipline. As Phillimore (2003) observed that where "the parties are very centralized and hold power at both national and sub-national level, then the national leaders may overwhelm and dominate regional or state governments despite what the formal division of power may say" (Phillimore, 2003, p. 234).

Another dimension to this challenge is that a political party that is not the ruling party nationally governs the Western Cape and three Metropolitan Municipalities, namely, Johannesburg, Nelson Mandela and Tshwane. Naturally, the government of the Western Cape and these Metropolitan Councils will view national policy suspiciously and this may present a challenge to intergovernmental relations.

Furthermore, the fact that there are two different elections, at different intervals, in South Africa to elect the political leadership of the three spheres has its own challenges to IGR. In accordance with our electoral cycle, the national and provincial governments are elected during national elections and the local government is elected in the election a year later. This misalignment in election cycles presents three challenges to intergovernmental relations.

The first challenge is that of different developmental mandates of the three spheres based on their election manifestos. Political parties are elected into office based on the commitments made on their manifesto. The reasonable expectation of the electorate is that once in power that party will translate these manifestos in government policy and implement them. Therefore, what is contained in the manifesto for these two elections might not be necessarily aligned, even for same political party.

The second challenge is that of budgeting cycles and financial years. The financial year of the national and provincial government starts on 1 April and ends on 31 March the following year while that of local government begins in July. This affects the alignment of plans by the three spheres and may lead to issuing unfunded mandates by national and provincial governments to municipalities and to what is termed “fiscal dumping” on the municipalities by other spheres. Intergovernmental projects, programmes and plans are unlikely to be realistic and affordable unless they are developed within budget constraints (Ajam, 2008).

Lastly another challenge presented is that the national and provincial governments are elected on a system of proportional representation and local government is utilizing the constituency based electoral system with some proportional representation. The constituencies, therefore, know the local government’s representatives, and the representatives know the needs in the wards. Local councilors then tend to become territorial in their engagements by prioritizing, protecting and promoting their local policy and administrative autonomy more than harmonizing service delivery across the country as a national interest (Phillimore, 2013).

The challenges, discussed in this section, of different elections, electoral systems, manifestos, and budget cycles affect IGR in road safety management as it is difficult to align plans and budget allocations of different spheres as mandates and needs with budgetary implications might not be necessarily similar.

2.2.3. Challenges of Capacity of the State and Public Service

One of the major challenges in the public service is the capacity, or lack of, to deliver service to its citizens. The delivery and realisation of integrated transport services, including road safety, likewise largely depend on the capacity of the state to deliver it. As it will be shown in later chapters of this study, this lack of capacity manifests itself in a number of ways. Abrahams, Fitzgerald and Cameron (2009) have written on the topic and have noted concern about the capacity of the state to deliver services.

The capacity of state is defined by Dincecco (2017) as simply the government's ability to accomplish its intended policy goals (Dincecco, 2017). With regard to IGR in road safety management, this definition suggests that there should be capacity to formulate and implement road safety policy within the IGR perspective. However, as Phillimore (2013) noted, “not all governments possess the financial and human resources, or the political inclination, to conduct intergovernmental relations conscientiously or effectively” (Phillimore, 2013, p.233) .

Lack of capacity presents a challenge that will inevitably affect the conduct of intergovernmental relations, as the Constitution tends to treat spheres in an undifferentiated fashion (Tapscott, 2004). The spheres of government do not have the level of capacity, both financial and human, and as a result cannot participate in IGR on the same level. The Constitution and the IGR Framework Act are based on the assumption that the spheres of government will work together almost spontaneously and organically (Blaatjies, 2010). The reality on the ground is opposite to this assumption. Firstly, some spheres in fact have more financial and human capabilities than others. As a result of this, road safety priorities and programmes are determined by their capacity to deliver. For example, some Metropolitan municipalities, notably Johannesburg and Cape Town, have more capacity to conduct traffic law enforcement than smaller municipalities, provinces and even national. The capacity of the spheres to deliver is not generic and therefore priorities are determined by their capacity to deliver them.

The lack of capacity at the local sphere of government, especially in rural areas, is well documented and there many arguments on what is the cause of it. Amongst the causes, as argued by Tapscott (2004) is that when municipalities were demarcated, considerations were on geographical location and demographics rather than on the capacity to deliver. As a result, those municipalities in rural areas and under developed areas will be incapacitated due to those with skills migrating to developed areas.

However, the deficiency in capacity is not limited to local government as it is questionable whether the national government itself has the sufficient capacity to assume full responsibility for the activities of other spheres of government (Tapscott, 2004). The

national Department of Transport, for example, has a responsibility to formulate road safety policy and to coordinate and monitor its implementation by provinces and municipalities. Clearly, the capacity to carry out that responsibility is lacking as witnessed by the ever increasing number of fatalities on the road.

In conclusion, the conduct of intergovernmental relations in all countries depends on the public service (Phillimore, 2013). It is the public service that holds the conduct of intergovernmental relations together and without capacity in the sector IGR will not be realised. The public service is the "vehicle by means of which government delivers all kinds of service" (Nengwekhulu, 2009) it has to possess the requisite capabilities and capacities to deliver those services to the citizenry. However, as Abrahams et al.(2009) notes, "there are just not enough government employees with the requisite skills to run efficient municipality administration throughout the country" (Abrahams et al., 2009, p. 1062) but this challenge is not only limited to municipalities. IGR is a very complex system that requires "sophisticated administrative skills to facilitate in addressing challenges" (Phago, 2014 p.53). The observation by Phago (2014) is correct and these skills are required at all spheres of government.

2.2.4. Challenge of Institutional Structures and Forums

Intergovernmental relations in South Africa is practiced, in the main, through formalized structures and forums most of which were established in accordance with the IGR Framework Act of 2005. Some of these forums were established without clear mandates and programmes. This is statement is supported by Blaatjies (2010) who correctly observed that there was a proliferation and mushrooming of IGR structures since the promulgation of the IGR Framework Act. The structures were to a large degree established to maliciously comply with the IGR Framework Act. Malicious compliance, in this context, relates to forums that were just established to comply with the IGR Framework Act without any proper strategies, joint programmes and systems to monitor the effectiveness of such forums. There is recognition however, that the reason for the Act was to formalize existing structures

The IGR Framework Act, as discussed above, provided for a number of forums, like PICC and MIMMECs, and therefore, most of the departments established these forums just to satisfy that legislative requirement. As a result of not having clear agendas and programmes most of some of these forums collapsed, as there was no value in continuing with them.

It should also be noted that having IGR structures with clear mandates does not in itself mean that IGR will be managed effectively without any hiccups. This study will demonstrate that even where forums are established with clear legislated mandates, in road safety management, problems persist. Edward (2008) noted that the forums do not translate into effective intergovernmental relations by themselves as intergovernmental relations challenges are often related to capacity and management rather than structures and procedures (Edwards, 2008). In other words, IGR is complex and having forums, with or without mandates, is just but one part of a bigger puzzle and not an answer in and of itself to challenges of integrated planning and implementation.

Moreover, according to de Villiers (2012), the practice of intergovernmental relations in established federations like the USA, Australia and Canada, is primarily informal, spontaneous, ad hoc and it is based on complex interactions developed over a long period of time. IGR in these countries is practiced mainly outside formalized structures like it is the case in South Africa.

In concluding this section, it is emphasized that IGR forums bring about predictable organisation and order, however, poor intergovernmental relations co-ordination and integration is in most cases a capacity and efficiency issue. IGR forums require a clear mandate with targets and effective management of its agenda. There is also a need for capacity, both human and financial, to implement and monitor decisions of the IGR forums in order to encourage spheres to participate in these structures.

Now that the concepts of cooperative governance and intergovernmental relations have been defined and challenges to IGR discussed in detail above, the discussion in the ensuing chapter will focus on the mandate of the Department of Transport as it relates to

intergovernmental relations and road safety management. The social and economic impact of road accidents will also be discussed.

2.3. Transport Intergovernmental Relations Mandate

The National Department of Transport gets its primary mandate from the Constitution of the Republic (Act 108 of 1996) and the 1996 White Paper on National Transport Policy. The Schedule 4 of the Constitution lists the airports other than international and national airports, public transport, road traffic regulation and vehicle licensing as concurrent competencies of national and provincial government. What this means is that both spheres of government have equal responsibility to plan, implement and monitor the implementation of those functions.

Furthermore, Part B of Schedule 4 of the Constitution declares the municipal airports and municipal public transport as functional areas that fall within the competency of local government. Schedule 5 lists the provincial roads and traffic as a competency that falls with the provincial competency of legislatures. Municipal roads are a competency of the local sphere of government according to Part B of Schedule 5. It is clear from the Constitution that transport services, including road safety, are a concurrent responsibility of the three spheres of government and as such intergovernmental relations are a necessity for the delivery of these services in an integrated manner to the citizens. The roles of each sphere are clear. The national sphere of government is responsible to development of legislation and policy and monitoring the implementation of the same. Both planning and implementation of transport policy reside with the provincial and local spheres of government.

There are a number of transport legislations that recognize and support the concurrent nature of the transport function and the need to have integrated planning and implementation between the three spheres. Key amongst these is the National White Paper on Transport Policy of 1996 and the National Land Transport Act (NLTA) of 2009. Although these pieces of legislation are not subject of this study, their relevance in so far as transport

IGR in general, and not limited to only road safety, is concerned will be discussed in brief below.

A. The National White Paper on Transport Policy

The White Paper on Transport Policy identifies IGR as a critical ingredient for the delivery of safe, reliable, effective, efficient, and fully integrated transport operations and infrastructure. The White Paper indicates that the success in provision of transport services to the citizenry lies with the key stakeholders, including spheres of government, supported by coordination and integrated planning and decision making.

B. The National Land Transport Act (NLTA)

The NLTA was promulgated to give effect to the national policy on land transport and is applicable to industries proving land public transportation at a fee. Industries affected by this Act include, but not limited to, taxis, buses, meter and chartered taxis. Public transport is a concurrent function according to the Constitution and this Act clarifies the roles of each sphere in relation to road based public transport.

2.3.1. Intergovernmental Relations and Road Safety Management

It is necessary to introduce the key stakeholders in road safety within government as an introduction to this section. Management of road safety is one of the key deliverables of the Roads division of the National Department of Transport. There are five road based State Owned Entities (SOEs) that were established by the Department to focus on roads, namely the Roads Traffic Management Corporation (RTMC), the Road Traffic Infringement Agency (RTIA), the Road Accident Fund (RAF), the South African National Roads Agency Limited (SANRAL) and the Cross Border Road Traffic Agency (CBRTA). These SOEs are the implementing agents of the National Department of Transport and each have a specific mandate related to roads transport. However, the objectives of all these entities have a role to play in so far as road safety is concerned. For example, the RTMC is responsible for, amongst others, enforcement of traffic laws while RTIA mainly enforces penalties against those who infringe traffic laws. Meanwhile, SANRAL's main objective is to construct and

maintain the national road network which is an important component of road safety. The RAF, on the other hand, plays a critical role of providing post-crash support to victims of road accidents and lastly, the CBRTA regulates cross board freight and passenger road transport. Additional to these national government institutions are nine Provincial Departments and 8 Metropolitan Municipality, 44 District Municipalities and 226 Local Municipalities with their own transport functions. All these government stakeholders at all spheres need to have a shared common vision and strategies before soliciting contributions from other sectors of society, like non-governmental organisations and the private sector.

The RTMC, is a designated lead agency in South Africa that co-ordinates a 365 day road safety programme. This entails mobilizing and coordinating road safety efforts with all three levels of government, soliciting inputs from other sectors and disciplines, around a common road safety vision, objectives and strategies (Schopper, Lormand, & Waxweiler, 2006). As a lead agency, the RTMC must, in accordance with the Decade of Action on Road Safety, which will be discussed below, engage and collaborate with all societal groupings, including the Non-governmental Organisations and the Private Sector, to improve road safety outcomes (Bliss & Breen, 2009). This facilitation includes interdepartmental collaborations with other government departments, at all levels, which has a stake in road safety like the Departments of Health, Police, Justice, Social Development and Education.

However, the fact that there is lead agency in road safety management, the RTMC, coordinating the country's road safety efforts across all spheres does not imply that there is fragmentation and misalignment. As will be shown in the study, there many factors that impede the effective incorporation of IGR in the management of road safety and these factors have an effect on the manner in which RTMC conducts its business in pursuit of its mandate.

The RTMC was established primarily to deal with road traffic management and coordinate intergovernmental relations in the road safety management. This mandate is clearly captured in its founding legislation, the RTMC Act, which stipulates that the SOE was established as a partnership between national, provincial and local government to, amongst

others, manage traffic in support of enhanced co-operative and coordinated road traffic strategic planning, regulation, facilitation and law enforcement matters (RTMC Act, 1999)

The Act also establishes a governance structure called the RTMC Shareholder Committee, which is chaired by the Minister and is comprised of MECs responsible for road transport and representatives of SALGA on behalf of local government. The Shareholder Committee is, for all intents and purposes, the highest political authority on issues related to road safety in the country and it meets once a quarter to direct RTMC's efforts on road safety.

The question is whether the RTMC is fulfilling that mandate as envisaged by the legislature. What mechanisms are in place to ensure that the mandate as given by the founding legislation is realized? What the factors that are impending the RTMC from realizing its intergovernmental relations mandate? These are some of the questions that this research considers.

These questions are important because the effective management of road safety will help reduce road deaths. According to the World Health Organization (WHO), over 13 000 people die on South African roads due to injuries resulting from crashes (WHO, 2015). These deaths, which will significantly increase by 2020, are both predictable and preventable, however, the level of comprehension of the magnitude of this crisis is very low in most countries hence interventions that are inadequate and fragmented (Schopper et al., 2006).

The statistics released to the media by the RTMC, indicated that a total of 14071 people died in South Africa between January and December 2016. The age group of between 20 and 44 years of drivers, passengers, cyclists and pedestrians was recorded as the highest percentage of contribution to road fatalities. The high rate of fatalities amongst this age group represents not only the loss of precious life and human potential but places an economic and societal burden on their families, community and the country.

Road traffic crashes and subsequent deaths in South Africa are not only a social problem but the cost thereof is colossal. According to the study released in 2016 by the Council for Scientific and Industrial Research (CSIR), commissioned by the RTMC, the total costs of road

crashes on the economy in 2015 amounted to an estimated R142.95 billion, which is 3.4 percent of the Gross Domestic Product (GDP). The following table depicts the breakdown of the cost by element and severity of the road crash:

TABLE 1: Total Cost of Road Traffic Crashes

Cost Category	Total Cost of RTCs (R million)					
	Fatal	**Major**	**Minor**	**Damage only**	**Total**	**%**
Human Casualty Costs	58 332	24 794	14 546	1 358	99 030	69.3
Vehicle Repair Costs	218	809	2 902	17 395	21 326	14.9
Incident Costs	2 018	5 113	2 740	12 723	22 595	15.8
Total Cost	***60 569***	***30 716***	***20 189***	***31 477***	***142 951***	

Source: (Labuschagne, 2016)

The estimated R142 Billion that the country loses each year due to road crashes can be redirected to other socio-economic needs like housing, health, education and social development.

In this section the legislation that underpins IGR in the transport sector in general and the one that is specific on road safety were discussed. The discussion then covered road safety and its socio-economic implications on the country. In the following section the Decade of Action on Road Safety Plan 2011–2020, which was adopted by the United Nations to guide Member States in reducing road fatalities, and the South Africa's National Road Safety Strategy 2016 – 2020 will be discussed. Both the global strategy and the national plan are important for this study as they provide a framework in which road safety should be managed.

2.3.2. Decade of Action on Road Safety Plan and the National Road Safety Strategy

In 2010, the United Nations adopted the Decade of Action on Road Safety Plan which aims to stabilize and reduce the global number of road fatalities. The plan is anchored on 5 pillars, namely, road safety management, safer roads and mobility, safe vehicles, road user behaviour and post-crash response. This study is focused on the road safety management pillar of the global plan as the pillar places emphasis on the strengthening of institutional capacity to achieve the target of halving road deaths by 2020. The road management pillar recommends for, amongst others, the identification of a lead agency in government to guide the national road safety effort and to prepare a national road safety strategy and plan of action (Bliss & Breen, 2009, p.5-6).

As a direct response to the Decade of Action on Road Safety Plan, the Department of Transport has nominated the RTMC as the lead agency to mobilise the country's road safety interventions. Following extensive consultations with stakeholders the agency has developed the National Road Safety Strategy 2016 – 2020 that was approved by Cabinet in March 2017. The strategy aims to create a safer roads and reduce the number of injuries and fatalities (NRSS 2016-2020, 2017).

The National Road Safety Strategy recognises the need to improve both vertical (within spheres) and horizontal (other departments) intergovernmental alignment by establishing formal and oversight structures to ensure that road safety is dealt with in a cohesive, transversal and integrated manner (NRSS 2016-2020, 2017, pp 28).

As result, the strategy proposes the establishment of inter-departmental National Roads Safety Council (NRSC) that will oversee the governance and oversight of the strategy. The NRSC will be constituted by representatives of the Presidency, RTMC, Departments of Transport, Justice, Health, Basic Education, Higher Education and Training, Cooperative Governance and Traditional Affairs (COGTA), Police, Business and NGOS. Judging from the composition of the proposed council it is apparent that it will be in a position to enhance partnerships and ensure inter Departmental collaboration (horizontal alignment) but fall short of addressing the vertical integration (with other spheres).

It is noteworthy that the strategy has identified the need to strengthen intergovernmental relations in the management of road safety; it falls short on specific actions and activities that will be taken to achieve this. It should also be borne in mind that this is not the first transport policy to identify weak intergovernmental relations as a challenge. How is this different strategy different from all other strategies and what are the fundamental impediments to effective intergovernmental relations? How will this strategy address them?

For South Africa to effectively achieve the UN Decade of Safety Plan target of halving road fatalities by 2020 an efficient and harmonized intergovernmental relations is a prerequisite.

Before the National Road Safety Strategy was formulated, the drafters conducted a review of previous strategies and drew lessons from the same. Amongst the key shortcomings of the previous strategies that were identified was the lack of coordination and engagement of critical stakeholders, which include other spheres, key departments and non-governmental organisations in road safety interventions in order to prioritise interventions appropriately.

The findings of the review of previous strategies suggests that intergovernmental relations, amongst others, is where urgent focus is required. The planning and execution of road safety intervention in isolation by stakeholders, especially spheres of government, leads to fragmentation and misalignment of priorities and duplication of resources which in turn, minimises the impact of such interventions. Misalignment of priorities is glaring where, for example, the national department views the deployment of traffic officials on the roads to increase visibility and change driver behaviour while the local government views the deployment of officers as an income generation exercise and prioritising the issuance of traffic fines over visibility. Resources are duplicated, for example, on the R21 connecting to the N12 road between Pretoria and Johannesburg where one often finds the National Traffic Police. Tshwane Metropolitan Police Department, the Ekurhuleni Metropolitan Police and the Johannesburg Metropolitan Police Department all manning the road, albeit for different reasons, at the same time without necessarily knowing about the presence of another. If integrated planning between law enforcement had actually taken place, resources would

have been strategically deployed to cover other areas in Gauteng which are not given attention.

2.4. Conclusion

It is clear from the literature that was reviewed that cooperative governance and intergovernmental relations are two related concepts with different conceptual definitions. The former is an overarching governance philosophy based on a reciprocal obligation of spheres government to coordinate service delivery and the latter, in short, are interacting networks and institutions at national, provincial and local spheres of government to coordinate service delivery.

It also clear that intergovernmental relations is complex and an evolving concept which highlights a number of challenges. The research study investigates each of these challenges and how they impact on the effective incorporation of intergovernmental relations in the management of road safety. Although there are a plethora of challenges to intergovernmental relations, focus will be limited on the challenges identified from the literature reviewed which are relevant to the study. These challenges can be categorised into four:

1. **Legislative Challenges**: Although, the legislation that underpins the Department of Transport's intergovernmental relations mandate as it relates to road safety management, namely the Constitution, RTMC Act and the Intergovernmental Relations Framework Act; provide legislative certainty and clarity, however, also presents a number of unintended challenges. These challenges include dominance, real or perceived, by the national sphere over other spheres although the Constitution stipulates that spheres are autonomous. The study investigates how this dominance affects the incorporation of intergovernmental relations in management of road safety. The consultative nature of forums, established according to the IGRF Act, also presents a challenge as they are viewed as a mechanisms used by national to consult other spheres on national policy and providing a platform for other spheres to raise their issues with national. The study

investigates whether legislation is an enabler or an impediment to effective incorporation of intergovernmental relations in the management of road safety.

2. **Political and Administrative Challenges**: Intergovernmental relations is both a political and administrative function. Politicians as custodians of policy in Departments play an integral part in the conduct of intergovernmental relations. The challenge is that intergovernmental relations, although legislated, is configured as a consultative and voluntary process without penalties for non-adherence or non-implementation of decisions. Implementation is mainly dependent on the political will across the three spheres. As discussed above, political dynamics, like seniority in the party, different electoral cycles and multiple parties leading different spheres, have an influence on how intergovernmental relations are conducted between spheres. The study investigates how this factor impacts on the incorporation of intergovernmental relations.

3. **Lack of capacity to deliver:** Generally the state has a challenge of capacity to deliver services to the citizenry. This lack of capacity also extends across spheres but it is arguably more prevalent in the local sphere of government. In order to effectively incorporate intergovernmental relations in service delivery, especially on a concurrent function like transport, public service at all levels need to have appropriate capacity, both qualitatively and quantitatively. The study will investigate whether the three spheres have the necessary capacity to comprehend and implement intergovernmental decisions.

4. **Forums challenges:** There is a continuing debate on whether intergovernmental relations works better in a formalised or informal manner. The literature supports both formalised and informal interactions as being beneficial to intergovernmental relations. The challenge with the formalised interactions through forums, especially those established by the IGRF Act, is the malicious compliance with legislation without focused agendas and implementation of decisions. The forums that were established between the three spheres to manage road safety is part of the focus of this research study. The study investigates whether these forums are aligned and

have a clear agenda, programmes and projects which are implemented and monitored.

Without any of the four elements, which are presented as challenges above, the effective incorporation of intergovernmental relations in any government's service delivery, road safety included will be difficult. The challenges, which are broad, guide the research in investigating whether intergovernmental relations is incorporated in the management of road safety. The research questions and analyses of the result of the research are anchored around these challenges.

This research study will explore whether the inherent characteristics of intergovernmental relations are in place (in the various spheres of transport governance) and the extent to which they enhance, or otherwise, impede road safety management. This enquiry is critical because the success of intergovernmental relations is dependent on the balance between legislation, formal and informal forums and institutions (de Villiers & Sindane, 2011).

CHAPTER 3: RESEARCH METHODOLOGY

3.1. Introduction

In this Chapter, the researcher will explain the research design that was applied to conduct this study. The discussion on the population and sampling of the study will then be presented. Later in the Chapter, the data collection and analysis methods used are explained and a discussion on how the data was validated and its reliability verified.

3.2. Research Approach and Design

The purpose of research design is to provide guidance on how the research was conducted and to explain the research methodology and data collection that the researcher used in this study (Wagner et al., 2012)

The research approach and its design for the study is based on constructivism perspective with the researcher as a tool for data collection and analysis. Baerveldt (2013) defines constructivism as "an approach to knowledge and learning that focuses on the active role of knowers" (Baerveldt, 2013, p.156). With knowledge being subjective and socially constructed, the research deliberately targeted individuals and institutions working within the intergovernmental fraternity and those with intimate knowledge of and experiences with the subject.

A qualitative method was used for this research because the purpose of the study is to understand and gain insight into intergovernmental relations as it relates to the management of road safety. Qualitative research process, as opposed to quantitative, is holistic in orientation and constructive in nature because meaning is generated from the world that is observed (Park & Park, 2016). On the other hand, quantitative research methods, is mainly concerned with measurement and often ignores the "meanings that people attribute to events and experience" (Wilson & MacLean, 2011, p.85). The research is more focused on the quality or richness of the experience under study rather than looking

at the relationship between variables (Wilson & MacLean, 2011). In order to adequately respond to the research question, the researcher used the qualitative research as an appropriate method to gather rich and detailed data from the experienced individuals in the intergovernmental space. This an exploratory research study to investigate how IGR is incorporated in the management of road safety. The research question can be best responded to by utilising qualitative research methods as the purpose is to develop and generate, and not to test, a theory.

The table below depicts the basic characteristics of Qualitative and Quantitative research methods.

TABLE 2: Basic Characteristics of Qualitative and Quantitative Research Methods

Quantitative	Qualitative
Objective	Subjective
Researcher is independent of research	Researcher interacts with research
Value free and unbiased	Value laden and biased
Impersonal voice	Personal voice
Deductive process	Inductive process
Structured	Unstructured
Accurate and reliable through reliability and validity testing	Accurate and reliable through verification
Test a theory	Develop a theory

Source: Park & Park, 2016

3.3. Population and Sampling

Neuman (2014) defines population "is an abstract idea of a large group from which the researcher draws a sample" and the results from that sample will then be generalised to represent the population (Neuman, 2014, p.247). According to Wagner (2012) the population is the whole group of people or units under study. Therefore, the sample frame, that is the characteristics of the population, for this research are people with outlooks on

intergovernmental relations as it relates to road safety management and include, but not limited, to:

- Political Leadership at national, provincial and local spheres of government;
- Senior Management within the three spheres; and
- Officials at the technical level within the three spheres within the transport sector

The researcher used a non-random purposeful sampling technique to achieve credible empirical data within time and budgetary constraints. Purposeful sampling, also known as judgement sampling, refers to a form of non-probability sampling where the researcher utilises experience to identify suitable participants (Wagner et al., 2012).

The researcher's positionality as a senior manager working for the National Department of Transport enabled him to identify respondents with interest and outlook on both IGR and road management and can provide answers to the research question. The researcher is not currently working within IGR nor road safety space, he has in the past worked as the IGR middle manager in a provincial government in Gauteng. The researcher acknowledges that his prior knowledge, background and experience on IGR presents both an advantage and disadvantage to this study. The advantages of positionality of the researcher, according to Chavez (2008), include expediency of access as the researcher is familiar with the environment and can access information and respondents quicker. Another advantage of positionality is that the researcher due to proximity can detect of participants' hidden behaviours and perceptions during data collection, interpretation and presentation (Chavez, 2008). However, the researcher's positionality, if left unchecked, can disadvantage the research by, leading him to have "difficulty with recognizing patterns due to familiarity with community" (Chavez, 2008, p. 479) and biasness in selecting respondents. The researcher has to be conscious of his positionality and control his biasness.

The researcher approached ten (10) respondents from the National Department of Transport, Gauteng Department of Roads and Transport, Gauteng Office of the Premier, Road Traffic Management Corporation (RTMC), Road Traffic Infringement Agency (RTIA), Ekurhuleni Municipality and Road Safety NGO and asked them to participate in the study.

3.4. Data Collection

Both primary and secondary data were collected and used in conducting this research study. Primary data was collected through face to face interviews and observations. The secondary data collection involved the reviewing of relevant literature to define key concepts of the study. The literature review provided an insight on what others have written on the topic and created a foundation for the study.

3.4.1. Interviews

The researcher conducted one on one interviews, using open ended questions, to get respondent's understanding of meaning based on their experiences with IGR. According to Dilley (2004), interviews are important in qualitative research as respondents are interviewed for their "oral histories, life histories, ethnographies and case studies" (Dilley, 2004, p.127). Interviews are important in a qualitative research study as they provide credible and descriptive data that cannot be obtained through any other method (Wagner et al., 2012). The researcher adhered to the guidelines, as outlined by Wagner (2012), in conducting interviews for this study by ensuring that all respondents were informed about the purpose of the interview and ensuring that the person interviewed give permission for the interview. The researcher did not impose his own ideas on the respondents and was non-judgemental of respondent's views.

The researcher asked respondents open-ended questions to guide them towards the topic of the study while allowing them leeway to express their views on the matter. Conducting semi-structured interviews, with open-ended questions, allowed the researcher to ask the questions with flexibility to follow up and probe issues that arise out of responses of the interviewee. The researcher focused the questions on experience, opinions and knowledge of the respondents on the subject matter. The interviews were arranged and conducted in quiet places with minimal disturbances. The language used for these interviews was mainly English.

3.4.2. Observation

Participant observation as a method of data collection is helpful, according to Wagner (2012), because it exposes the researcher to aspects of a social setting that is not accessible to the general public. Through observation the researcher is able to identify relationships and provide comprehensive descriptions of the social setting on how things are organized (Wagner et al., 2012).

In addition to employing other methods, the researcher took an observer stance, in as far as it is possible, when conducting this study. The researcher is currently employed by the National Department of Transport this positionality places the researcher in the same setting as respondents and is accepted by respondents without the latter been aware they are been observed. The researcher developed an observation guide and took field notes as a record of what is been observed (Wagner et al., 2012). The researcher, for example, sat on some of the MINMECs and RTMC Shareholder Committee meetings. He took notes and observed the proceedings and how these two forums processed issues. The researcher observed, for example, behaviours of participants from different spheres in these meetings and the manner in which decisions are taken and monitored.

3.5. Data Analysis and Interpretation

In order to answer the research question adequately, the researcher had to carefully analyse the data collected through interviews and that collected through observation. In this section, the researcher is indicating the method used in analysis the data and assumptions that informed that analysis in order to give to the study credibility. This indication is equally important for the evaluation, comparison and synthesizing the study with other studies on the same topic (Braun & Clarke, 2006).

Analysing data entails organising, integrating and examining while identifying patterns and relationships among specific details (Neuman, 2014). In analysing the data collected through interviews, the researcher presents accounts of the participants in a specific setting (Reeves, Albert, Kuper, & Hodges, 2008). There are, however, many approaches to data analysis and

the researcher adopted the thematic analysis method for this study. This method of data analyses involves identifying themes and patterns in the data (Wagner et al., 2012). The process of analysing data using thematic approach begins with familiarising one's self with collected data, coding, searching for themes, reviewing themes, defining and naming themes and producing a report (Braun & Clarke, 2006).

3.6. Reliability and Validity

The terms reliability and validity are commonly associated with quantitative research, however, some qualitative researchers argue that these terms should be reconsidered and applied in qualitative paradigm (Golafshani, 2003). Rigor is important in any research to ensure that its findings are credible (Merriam, 1995). Golafshani (2003) argues that although these terms are treated separately in a quantitative research, they are not separable in qualitative research.

In qualitative research reliability and validity are "conceptualized as trustworthiness, rigor and quality" (Golafshani, 2003, p. 604). Johnson (1997) concurs with the view that in a qualitative research validity refers to a research "that is plausible, credible, trustworthy, and therefore, defensible" (Johnson, 1997, p. 282).

In conducting this study, the researcher utilized triangulation to improve validity and reliability of data by combining interviews with observations coupled with insights from literature that was reviewed. The observations were used to "test and fill out accounts given in interviews" (Claire Wagner et al., 2012, p.138). Triangulation, as defined by Creswell (2000), is a procedure that seeks to find convergence amongst different sources of data to establish themes and categories in a study (Creswell & Miller, 2000). Furthermore, a qualitative researcher has to avoid what Johnson (1997) refers to as researcher bias. The biasness of the researcher manifests itself through selective observations and recording of information, allowing personal views to determine data interpretation and how the research is conducted (Johnson, 1997). To ensure trustworthiness and credibility of the data and findings of this research, the researcher had to be self-aware, monitor and control biasness. To control biasness the researcher had to, amongst others, continually challenge

his preexisting assumptions and to asking respondents leading questions. Although the researcher, due to his positionality, had access and knowledge he continuously avoided been too subjective and included the collected data even if he does not share the same views. The researcher sought to present views that are contentious in the manner with which they were presented, without removing or censuring viewpoints.

3.7. Ethical considerations

Wagner (2012) emphasise that the researcher has an obligation to focus on ethical considerations throughout the research process, from design to write up. For this research to be ethical the researcher obtained informed consent of respondents and made a commitment to them that confidentiality will be maintained. Respondents to this study were not and will not be exposed to any harm.

The researcher obtained written consent from respondents and for the purposes of confidentiality their names will be replaced by organisations they represent without altering the accuracy of their accounts. As Kaiser (2009) points out, researchers have a responsibility of protecting their respondents from harm by not compromising their identities.

CHAPTER 4: PRESENTATION OF RESEARCH FINDINGS AND ANALYSIS

4.1. Introduction

In the foregoing chapters, the research problem and questions were discussed and a comprehensive discussion on arguments, which was extracted from the literature reviewed, was presented. In this chapter, the data that was collected by researcher through interviews with respondents, own observations and documentary analysis will be presented and analyzed. The presentation of the data is categorized under four themes that seeks to respond to the research question, which is: How are intergovernmental relations incorporated in the management of road safety? The four themes are linked to the challenges there were highlighted in the reviewed literature as impediments to effective incorporation of intergovernmental relations. The themes are: Legislative challenges, Political and Administrative Challenges, Capacity to deliver and Forums.

4.2. Categorization of respondents

The respondents were selected and distributed to cover all three spheres and included all levels in the organisations, from political to management and technical.

A. Respondent 1: Gauteng Department of Transport and Roads (Political Head of the Department)
B. Respondent 2: South African Local Government Association (Senior Manager in the of the Transport Section)
C. Respondent 3: Road Traffic Management Corporation (Senior Official in Strategic Section)
D. Respondent 4: Gauteng Office of the Premier (Senior Manager in IGR)
E. Respondent 5: Ekurhuleni Metropolitan Municipality (Senior Manager in Traffic Management)
F. Respondent 6: National Traffic Police (Senior Manager in Traffic Management)
G. Respondent 7: National Department of Transport (Senior Manager in Road Safety)
H. Respondent 8: Department of Cooperative Governance and Traditional Affairs (Senior Manager on IGR)
I. Respondent 9: Road Traffic Infringement Agency (RTIA) (Senior Manager)

J. Respondent 10: Road Safety Non-Governmental Organisation Manager (Senior Manager)

Although, Respondents at provincial and municipal spheres are based in Gauteng the study covers the whole country and presents a general national reflection of inter-governmental in the road safety management.

4.3. Legislative Challenges

In order to determine the extent to which intergovernmental relations are incorporated into the management of road safety by the three spheres of government, the legislation that governs that relationship needs to be probed. The questions that were asked to respondents were whether the legislation enables or hinders effective incorporation of IGR in the management of road safety. The primary legislation governing intergovernmental relations is the Constitution, the IGR Framework Act and the RTMC Act. The table below provides an overview of these legislations:

Legislation	Objective
Constitution	The constitution specifies the principles of Cooperative governance and creates three spheres of government, namely, national, provincial and local spheres of government which are distinctive, interdependent and interrelated.
IGR Framework Act	This Act gives effect to principles of cooperative governance as contained in the Constitution. It provides for IGR forums that could be established and sets out protocols that could utilized to manage joint programmes. IGR conflict management mechanisms are also contained in this Act.

RTMC Act	The RTMC Act establishes the RTMC as partnership between the three spheres of government. The entity responsible, amongst others, to regulate, strengthen and monitor intergovernmental contact and cooperation in road traffic matters

Table 1: Key IGR Legislation (Source: Own)

In general, there is compliance with the legislation governing the intergovernmental relations as evidenced by spheres of government integrating cooperation with other spheres in their Department's strategic plans and annual performance plans.

> There is a realisation across the board, in government departments, that more can be achieved through collaboration than without. The collaboration is much better today than it was back in a 1995 before the passing of IGR Framework Act. But there is still some work to be done to make work as envisaged by the drafters of the constitution (Respondent 8, August 2017)

The above observation by the Respondent 8 indicates three things. Firstly that the legislation created a regulatory environment for IGR to be conducted and secondly, that having legislation does not guarantee results by itself. Lastly, it may indicate that Departments are just implementing the legislation to comply with it and not necessarily to achieve what was envisaged by the drafters of the constitution.

Nevertheless, the appreciation by government departments that intergovernmental relations are central to planning and implementation of joint programmes by the spheres of government means that there is movement towards improved co-ordination of road safety interventions. The elevation of intergovernmental relations and its inclusion into strategic plans and annual performance plans improves accountability as these public service planning and reporting instruments are tabled annually in parliament and provincial legislatures, respectively. This enhances monitoring of the implementation of IGR in

government as Parliament has an oversight role over departments and can hold them accountable.

As discussed in the literature review chapter, legislation in itself does not guarantee results, however, provides an enabling framework and clarity. Although government developed a supportive regulatory framework for IGR to operate, legislation on its own, in the absence of other factors like administrative capacity, will not promote greater intergovernmental cooperation and coordination (Trapscott, 2000). Moreover, many countries have conducted their intergovernmental relations without legislating it. This, however, as shown by literature, does not mean that legislating IGR is not necessary.

Responding to the question whether legislation that underpins intergovernmental relations is an impediment or enabler, respondents provided diverse views. The legislation referred to is, in the main, the Constitution, the IGR Framework Act and the RTMC Act. The majority of respondents indicated that the legislation is sufficient and enables the spheres to engage periodically.

> Before the IGR Framework Act was enacted in 2005, the relationship between spheres was conducted on an ad-hoc basis and was optional, often based on personalities and appetite of politicians to engage. But now, the legislation somewhat forces the spheres to engage. Which is good (Respondent 7, September 2017)

The inference made is that the legislation, especially IGR Framework Act, to some extent compels the spheres to have structured meetings, at least once a quarter, which would not have been the case if there was no legislation. However, Respondent 4 expressed a contesting view that although the legislation enables intergovernmental relations some provisions of the IGR Framework Act need to be amended to be more forceful and impose penalties for non-implementation of IGR decisions.

> The legislation makes the intergovernmental relations voluntary and the spheres participate only as a compliance issue. There is no desire to implement and monitor

> the implementation of decisions taken at the meetings because there are no penalties imposed for non-implementation. The decisions are not binding. The Act then becomes toothless unlike the PFMA that has penalties for noncompliance (Respondent 4, August 2017)

In underscoring his view on non-implementation of IGR decisions, Respondent 4 mentioned that reports of meetings of IGR forums that MECs attend are received and filed every quarter without any mechanisms to monitor if decisions taken are implemented. However, the respondent emphasised that although lack of implementation is pandemic in the public service, legislating performance and imposing penalties for non-performance is tantamount to criminalizing contraventions in public service.

Moreover, according to Respondent 8, provision is made in the IGR Framework Act for Implementation Protocols to address the issue of implementation of joint programmes.

> The Act should be read and applied in its entirety and not only Chapter 2 that establishes the forums. There is more to forums in the Act and Chapter 3 makes provision for implementation protocols to manage joint programmes. Departments are not using these useful protocols guidelines (Respondent 8, August 2017)

The IGR Framework Act, which was enacted in 2005 to give effect chapter 3 of the Constitution on co-operative governance, remains the main legislation on IGR. The Act, according to majority of respondents, is meant to be a key enabler as it establishes the forums and provides a framework on how to conduct IGR across government.

In relation to road safety, the RTMC Act is a road traffic management, and a sector specific Act that recognizes and promotes IGR. As observed by Respondent 2, the RTMC Act is one amongst the few sector specific legislations that robustly recognizes the centrality of intergovernmental relations in planning and implementation. The RTMC Act makes provision for a Shareholder Committee, which is and IGR forum constituted by the Minister as the chairperson, MECs from nine provinces and SALGA as representatives.

Although the RTMC Act is explicit in its objectives, there are challenges in the practice that obstructs its full implementation to achieve those stated objectives.

> The RTMC Act, is good on paper, there is nothing fundamentally wrong with it but it is failing at implementation level (Respondent 1, August 2017)

The failures in the full implementation of the RTMC Act, according to Respondent 9, can be traced back to the origins of the Act which was approved and passed by Parliament in 1999 after a protracted political and administrative lobbying and tradeoffs. Initially, provinces were against the Act because it meant relinquishing some of the provincial powers to National government.

The RTMC Act is meant, according to its objective, to pool road traffic powers and resources of the Minister and the provincial MECs to reside with the national RTMC Shareholder Committee. According to Respondent 9, this means that provinces would be stripped of all road traffic powers and this led to resistance which was only resolved after political management. There were tradeoffs and not all ten RTMC functional areas, in accordance with Chapter 18(1) of the Act, were transferred from provinces to national especially those areas with revenue generating streams, like vehicle registration and licensing. The other listed functional areas of the RTMC which are critical to road safety like vehicle roadworthiness testing, registration, testing and licensing of drivers and law enforcement still reside in provinces with some areas contracted out to the local government.

> The RTMC Act is not working the way it should be working. The purpose and the intention of the Act cannot be truly realized because the RTMC is not performing all its functional areas (Respondent 9, October 2017).

The implication of not having all functional areas residing under one roof is that road safety cannot be managed holistically as envisaged by the RTMC Act. Critical functional areas, like road vehicle roadworthiness and driver fitness, are still at provincial departments and municipalities while national government is responsible for other functions, like road traffic information and adjudication of road traffic infringement. The problem is not with the RTMC

Act itself but the implementation thereof and that impedes the effective incorporation of IGR management of road safety. Road safety is managed in silos in direct conflict with the objectives of the RTMC Act.

Another challenge presented by the legislation, according to Respondent 9, is the contradiction between the RTMC Act and the Constitution. The latter stipulates that the spheres of government are autonomous and list certain transport functions, including road safety, as concurrent competency of the three spheres but the RTMC Act intentds to take some of these from provinces to a national agency without amendments to the Constitution.

> The RTMC Act as it is currently drafted will not pass the constitutional test.
> The RTMC Act is unconstitutional (Respondent 9, October 2017)

The argument by Respondent 9 is that RTMC Act cannot strip Provinces of concurrent functions and put them into a single entity at a national level without a constitutional amendment as Constitution promotes the autonomy of spheres and lists certain functions as concurrent functions of these three spheres. The matter of the constitionality or lack it of the RTMC Act needs to be tested in the Constitutional Court and put to rest. The Constitutional Court, as the apex court in the country, has the jurisdiction to declare an Act unconstitutional or not and its judgements are not appealable.

The fact is that the three spheres are autonomous according to the Constitution and independently decide on their plans and how to allocate their resources and budgets for safety matters presents a challenge.

> Because of this autonomy, provinces tend to allocate resources to other social needs resulting in certain areas of road safety being neglected (Respondent 3. September 2017)

It can be concluded that, according to the responses by Respondents, the intergovernmental relations legislation is sufficient in supporting its incorporation in the management of road safety. However, most challenges lie in the implementation of the legislation. The two main pieces of legislation that enables IGR in the management of road

safety is the IGR Framework and the RTMC ACT and both of them are not fully utilized to realize the objectives that they were enacted for. The IGR Forums, as contained in both these Acts, were established and are convening regularly, however, challenges persist mainly because RTMC Act is not fully implemented. The objective of the RTMC Act was to facilitate IGR in the management of road traffic matters, including road safety, and for the RTMC to fully achieve this objective all this functional areas as listed in the ACT should transferred to the RTMC.

4.4. Political and Administrative Challenges

Political Leadership Stability

IGR is both a political and administrative function and as such, it requires both levels to work in concert to ensure its full incorporation into the management of road safety. South Africa has a multi-party political system with different political parties governing different spheres. In responding to the question that intended to probe whether politics or partisan interests has an effect on the effective incorporation of intergovernmental relations in the management of road safety, respondents provided divergent views.

The majority of respondents, however, are of the view that party politics have a minimum impact on the management of road safety even where different political parties govern the province and local governments. The political heads engage cordially on road safety issues without much consideration of party politics. This contradicts the assumption made in literature about the dominance of IGR and power dynamics by higher spheres as there is mutual respect between role players.

However, there are a number of challenges presented by politics and one of which is, as highlighted by the Respondent 9, the high turnover of national Ministers of Transport which in turn affects the momentum of intergovernmental relations.

> The Department of Transport is one of the Departments which is negatively affected by cabinet reshuffles. The Department is currently having its seventh Minister since

> 2014 and this impacts on the momentum of intergovernmental relations as IGR turns to depend on the appetite the Ministers have on advancing the principles of cooperation. Some Ministers push IGR very hard, some do not (Respondent 7, September 2017)

The above observation by Respondent 7 is a recurring theme from a number of other respondents who also indicated that the frequency of change in political leadership, within all spheres, adversely affects the management of road safety. Regular change in political leadership creates instability and uncertainty at the top as both the administration has to adapt to new leadership style and approach to road safety.

> Politics should be taken out of road safety as politics results in road safety programmes being driven by who is currently in power and not what the country needs. Noting that the recipe does not change its just who makes it work. There is a need for the depoliticizing road safety, making it a programme of action for the country regardless of who is in power (Respondent 3, September 2017).

The emphasis of Respondent 3 is that road safety management is a management function that should be driven by technocrats without interference by political principals as this will create stability as the employee turnover at management level is not a frequent as politicians. The technocrats because of their technical knowledge and experience are in a good position to guide and advice politicians on road safety policy based on research and best practice. The direction of road safety policy and programmes should not be dependent on incumbent politicians but must be driven by technocrats for stability purposes. The management stays behind when the politicians are removed and can proceed with policy and programmes.

The view on instability brought by reshuffling of political heads was supported by Respondent 4 who adds that the instability is not limited only to national level but also to Provinces. He states that, for example, the Premier Coordinating Forum (PCF), which is the forum of the Premier and Mayors, used to sit regularly during the tenure of the previous Premier but it has not convened in more than 8 months since the change of leadership. This

implies that the incumbent Premier might not attach much importance to IGR as the predecessor. The effect of the high turnover is not felt within the government sector but also affects the NGO sector.

> Every time there is change of Minister, programmes we were running with the previous one come to a halt suddenly. We have to pitch ideas on how we can collaborate with government every time there is a Cabinet reshuffle (Respondent 10, October 2017)

The planning and implementation of road safety interventions are affected negatively by change of political principals as plans are stopped or changed every time a new political head takes office. This affects all stakeholders including NGOs. The change of plans happens even before the impact of those plans is measured. This is the reason that Respond 3 emphasized the importance of making a management driven process that will continue uninterrupted regardless of the change in political leadership.

Political Parties

The majority of respondents state that the opposing political parties work well together in IGR, both at political and administrative level and that relations are cordial irrespective of which political party is governing the province or municipality. Provinces exchange ideas and learn from each other at both informal and formal levels. They share best practices: for example, Gauteng Department of Transport, which is under ANC administration, invited the Western Cape Department, which is DA governed, to workshop the former on the utilization of the social media to curb road fatalities. The use of social media has been successful in the Western Cape. This shows that there is high level of political maturity to elevate critical issues like road safety management above party politics. This political willingness then cascades down to senior officials who realize that politicians are in harmony when it comes to road safety. This also contradicts observations made in literature that struggling for power between officials in different spheres of government hampers IGR.

Location of Transport Portfolio

There are variations in the location of transport and traffic law enforcement portfolio in Provinces and Municipalities and this presents a challenge that only the politicians can resolve as the configuration of provinces is entirely a political competency. The prerogative to constitute provincial Cabinets or Executives Councils lies with the Premiers of the Province but inconsistences between provinces on the alignment of transport portfolios presents a challenge to the management of road safety. For example, in the Gauteng the transport functions are divided between the Departments of Transport and Roads and the Department of Community Safety. The former is responsible for all transport functions except law enforcement, which is important to road safety, but it is allocated to another Department. The National Road Traffic Act is the sole responsibility of the Department of Transport and Roads but the law enforcement aspects of it are located in the Department of Community Safety. This presents a structural challenge in that the Department cannot holistically implement road safety interventions, which include law enforcement, without consulting another Department in the same Province.

> In practical terms it means, the Transport Department is out of the traffic law enforcement strategy developed by the Gauteng Community Safety Department with municipalities. The custodian of the National Road Traffic Act, is then a bystander on law enforcement which is peculiar (Respondent 1, August 2017)

The misalignment of provincial departments, although unintended, has a negative impact on the planning and implementation of road safety and on IGR because consultations and consensus on the approach to road safety have to happen between two Departments in the same province before linking with other spheres. This misalignment, although it might not be envisaged when Premiers constitute departments, presents a real challenge, as two departments might not necessarily share the same vision and priorities. For instance, the Department of Community Safety will prioritize crime prevention while Department of Transport prioritizes road safety. As a result, both human and financial resources will be deployed to fight crime rather than increasing traffic law enforcement, which is a critical part of road safety. This is a structural and institutional arrangements challenge that

requires political intervention at a national level to guide Premiers when constituting provincial departments.

This is, however, not the case in other Provinces like the Western Cape and Free State where all aspects of the road safety are located within one Department. All aspects of road safety like awareness and education, roads, law enforcement are the responsibility of one MEC and Department. This means all areas of road safety are managed under one department.

Responses indicate that relations are cordial and not hostile at political and administrative levels regardless of different political parties governing the spheres of government. For IGR to function well in managing road safety there must be collaboration between the political leadership and administration. The relationship is reciprocal between the policy maker and policy implementer. The two levels support each other in making the decisions and implementing them. The relationship is intricate in provinces with more than one MEC responsible for the transport function as it involves two politicians, two technical and management teams of management. As discussed above, the collaboration on road safety matters such provinces are difficult, as priorities of these departments are not aligned.

4.5. Capacity of the State and Public Service Challenges

The issue of lack of capacity of the state, whether perceived or real, to deliver is well documented and this shortcoming inevitably extends to road safety management.

The effective incorporation of intergovernmental relations in road management largely depends on the capacity of the State and the Public Service to make it a reality. As discussed in the preceding chapter on literature review, road safety is a product that can be produced like any other government goods and services The production of road safety is a management function and it requires institutional arrangements that are results driven (Bliss & Breen, 2009). Therefore, it is important to investigate whether the state has the capacity to deliver a road safety product and if not, what are factors that are making the state incapable of delivering a road safety product.

Respondent 3 indicated that although lack of skills is regarded as one factors affecting the capacity of the state, there is no traceable audit that was ever conducted within the spheres to identify the skills, experience and knowledge that are required to manage road safety, including the skills, experience and knowledge that the spheres currently have. Therefore, in the absence of such an audit, this study examines the perceptions that respondents have on the capacity of the state to deliver road safety. However, there is a need to conduct a skills audit that will provide empirical evidence on the capacity and assist in identifying the gaps.

> There is a need to undertake a review of the required skills to ensure effective management and implementation of road safety programmes especially in the most technical areas such as research, information management, IT, engineering, strategic planning, monitoring and evaluation (Respondent 3, September 2017)

The skills identified by Respondent 3 are critical for the effective management of road safety and therefore, a skills audit will assist the government across the three spheres to have an empirical confirmation of its strengths and areas that need to be capacitated.

Respondent 8 also indicated that there is a shortage of skilled IGR Practitioners across government with most Departments treating intergovernmental relations as an ad-hoc function. Departments, even those with concurrent functions like transport, do not have officials dealing with specifically with intergovernmental relations. As discussed in the literature review chapter, IGR is complex and requires skilled officials to ensure that Departments integrate plans especially in Departments with concurrent functions with other spheres. Respondent 9 suggested that the Department of Transport has educated people but not skilled people when it comes to intergovernmental relations, road safety and transport issues.

As discussed in previous chapters, intergovernmental relations are a complex concept that requires skilled personnel to ensure that networks of interaction between the three spheres are established and maintained. Intergovernmental relations, especially in Departments with concurrent functions like Transport, requires people with skills to research and develop

systems that allow for coordination and alignment of policies, programmes and projects within the three spheres.

Respondents conceded that skills levels necessary to adequately respond to road safety are lacking in South Africa, across spheres.

> The National Department and the RTMC seem to be out of their depth and their leadership is completely inadequate in driving the national agenda on road safety. (Respondent 5, October 2017)

The responsibility to develop and monitor national road safety legislation and policy lies with the national department of transport. RTMC was nominated by the national department as a lead agency on road safety matters. Therefore, provinces and municipalities plan and implement the road safety interventions under the leadership of the RTMC. The RTMC has to ensure integration, however, a majority of respondents are of the view that the agency is not adequately playing that role.

The incapacity of the RTMC to plan and integrate road safety plans of the three spheres is a concern that was raised by Respondents. Respondent 3 cites the National Road Safety Strategy that was approved by Cabinet in March 2017 as an example. The strategy, which was developed by the RTMC in consultation with other stakeholders, is not taken to cognizance by other spheres of government when they develop their own plans. The RTMC is not monitoring the implementation of the strategy. The implication of this is that the national strategy on road safety does not systematically filter down to provinces and municipalities and this perpetuates disintegration.

> The other spheres of government continue to operate outside the new national plan that requires a more coherent approach to road safety. There are no mechanisms in place to integrate efforts and then measure whether efforts being made are giving the necessary return on investment. These challenges impact on the ability to develop a coherent action plan to road safety. The need for integration and harmonization of road

> safety programmes is hampered resulting in disorganized, uniformed and disjointed implementation of road safety programmes. (Respondent 3, September 2017)

This response shows that there is lack of capacity to work collaboratively and integrate IGR into the management of road safety even when there is an approved strategy. The lack of capacity to grasp the complex concept of intergovernmental relations and its intended purpose in planning and implementation especially in transport as a concurrent function leads to a lack of integration of programmes. This in turn affects and undermines the country's efforts to reduce road deaths.

According to Respondent 1, the fact that road deaths escalate every year and desired targets points to the lack of capacity in the public service to formulate appropriate strategy and implementation plans.

> Each year, as much as we run road safety campaigns, but the road fatalities and injuries keep increasing and that should indicate to us that something is not right in our strategy and the work we are doing (Respondent 1, August 2017)

The Respondent 1 further indicated that the RTMC, which has been tasked with the coordination of the road safety strategy, has been ineffective for a number of years due to corporate governance challenges, poor management and lack of finances. The challenges that the RTMC experienced were as a result of not having a permanent Chief Executive Officer for many years and having a dysfunctional Board of Directors. The standing, reputation and the capability of the corporation are questioned as a result. Since the appointment of a permanent CEO and the Board of Directors in 2013 corporation has stabilised and there are improvements in the management at the moment. Although there is still more that needs to be done to have a coherent day to day strategy to manage road safety, the Corporation's basic corporate governance and management systems are in place.

In terms of road safety programme planning and implementation, a shared view amongst majority of respondents is that due to lack of the capacity and resources, both human and

financial, intergovernmental co-ordination is periodical and, therefore, tends to only target peak period of Easter and December festive seasons.

> Road Safety is a 365 days activity but we only experience a fair amount of intergovernmental coordination during Easter and Festive Seasons. This is taking by and large the form of public awareness and campaigns and law enforcement, road blocks. It is more like events management. However, throughout the year, when the majority of fatalities happen our roads, officials in different spheres seem to be competing rather that complementing each other (Respondent 10, October 2017)

The periodical approach to road safety is a capacity challenge because if the state had capacity it would be able to gather information, analyze it and use it to deploy its resources to reduce the road fatalities throughout the year.

Shortage of traffic officials

The capacity of the state to enforce road traffic laws is also hampered by the chronic shortage of traffic officials. The number of traffic officials is estimated around 18 000 in the country and according to the statistics released by the RTMC there are about 11 968 234 registered vehicles in 2016. The traffic officer/vehicle ratio is totally skewed with one officer responsible for over 600 vehicles. Recruitment and training of highly professional and disciplined traffic officers is hindered by lack of financial resources according to Respondent 5. Respondent 6 alluded to insufficient financial resources for road safety programmes as a key reason that affects the capacity of the three spheres to deliver and to work collaboratively. Others spheres do not possess equivalent financial resources as others and cannot therefore perform at the same level as those with resources. However, it could be argued that due to failure to incorporate IGR in road safety planning resources that are currently available, both financial and human, are not properly deployed. Inefficiencies in IGR in road safety management lead to duplication of road safety interventions and wastage of resources. The example of this is the deployment of traffic officials from different transport departments and spheres on different parts of the same stretch of road without coordination.

Corruption

Corruption in the transport system emerged during interviews as one of the main contributory factors that affect the capacity to deliver across the three spheres. Corruption affects the capacity of the state as it diverts resources and can "distort policy making" (Akande, 2017, p. 616). In the context of road safety, for example, corruption affects the capacity of spheres to collect revenue and to capacitate law enforcement by appointing more traffic officials and procuring more vehicles. Corruption also undermines road safety interventions because unroadworthy vehicles and unqualified drivers are allowed on the roads after paying bribes to corrupt traffic officials. Due to uneven practice of IGR, curbing corruption that happens at vehicle and drivers licensing centers is difficult and cumbersome as these centers belong to different spheres of government.

The two recently concluded high-level corruption cases involving the Department of Transport and the RTMC derailed focus on road safety. The cases involved the illegal awarding of two critical contracts related to road safety management to private sector players. The one contract that was illegally awarded to a private company involved the management of the eNatis system, which is a national key point. The system manages all traffic related transactions like vehicle licensing and registration, learner and driving licenses. The former Minister of Transport, Director General and other senior officials were also charged in relation to this case.

The second contract that was illegally awarded involved the production of driver license cards. Both contracts were declared void and illegal by the Constitutional Court in 2017 after protracted legal battles that lasted for many years. The eNatis system and the drivers licence card production are two important road safety functions and having them in the private sector created another layer coordination outside government.

Respondents concur that corruption in the system adversely impacts on the capacity of the state to deliver safer roads. It has a direct knock-on effect on the economy and the nation's physical and social wellbeing.

4.6. Challenges of Forums

There are a number of IGR forums that were established in terms of the IGR Framework and the RTMC Act in the transport sector to consult on and to formulate policy for road safety and other transport matters. Key amongst these are the Minister MEC (MINMEC) Forum which is established in accordance with the IGR Framework Act and RTMC Shareholders Committee established according to the RTMC Act. The MINMEC is a consultative forum with the Minister and transport MECs on transport related matters and the RTMC Shareholder Committee is a forum of the Minister with MECs responsible for road traffic management. SALGA, as a representative of local government, is also represented in both committees. The two committees meet at least once in every three months. RTMC Shareholder Committee deals only with matters related to traffic management, including road safety, while MINMEC deals with any other transport matter. MINMEC is comprehensive and discusses aviation, rail, maritime, roads and any other transport matter. Although the two forums were established for specific matters and in accordance with specific legislations, the agenda items overlap at times. For example, public transport like taxis and buses, which is on the agenda of the MINMEC has implications for road safety.

The MINMEC and RTMC Shareholders Committee meetings are held on the same day to consider reports from administrative and technical senior managers on transport matters. These IGR Forums are the mechanisms through which intergovernmental relations within the transport sector are being facilitated and managed.

> MINMEC turns to be a little too formalistic and you really do not have time to engage with the depth of the issues. It is a streamlined agenda and it meets regularly every quarter, which is good, but I don't get a sense that we are grappling with the hard issues. That is why I am saying it turns out to be too formalistic in its approach rather allowing space for real engagement on key issues (Respondent 1, August 2017).

The respondent attributes this lack of engagement at MINMEC to the state of unpreparedness by politicians due to lack of administrative support and chaotic planning. He adds that some of the challenges are that documentation is not distributed in advance,

there is no summary on key issues and no draft resolutions or proposal are put forward. The meetings are called at short notice without an agenda, which makes it difficult to prepare for the meetings and engage on presentations which are normally summaries of detailed documents. The politicians come to the meetings unprepared, and as a result the meetings end up not discussing the issues in depth.

According to Respondent 7, the intentions to establish the RTMC Shareholder Committee were noble but the reality is that the forum is not functioning as it was intended by the Act. The poor support and management of the MINMEC and RTMC forums by officials gives credence to assertions made by authors that although IGR forums brings about predictability and order effective IGR is largely dependent on the management and capacity rather on structures. Management of transport IGR forums and support given to politicians is inadequate to allow for any meaningful engagements thus rendering these forums ineffective. These two forums are the highest legislated IGR forums on transport matters and should not be seen as established for only compliance sake but giving real political direction on transport matters.

The agenda of these forums should address and integrate pertinent transport issues, including road safety, as intended by the legislation that created them. However, this seems not to be the case as observed by Respondent 9 below.

> The agenda items that are being put before the Shareholder's Committee are not issues that the committee should be looking at. Things that should be brought before the Shareholder's Committee are not forthcoming. Things like the national standard of law enforcement, the national road traffic law enforcement code, that seeks to bring uniformity are not discussed there. The shareholders should be setting the national standards, gazette them and agreeing that everyone should operate within those standards (Respondent 9, October 2017)

The RTMC forum provides a platform for the integration and alignment of road safety strategies, plans and programmes for the whole country. This is an important forum where national norms and standards should be set. The agenda of the forum should reflect and

express that. From my own observation, the reality is that the agenda of the RTMC Shareholder Committee meetings was for a long time consumed by the focus on the high-level corruption cases and matters related thereto.

At technical level, there is the National Road Safety Committees (NRSC) of the RTMC, which reports directly to the Committee of Transport Officials (COTO). The COTO is high-level committee of administrators that is chaired by the Director General of the Department and constituted by Heads of Provincial Transport Departments. The purpose of the NRSC and COTO is to provide technical support to the political MINMEC and RTMC Shareholder Committee by processing technical aspects and presenting them to the political forums for discussion, ratification and approval. The technical committees are tasked with, amongst others, preparing documents, benchmarking, and coming up with innovative and creative methods to reduce road fatalities.

> The Technical Committee of the RTMC Shareholder Committee needs to have the same membership as the political committee and also include other roads entities like SANRAL, CBRTA, RAF and RTIA to be effective. Currently the RTMC management formulates documents which are later rejected and disowned by provinces because they are canvassed (Respondents 9. October 2017)

IGR is complex and like any relationship should be managed in such a way that all stakeholders have a sense of its ownership. The technical committee has to have all stakeholders at the technical level, including other road SOEs, involved to make meaningful contributions that will allow the political take appropriate decisions to reduce deaths on the roads.

Another challenge, from own my observation and supported by Respondent 1, is the fact that the meetings of the RTMC Shareholder Committee, which deals with road traffic matters, and the MINMEC, which deals with all other transport matters, are normally scheduled on the same day back to back. Having limited time to conclude the usually packed agenda the means issues are rushed through to conclude the agenda. The amount of time

spent on road safety is limited as other, equally important, matters have to be addressed by the consecutive meetings

When the RTMC Shareholder Committee and MINMEC meetings are convened its agenda is determined by the National Department of Transport, which enforces the perception of its dominance of these Forums. There is no trickle down or up effect of agenda items between these national forums and MECMMC forums of the MEC and Local government MMCs. However, respondent 2, is of the view that the local government is provided with adequate participate at these forums.

4.7. Conclusion

In this chapter the findings, based on the responses to interview questions, of the research study were presented. There were divergent views on whether the legislation that supports intergovernmental hinders or supports the incorporation its incorporation in the management of road safety. The majority of respondents feel that the legislation fails at interpretation and implementation.

The legislation, namely the Constitution, IGR Framework Act and the RTMC Act, provide a framework for the Department to conduct IGR, however, there are still areas that need attention especially with regards to the RTMC Act. For the RTMC Act to fully realize the objectives it was enacted to achieve, all its functional areas should transferred from provinces and municipalities to the RTMC. This will address a number of challenges that are currently experienced in the management of road safety as all areas that will be managed by one sphere as intended by the RTMC founding legislation.

It is apparent from responses that the bulk of challenges to the effective incorporation of intergovernmental relations in the management of road safety are attributed to the lack of capacity to deliver. This lack of capacity is due to failures in corporate governance, inadequate strategic planning, monitoring and evaluation, corruption and lack of resources and skills. As literature shows, IGR is a complex concept that requires understanding of its importance, by officials and politicians, in integrating services especially where functions are

concurrent, like transport. There is a need to conduct a skills audit to establish strengths and address weaknesses by capacitating officials within the three spheres. The audit should focus on a wide range of skills are required at all levels of personnel and spheres of government to manage road safety in an integrated manner. These skills include, but are not limited to, strategic transport planning, engineering, information technology, research, analytics, law enforcement, education, communications, monitoring, evaluation and customer services.

The politics seem to be playing a marginal role in adversely affecting the conduct of IGR and forums at the political level seem to be working well albeit without much support from the technical expertise. The success of the RTMC Shareholder Committee and MINMEC forums relies mainly on the administrative and technical support provided by management. Therefore, the management needs to put in place systems in place to manage the IGR at their level.

The following chapter, will discuss, analyze and interpret the data further.

CHAPTER 5: DISCUSSION OF THE RESEARCH FINDINGS

5.1. Introduction

In this Chapter the findings of the research will be discussed. The data presented in the previous chapter will be deliberated on in an attempt to respond to the primary research question, which is: How are intergovernmental relations incorporated in the management of road safety? For purposes of consistency, the findings will be discussed in four themes that are linked to both the intergovernmental relations challenges as identified in the literature that was reviewed and the data drawn from the responses to research questions in interviews conducted by the researcher. It should be noted that all four of these themes contribute towards the building of an effective intergovernmental relations system. Furthermore, in discussing of the finding of this study it became challenging to draw on the literature when discussing the views of respondents on especially on issues where such literature does not exist.

The themes are:

1. Intergovernmental Relations Legislation
2. Intergovernmental Relations Politics and Administration
3. Capacity of the State to deliver
4. Intergovernmental Relations Forums

5.2. Findings of the study

5.2.1. Intergovernmental Relations Legislation

Although there are a number of Acts of Parliament that support the government's transport function, the three main pieces of legislation that underpin the intergovernmental relations in the road safety space and those Acts are the Constitution of South Africa Act number 108 of 1996, IGR Framework Act 13 of 2005 and the RTMC Act 20 of 1999.

The research sought to establish whether the legislation was an enabler or an impediment to the incorporation of intergovernmental relations in the management of road safety. From the responses it is clear that most respondents are of the view that the legislation supports intergovernmental relations and is sufficient. However, the views of those who regard the legislation as an impediment are substantial and cannot be disregarded. Two critical and

related matters are raised with regard to the legislation, especially with regard to the RTMC Act.

Firstly, it was raised that the RTMC Act might be unconstitutional. The possible conflict relates to the concurrent functions that the Constitution allocates to different spheres in Schedule 4 and 5. The RTMC Acts takes some of these provincial and local government functions and places them in a national entity called the RTMC without amending the Constitution. If the constitutionality of the RTMC Act can be challenged in court and declared to be in conflict with the constitution, as alleged, then the existence of the RTMC will be in jeopardy. The implications of that ruling will be dire for RTMC as it will cease to operate as a corporation and the road management functions will then revert back to municipalities and provinces. This will mean a new model of cooperation on and coordination of road traffic matters, including road safety, between the three spheres will have to be developed.

The corporation was established by the RTMC Act as partnership between the three spheres of government to pool road traffic powers and resources of the Minister and all provincial MECs into a national entity called RTMC. However, it is the Constitution that allocated these functions to provinces and the RTMC Act was promulgated without amending the Constitution.

There are three outcomes that might come from the Constitutional Court if the RTMC ACT is challenged. The one outcome could be that the RTMC Act is declared null and void. This outcome will mean that the RTMC as a corporation will cease to exist as an entity. The other outcome could be that the RTMC is declared void but Parliament directed by the Constitutional Court to correct the shortcoming by amending the Constitution. Lastly, the Constitutional Court can declare that the RTMC Act is valid and not in conflict with the Constitution. In this case the status of the RTMC as a legal entity responsible for the coordination of intergovernmental relations in the road traffic management will be confirmed and maintained. The second critical matter raised by respondents with regard to the RTMC Act is that the legislation, in its current form, was not fully implemented as some of its functional areas still reside in provinces and municipalities. This hampers the ability of the RTMC, which is responsible for facilitation of intergovernmental relations, to holistically

manage the road safety. The functional areas like car roadworthiness registration and driver testing and licensing still reside at provincial and local governments even though the RTMC Act stipulates that the functional areas should be with the RTMC.

The full implementation of the RTMC Act will make the IGR easy to manage and will bring about uniformity in road safety management throughout the country as all critical areas will be controlled from a single point. Uniformity will align the objectives of the road safety programmes and enhance planning and accountability for the results thereof. At the moment, there is no sphere that takes accountability of the results of road safety management. There is no single sphere that is responsible for all aspects of road safety management as they are spread amongst all spheres. However, by transferring all functional areas of the road traffic management to the RTMC, as envisaged by the RTMC Act, the corporation will take the institutional ownership and be accountable for road safety results (Bliss and Breen, 2009). The current arrangement of dividing functional areas between spheres makes it cumbersome to manage road safety.

With regard to the IGR Framework Act, there is commitment to incorporate intergovernmental relations in road safety as directed by the IGR Framework Act. Most Departments include intergovernmental relations in their strategic plans as part of Key Performance Areas (KPAs). However, the focus of these KPAs is more quantitative than qualitative in that the performance measure is on the establishment and maintenance of IGR Forums rather than on the content and impact thereof. This leads to proliferation of IGR Forums, at both political and technical levels, that are established without clear objectives except to meet the requirements of the IGR Framework Act and to comply. The reliance on formalized structures does not imply that IGR is functional as countries, like the Australia are “under-institutionalized in structures and depend on ad hoc negotiations and agreements” (Menzies, 2013, p. 382). Although forums bring about organisation and predictability, IGR can be conducted without formal structures and through informal interactions or weak ties which, according to Granovetter (1973), are more effective.

Furthermore, the IGR Framework Act is not only about establishing forums but also has frameworks to resolve disputes when they arise and provides for implementation protocols to manage intergovernmental relations joint programmes.

As it can be deduced from the literature the effectiveness of intergovernmental relations is not dependent on legislation. In other countries like the United States intergovernmental relations is not even expressly contained in their Constitution like in South Africa yet they are a federal state (Phillimore, 2013). Relations can be legislated or unlegislated but their success or failure largely depends on other factors, like people involved. IGR is more about coordinating government programmes in an integrated manner between the three spheres and less about the three spheres meeting periodically to comply with the legislation without any structured programme been pursuit.

The fact that the RTMC legislation, which is key in facilitating intergovernmental relations in the management of road safety, is not fully implemented makes it difficult to conclude conclusively whether this legislation is an enabler or impediment to IGR.

5.2.2. Intergovernmental Relations Politics and Administration

By their very nature, intergovernmental relations are more political than administrative because they are directed at the political level with the administration providing support. The IGR Framework establishes the IGR forums which are convened by politicians at higher spheres with their counterparts, in the same portfolios, in lower spheres. The Act then explicitly establishes technical support structures to provide to provide support to the political IGR forums. However, without the technical support the political level becomes ineffectual and cannot function as well as it should because its decisions will not be implemented. The technical support, which is the management and administration in Departments, bears the responsibility to advise and support the politicians in decision-making and to plan, implement and monitor those decisions. Likewise, the administration depends on the political level to take certain decisions to enable them to do their work. Therefore there is a causal linkage between the two levels that determines the failure or success of each other.

The assumption that political dynamics, the fact that the governing party only leads eight out of nine provinces and that three big metropolitan municipalities are under the leadership of the national opposition party, might affect the conduct of intergovernmental relations was proven wrong.

The Respondents suggest that these political dynamics do not affect the incorporation of IGR in road safety that much. There seems to be some political maturity to put the road safety above party politics and engage cordially with other spheres regardless on political affiliation.

However, it is clear from the responses that the administration is failing the politicians by not providing adequate administrative and technical support. This lack of support then leads to politicians being unable to engage meaningfully on issues brought before them and giving political direction at the MINMEC and RTMC Shareholders Committee meetings. As discussed in the preceding chapter, the relationship between the political and technical levels can be mutual and reciprocal. IGR will not function well if one level is not functional. The political level has the responsibility to develop or approve policy and the technical or administrative level has to plan, implement and monitor the policy. The administrative level is however better placed to advice and guide the political level on the correct policies that are needed in order to have an impact on road safety. Therefore, the politicians need to be thoroughly briefed and prepared to make the decisions that will give direction on road safety interventions. Policy, although in practice is developed by administrators, can only be implemented if approved or ratified by politicians as custodians of policy in government.

There is, however, a view that road safety should be taken out of politics and be managed by technocrats. This view is grounded on the argument that change in political leadership brings instability and affects the momentum of road safety management. But as the study revealed, the challenges to effective management of IGR are not with politicians but with the administration. Moreover, according to the United Nation's Decade of Action on Road Safety Plan, road safety is a product like any other product that government delivers, for example housing, therefore politicians, not the administration, bear the ultimate responsibility for the safety on the roads.

The instability brought about by perpetual change of political leadership presents a real risk to the effective management of road safety between spheres of government. However, there is not much that can be done about this as the prerogative to appoint Ministers and MECs reside with the President and the Premiers, respectively. The changes of the executive, in most cases, happen for political reasons not related to performance without consideration of the instability and uncertainty it brings to service delivery. This is an area

for future research to determine the impact of cabinet reshuffles on service delivery and to provide empirical evidence that Premiers and Presidents to take into consideration when making decisions to effect changes to the Executive arms of government.

Another challenge at the political level is the inconsistencies with regard to the configuration of provincial Transports Departments. In other provinces, the transport functions, which include roads and law enforcement, are located under different MECs while in some provinces they are under one MEC. The table illustrates the current configuration of provincial Transport Departments:

TABLE 3: Provincial Departments of Transport

Province	Number of MECs Responsible transport function	Department(s)
Gauteng	2	Roads and Transport
		Community Safety
Kwa Zulu Natal	1	Transport and Community Safety and Liaison
Limpopo	2	Public Works, Roads and Infrastructure
		Transport, Safety, Security and Liaison
Western Cape	1	Transport and Public Works
Free State	1	Police, Roads and Transport
Eastern Cape	2	Transport, Safety and Liaison
		Roads and Public Works
Mpumalanga	2	Community Safety, Security and Liaison
		Public Works, Roads and Transport
North West	2	Community Safety and Transport Management
		Public Works and Roads
Northern Cape	2	Transport, Safety and Liaison
		Roads and Public Works

Source: Own (2017)

These inconsistencies present challenges on two levels. Firstly, in the Provinces with two MECs responsible for a transport function alignment with and engagements on road safety plans should be agreed on before other spheres are in engaged. This presents a challenge because priorities need to be synchronized and this is difficult, as Respondent 1 had

observed, because different Departments might be focusing on equally important policing rather than traffic management in case or building of other essential public works infrastructure than roads.

Secondly, coordination between national government and provinces with two MECs responsible for transport functions is cumbersome and time consuming as national has to liaise with two MECs on transport issues. From my own observation, it is only on rare occasions that both MECs will attend MINMEC and RTMC Shareholder committee meetings together which delays the implementation of decisions in those provinces.

The Premier of a province has prerogative to constitute the provincial Executives and configure of portfolios and clearly, there is no uniformity across the country on these portfolio. There needs to be national guidelines on the constitution of provincial portfolios to align them, firstly, with national departments and other provinces to improve seamless functionality and integration of service delivery.

5.2.3. Capacity of the State to deliver

As it can be deduced from the data collected through interviews, the bulk of challenges to effective incorporation of intergovernmental relations in the management of road safety lies with the capacity or incapacity of the state to deliver. For IGR to be fully incorporated in the management of road safety there should be capacity within the state to achieve that. The factors that are adversely affecting this capacity are discussed in this section. For purpose of presenting findings of the study on this factor, the challenges picked up on capacity will be categorized into three, namely lack of planning and coordination, corruption and lack of financial and human resources:

- **Lack of integrated Planning and Co-ordination**

Although there is consensus on the centrality and importance of intergovernmental co-ordination in managing road safety, there seems to be lack of joint planning, coordination amongst key stakeholders in government. Regardless of efforts made by different spheres in combating road carnages on the roads, the number of fatalities keeps increasing each year without solution in sight. The data collected in this study by the researcher points at the lack of co-ordination been the key contributors to this situation. It is clear that the national

Department of Transport which is centrally located to coordinate all stakeholders is not adequately playing that role.

In an ideal environment, the National Department of Transport, and by extension the RTMC, has to formulate, develop and manage legislation and policy. This would have to be done within the RTMC Shareholder Committee framework thus allowing other spheres to participate in that policy formulation process. This will remove the perception that national dominates policy making processes. The Provincial and Local spheres would then adapt national policy and translate it into plans, which are results driven with clear targets, to suit their unique environment and implement. Then the plans of all the spheres of government will then be consolidated to produce a national plan. The RTMC would then monitor the implementation of the plan, evaluate its impact and report to the Shareholders Committee on progress.

This is not happening as every sphere is formulating its own policy and plans on road safety and implementing same in isolation. Most of the interventions are campaigns driven and implemented without mechanisms to monitor their impact. The interventions tend to be periodical targeting high traffic seasons, like Easter and December, even though road safety is a 365 day programme. The fact that the National Road Safety Strategy that was approved by Cabinet in March 2017 but road safety plans of other spheres are not yet aligned to it points to this lack of co-ordination.

The fact that there is disintegration and misalignment of road safety clearly indicates that the national department and the RTMC are not fulfilling their responsibility of facilitating IGR as directed in their founding legislation, the RTMC Act.

- **Corruption**

According to Respondents, corruption in road safety manifest itself in almost all the levels of its value chain, from the highest to levels of the system. The effect of corruption undermines and affects the capacity of government to effectively manage road safety and reduce the road fatalities.

At the highest levels, it had to take the Constitutional Court to overturn two contracts awarded to companies called Tasima and Prodiba after a protracted legal battle and

declared that they were illegally awarded. The Tasima contract deals with the eNatis system that administers the licensing of all vehicles, learner drivers and drivers licences, vehicle roadworthiness tests and the Prodiba contract was on the production of Driver's License Cards. The legal battles took years to conclude and this meant that the Department of Transport and the RTMC, and its Shareholder Committee were submerged in it that affected their focus as these functions are critical to road safety. The cases were concluded and the two functions transferred back to the Department of Transport and RTMC, respectively.

Therefore, the focus should shift towards integrating these systems back into government. Both functions have implications to IGR as they affect all spheres of government. For example, applicants apply for driver licenses and register vehicles in provinces and municipalities on a system, eNatis, managed at the national level. Safer and qualified drivers and road worthy vehicles are key elements of road safety. There need to be greater incorporation of IGR in the management of these systems between spheres of government to ensure that road safety is not compromised by taking of bribes, registration of unroadworthy vehicles and issuing driver licenses to unqualified persons.

- **Lack of Financial and Human Resources**

Lack of planning, coordination and corruption, and not lack of financial and human resources is a government wide challenge. There is a lot of duplication of functions across spheres of government. If IGR in road safety management can be improved and resources that are currently available pooled together towards a common direction as envisaged by the RTMC Act, the financial and human capital to respond to road safety will be enhanced. The national, provincial and local governments currently allocate financial resources for road traffic management; however, the impact is not felt because they work in silos and duplicate efforts.

At national level, the Department of Transport need align its planning and resource allocation processes with other spheres to maximize the usage of resources. Currently, road safety is planned and executed in silos leading to duplication and wastage without tangible impact. This duplication also happens as well at provincial and local spheres of

governments. Municipalities utilize their own financial resources and deploy their traffic personnel isolation without consideration of other spheres and adjacent municipalities.

The deployment of traffic officials across the spheres of government to improve visibility and by extension road safety outcomes could be improved by coordination between spheres based on common objectives. The study has shown that deployment is uncoordinated and motivated by misaligned objectives especially at local sphere where deployment is utilized mainly to generate revenue rather improve safety on the roads. The efficient use of technology and amalgamating different control centers can reduce wastage.

5.2.4. Intergovernmental Relations Forums

The study has identified the MINMEC and RTMC Shareholders Committee Forums as main intergovernmental forums at the political level. These political forums do convene every quarter as per the IGR Framework Act and the RTMC Act to consider transport issues, including road safety. The MINMEC, is a meeting of Minister and MECs that considers all transport matters across all modes of transport. The MINMEC considers all transport matters from all modes, namely rail, maritime, aviation and roads including public transport.

The RTMC Shareholder Committee meetings consider only road traffic management issues, including road safety. However, some of the agenda items of these meeting overlap, especially on public transport and road safety. This is where the challenge of provinces with two MECs dealing with transport related matters comes in. In such provinces, the MEC dealing with road traffic management will attend the RTMC Shareholder committee meeting and the other MEC dealing with transport will attend the MINMEC meeting. The provinces with one MEC responsible for all transport matters will attend both meetings. This inconsistency perpetuates fragmentation in the management of transport services, road safety included, in that the planning, implementation and monitoring is not consistent in all provinces. The incorporation of IGR in managing road safety is uneven because of this misalignment in provinces. The implications of this unevenness is that the implementation IGR decisions and the results thereof will not present a national picture but only of those who participates fully in IGR processes. Therefore, measuring the impact of IGR in managing road safety at the national level becomes problematic because of this misalignment.

The agendas of the MINMEC tend to be flooded with issues that need consideration of the political principals. Owing to the fact that both the MINMEC and the RTMC Shareholder meetings are normally held on the same day, the agenda of both meetings is rushed through to cover all items. The respondents to the research raised this as a concern that needs to be addressed.

There is a need to streamline the agenda of the MINMEC and RTMC Shareholder forums to improve their effectiveness of these forums in facilitating IGR. The MINMECs and the RTMC Shareholder Committee are preceded by the technical committee meetings of officials. The expectation is that the officials will discuss technical aspects of issues before presenting them to the politicians for a decision or ratification. The Head of Departments (HoDs) and Director General of the Department of Transport attend these technical meetings and have to thoroughly brief and prepare their political principals before their meetings. However, based on the data from respondents to the study, this is not happening because meetings are called at short notice and documents are distributed late or during the meeting. Management and the secretariat services of these two forums need to be improved enable smooth decision making by both the technical and political levels.

The mechanisms to monitor the implementation of decisions taken at these forums are insignificant thus rendering them into “talk shops” without any real impact on road safety. The biggest challenge is ensuring that decisions taken at these Political Forums are filtered down to technocrats and other spheres for implementation. This challenge points at the lack of administrative capacity and systems to plan, communicate and monitor the implementation of decisions on road safety which renders IGR ineffective.

The management, administrative and technical levels of the forums need to be realigned to enhance their efficiency. These technical forums should include all government stakeholders including road transport SOEs. The administrative and technical level should guide the agenda of the political level based on the researched conditions on the ground. The agenda and engagements at this level should allow space for all spheres to contribute and share best practices.

5.3. Conclusion

The findings of the research study were discussed in this chapter. There are a number of factors that impede the effective incorporation of IGR in the management of road safety. Key amongst these is the piecemeal implementation of legislation especially the RTMC Act. The full implementation of the RTMC Act will be about efficiency in the management of road safety as all functional areas will be managed from one sphere.

Although all factors discussed above are important for the effective incorporation of intergovernmental relations in road safety management, research data shows that the capacity of the state to deliver its service is the key impediment to road safety. This incapacity of the state can be attributed to a number of factors, including lack of integrated planning and corruption, which need attention if any improvement in road safety outcomes is to be realized.

Although IGR forums established in accordance with the IGR Framework Act and the RTMC Act are convening regularly, there is still much that needs to be done to improve their efficiency, especially at the technical, management and administrative level.

In the final analysis, IGR is a complex concept that requires all its components to be functional in order for it to be efficient. These components include an enabling legislative framework, the administrative capacity, good and reciprocal relations between the administration and political level and lastly, functional forums at technical and political levels. These IGR elements are all present in the management of road safety but they all need to be improved in order for them to be more effective and efficient.

The following chapter focuses on summaries of the research study and makes the conclusions and recommendations.

CHAPTER 6: RECOMENDATIONS AND CONCLUSION

6.1. Introduction

The conclusion and recommendations of the study are presented in this chapter. The purpose of this research was to investigate how intergovernmental relations are incorporated into the management of road safety by the three spheres of government. The study also investigated challenges that impede the effective incorporation of intergovernmental relations in the management of road safety and isolated these challenges.

6.2. Overview of the Study

The primary question that this research pursued is: How are intergovernmental relations incorporated in the management of road safety? The research study was structure as follows:

Chapter	Purpose
1: Introduction and Background	The introductions, background, the research problem, purpose of the study and research questions were presented in this chapter.
2: Literature Review	A literature review on the subject of the study, namely road safety and intergovernmental relations, was presented in this chapter. The literature review provided a firm foundation based on what other authors have written on the subject and produced a conceptual framework that determined the direction that this research took.
3: Research Methodology	The research methodology, approach and design were described in Chapter 3. The research was conducted using qualitative research methods. Data collection, analysis and interpretation, reliability and validity matters, ethical considerations and limitations of the study are discussed in

	this chapter.
4: Presentation of Research Findings and Analysis	The findings of the research study are presented in this chapter.
5: Discussion of Research Findings	A discussion on each of the key finding of the research study is presented in Chapter 5
6: Recommendations and Conclusion	Recommendations and conclusion based on the findings of the research is present in this chapter.

Table 4: Overview of the Research (Own, 2017)

6.3. Recommendations

Based on the findings of the research study the following are recommended:

6.3.1. On Legislation

1. The IGR Framework Act should be implemented in its totality and not only the Chapter 2 that deals with the establishment of forums. The Act makes provision for useful tools like the implementation protocols to manage joint programmes and dispute resolution mechanisms. There is also a window provided to the Forum to submit agenda items to the Presidential Coordinating Council which has not been used. The Act also makes provision for other spheres to submit agenda items to MINMEC for deliberation and that addresses the national dominance in exclusively determining the agenda.

2. To enable the RTMC, and its Shareholder Committee, to function optimally as envisaged by the founding RTMC Act and all its ten functional areas, listed Chapter 18 of Act 19 of 1999, should be transferred to the Corporation. This will improve coordination and accountability while saving resources. This requires political will, jostling and can be done by a simple resolution of the RTMC Shareholder Committee.

3. There is a need to further research the allegation that the RTMC Act is in conflict with the Constitution in order to address the matter. Another alternative is to

challenge the constitutionality of this Act in the Constitutional Court to confirm its status or correct areas that may be considered unconstitutional.

6.3.2. On Politics and Administration

1. To restructure the governance arrangements at the administrative and technical level to adequately support the political principals in discharging their role.
2. There is a need for a national harmonized model on the location of all transport functions in Provinces to establish uniformity. This requires a political intervention as the prerogative to configure provincial departments rests with Premiers of Provinces.

6.3.3. On Capacity of the State

1. There is a need to undertake a review of the required skills, and the skills available in the system, to ensure effective management and implementation of road safety programmes especially in the most technical areas. An audit will enable the Department of Transport across the three spheres to know what skills available and which areas need to be capacitated to adequately respond to road safety. Furthermore, the whole system needs to be professionalised with national norms and minimum standards applying across all spheres.
2. To improve co-ordination, there should be a five year road safety plan aligned to the National Road Safety Strategy and the plan should be reviewed annually by the RTMC Shareholders Committee. The plan should be realistic and achievable targets, with clear role classification for each stakeholder and supported by a budget. Upon approval by the committee, the plan should be incorporated into the Strategic Plans of all government stakeholders, including provincial departments and transport entities. Private sector should be encouraged and allowed to contribute to road safety programmes.

3. RTMC and provinces, with other law enforcement agencies, should develop and implement a coherent corruption strategy to disrupt and discourage the practice across the board in the transport space.

6.3.4. On Forums

1. Some administrative and technical intergovernmental relations should be collapsed into technical forums clustered and aligned to the functional areas of the RTMC. The technical forums should plan and report to COTO, which will then report to RTMC Shareholder Committee.

2. The meetings of the MINMEC and the RTMC Shareholder Committee should continue to convene once a quarter but over two days to allow time to engage meaningfully on issues brought before them by COTO.

6.4. Conclusion

The evidence from the research strongly suggests that effective intergovernmental relations are essential in addressing some of the challenges of managing the road safety and reducing the road accidents in South Africa. The three spheres of government have a concurrent responsibility to reduce the accident on the roads and contribute towards the achievement of global target of halving road deaths by 2020.

Responding to the primary research question of *how are intergovernmental relations incorporated in the management of road safety?* the researcher looked at current status of the road safety management, the legislative environment, institutional arrangements and other factors impede the incorporation of IGR in the management of road safety. Based on the research, it is clear that the intention to incorporate IGR in road safety management is there, however, much work that needs to happen to fully realize that incorporation.

The factors that hamper IGR in road safety management need to be addressed. Key amongst these factors is the full implementation of the RTMC Act. However, the question of the constitutionality of this Act needs to be addressed first. If the Constitutional Court declares the Act valid then the RTMC Shareholder Committee needs to resolve to transfer

all functional areas to the RTMC as envisaged by the RTMC Act. This action will reduce a number of challenges that are currently experienced in managing road safety by the three spheres as all key areas will be driven from a central point under the supervision of all spheres through the RTMC Shareholder Committee.

The challenges that impede the effective incorporation of intergovernmental relations in the management of safety may seem huge but they can be addressed. The other challenges addressed in this study could be resolved if the capacity of the state could be improved to address them. The benefit of addressing these challenges might manifest themselves in the reduction of road fatalities and assist the country to achieve its targets in line with the Decade of Action of Road Safety Plan.

6.5. References

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