



Photograph: Carletonville Herald

During a recent presidential imbizo, members of the Anti-North West Committee, led by spokesperson Jomu Mogale, protested against the possible inclusion of Merafong Municipality in the North West Province.

A race to end cross-boundary municipalities

Achieving consensus in a process involving an Act of Parliament, a constitutional amendment, public participation and multiple government role players will not be easy – and there’s a lot of work to do before elections can be held.

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Cross-boundary municipalities were an unintended consequence of the extended municipal demarcation of 2000, which reduced South Africa’s municipalities from 843 to 284.

Ideally, cross-boundary municipalities should not exist, says the Minister of Provincial and Local Government, Sydney Mufamadi. ‘Many provinces have different legislation for similar functions and if the laws of more than one province need

to be administered in a cross-boundary municipality, it is confusing, duplicative and costly.’

For instance, a cross-boundary municipality needs to have its Integrated Development Plan (IDP) approved by both affected provinces, and integrating programmes and budgets for different provinces into a single IDP can prove impossible.

‘This is an administrative nightmare and it leads to service delivery being compromised,’ says Mufamadi, with cross-boundary municipalities featuring prominently among those municipalities discharging less than 30% of their assigned powers and functions. To end the situation his Department has proposed changes to the 16 cross-boundary municipalities and the five affected provinces of Gauteng, Mpumalanga, Limpopo, Northern Cape and North West. The move is in line with a Presidential Co-ordinating Council decision of 2002 which resolved that no municipality should cross provincial boundaries.

To take this forward the Re-determination of the Boundaries of Cross-boundary Municipalities Bill is now before the National Assembly’s Portfolio Committee on Provincial and Local Government.

The Bill proposes changes to the 16 cross-border municipalities in question, some of which the Municipal Demarcation Board has differed with following public hearings and submissions.

For Parliament the entire process is now something of a race against time. In terms of the legislation governing local elections the next election must take place between 5 December 2005 and 4 March 2006. Before then a constitutional amendment must be effected, and legislation passed by both houses of Parliament and all five of the affected provincial legislatures. In addition if the Board’s recommendations are all accepted, new wards will have to be delimited in Matatiele Local Municipality, and Umzimvubu, Thembisile and Kungweni. This must take place before the date for local government elections is announced as the Voter’s Roll closes on the day that the election is announced.

Addressing the Portfolio Committee, Demarcation Board chair Vuyo Mlokoti, said that the election would not be able to take place in December as the demarcation process would not be complete. He also warned of ‘constitutional chaos’ if all of these processes were not timeously completed.

Parliament must now pass the Bill, which because it is legislation affecting

the provinces, must be considered by both the National Assembly and the National Council of Provinces. The Committee will also have to decide whether to accept the suggested amendments to DPLG’s proposals that are being recommended by the Demarcation Board.

Some are substantial. While the draft Bill proposes that the cross-boundary municipality of Merafong City and the local municipality of Westonaria be incorporated into North West Province and included in the Southern District Municipality, the Board has proposed that both municipalities be incorporated into

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a Gauteng District Municipality. Addressing the committee Mlokoti said that the in terms of section 25 of the Demarcation Act, the Board looked at a range of factors before proposing changes to municipal boundaries. These included economic activity, settlement patterns, transport infrastructure and the local tax base. Merafong City and Westonaria had both argued in favour of being incorporated into Gauteng, as their economies were linked to that of Gauteng and their IDPs fitted into the Provincial Growth and Development Strategy.

The Demarcation Board also supported the view of the Matatiele Municipality and Maluti area that Maluti become part of Matatiele in Sisonke District Municipality. Matatiele would then form part of KwaZulu-Natal rather than the Eastern Cape, as was originally proposed.

Addressing the Portfolio Committee, Matatiele Mayor, Cedric Canham, argued that Matatiele’s local economy was closely tied in with that of the KwaZulu-Natal Midlands, Pietermaritzburg and Durban. Supporting the Demarcation Board proposals he noted that three of the four main roads out of the town went to KwaZulu-

Natal, while only one went to the Eastern Cape. He was also concerned that while Matatiele was only 250km from Pietermaritzburg, it was 750km from Bisho and ‘history has shown that the greater the distance from government the less service delivery could be expected’. He also argued that the town saw Maluti as part and parcel of the ‘same family’ and that services were already being extended there.

One of the most sensitive areas has been the Bushbuckridge area which saw a great deal of tension in the 1994 to 2000 period over which province it would form part of. At the time the creation of a cross-border municipality helped allay tension.

More recently residents of the Greater Sekhukhune District Municipality protested fiercely against their proposed incorporation into Limpopo, barricading streets, burning tyres and stoning buses, with 42 people, including 28 minors, arrested for violent behaviour.

Deputy Minister for Provincial and Local Government, Ms Nomatyalo Hangana, has described the behaviour as intolerable, saying those who resorted to violence would be arrested, warning ‘there will be no mercy’.

The Board is also proposing that the two local municipalities and the District Management Areas that fall under the Eastern Cape’s Alfred Nzo District Municipality be made the responsibility of other District Councils. This would in effect result in the dissolution of this District Council, widely viewed as financially unsustainable and one of the country’s poorest Districts, characterised by extremely low levels of basic services. Only 7% of residents have access to clean water and 6% have access to electricity.

While the ‘Boundaries’ Bill is before the Portfolio Committee on Local Government, Parliament’s Justice Portfolio Committee will be considering a Constitutional Amendment to the provincial boundaries. The amendment, while technical in nature, must still follow a special process, and all of the affected provinces need to agree to the changes.

For Lechesa Tsenoli, chairperson of the Portfolio Committee on Provincial and Local Government, time is now of the essence. ‘Registration of voters is critical. We can’t allow a situation to arise, through fault of our own in which people can’t register. We are working against deadlines, but our aim is to achieve maximum service delivery, and to remove any obstacles that stand in the way of service delivery.’