



To: Minister of Cooperative Governance and Traditional Affairs
Minister of Justice and Correctional Services
Minister of Rural Development and Land Reform
Minister of Finance
Minister of Basic Education
Minister of Health
Minister of Environmental Affairs
Minister of Water and Sanitation
MECs of Provincial Departments responsible for Local Government
Chairpersons of National & Provincial Houses of Traditional Leaders
Statistician – General
President of South African Local Government Association
Chairperson of Independent Electoral Commission
Mayors of Metropolitan, District and Local Municipalities

Cc: DG's of all abovementioned Departments
Chief Surveyor General
Chief Electoral Officer
Chief Executive Officer of SALGA
Members of extended Boundaries, Powers and Function Committee
Members of Local Elections Technical Committee
Other Stakeholders

Dear Sir/Madam,

CIRCULAR 1/2017: DETERMINATION AND REDETERMINATION OF MUNICIPAL BOUNDARIES, AND MDB'S BROAD PROGRAM 2017 – 2021

PURPOSE

1. To inform all MDB stakeholders about the decision of the Municipal Demarcation Board with regard to its work program for the period 2017 to 2021.
2. To provide MDB stakeholders with a broad plan for the technical boundary re-alignment process.

INTRODUCTION

3. For the past 17 years, Municipal Demarcation Board (MDB) has been in the forefront of spatial transformation in South Africa through the determination and re-determination of municipal boundaries. This process evolved from addressing spatial injustices of the past to rationalizing municipalities into functional units to meet their constitutional obligations, including infrastructure and service delivery.
4. While the MDB has seen many years of success, these have not been without challenges. As in any thriving democracy, decisions of the Board are challenged from time to time in the courts of law and there have been community protests (sometimes violent) against decisions of the Board in some parts of the country.
5. The successes since the year 2000 have been achieved in part through the strong partnerships established with other institutions such as the Independent Electoral Commission (IEC), Statistics SA, Financial and Fiscal Commission (FFC), Department of Cooperative Governance and Traditional Affairs (COGTA), Chief Surveyor-General (CSG), South African Local Government Association (SALGA), provincial departments responsible for local government and municipalities.
6. Notwithstanding the challenges that confronted the MDB, many valuable lessons were learnt. These lessons have placed the MDB in a better position to review the demarcation process and propose changes to the legislative framework that govern its work.
7. In a bid to improve the demarcation process, the MDB considered the following:
 - a) Demarcation Process Review Task Team report which was a comprehensive review of the current legislation and the practice and process of municipal demarcation;

- b) Lessons learned from previous demarcation processes and from engagements with stakeholders (including the public); and
- c) The outcomes of MDB Conference on Demarcation and Spatial Transformation held in June 2016.

8. The outcome of the above-mentioned processes pointed to the following matters that require some attention:

- a) Limitations and challenges with the legislation governing demarcations.
- b) MDB's five year cyclic review of municipal boundaries is too short and compromises the planning and service delivery role, and consequently municipal sustainability.
- c) Lack of a clear plan on configuration of the local government landscape - continued debates on the future of the two-tier system of local government, secondary cities and categorisation of metropolitan areas.
- d) Communities proposing changes to provincial boundaries often making MDB's work difficult as they refuse to accept that this does not constitute MDB's mandate.
- e) Inadequate funding of MDB which does not allow for establishment of regional presence and might constrain effective public participation.
- f) Instances of misaligned municipal boundaries to cadastral farms, including challenges with spatial configuration of informal settlements.
- g) Spatial discrepancies concerning traditional authority areas exacerbated by lack of proclamations, thus resulting in misalignment of municipal boundaries.
- h) Inadequate fiscal allocations for transitional arrangements to ensure that the newly established municipalities are functional from the date of effect.

MSS

DECISION WITH REGARD TO DETERMINATION AND REDETERMINATION

9. The MDB considered all circumstances and on 08 December 2016 resolved that no major municipal boundary redeterminations would be conducted within the period preceding the 2019 national elections. Only correction of technical misalignment of municipal boundaries will be dealt with. The process will involve minor adjustments to align municipal boundaries to either cadastral boundaries, natural or man-made features (e.g. farm boundaries, rivers, roads), as well as alignment of split settlements.

MDB STRATEGIC DIRECTION AND PRIORITIES FOR THE RE-DETERMINATION PROCESS

10. As already indicated, no major redetermination of municipal boundaries (e.g. amalgamations and categorizations) will take place within a period preceding 2019 national elections, save for the boundary misalignment project.
11. The work of the municipalities and other key stakeholders such as the IEC will be impacted negatively if these boundary misalignments are not addressed due to reasons that include the following:
- a) Misaligned boundaries create confusion in management of municipal property rates when one farm is split between two municipalities.
 - b) Disruptions during electoral processes when communities realize that a portion of their settlement, which they expect to be in one ward is located outside of their municipality.
 - c) Civil unrests over land ownership disputes, especially where there is no legally proclaimed farms, mostly prevalent in rural traditional communities. .
 - d) Due to growth of settlements and uncoordinated site allocations, some settlements straddle across municipal boundaries.
 - e) A need to provide legally identifiable boundaries and enhance effective administration.

12. During 2016, MDB conducted preliminary technical municipal boundary assessments to determine the extent of boundary misalignment and these have been divided into four broad categories:

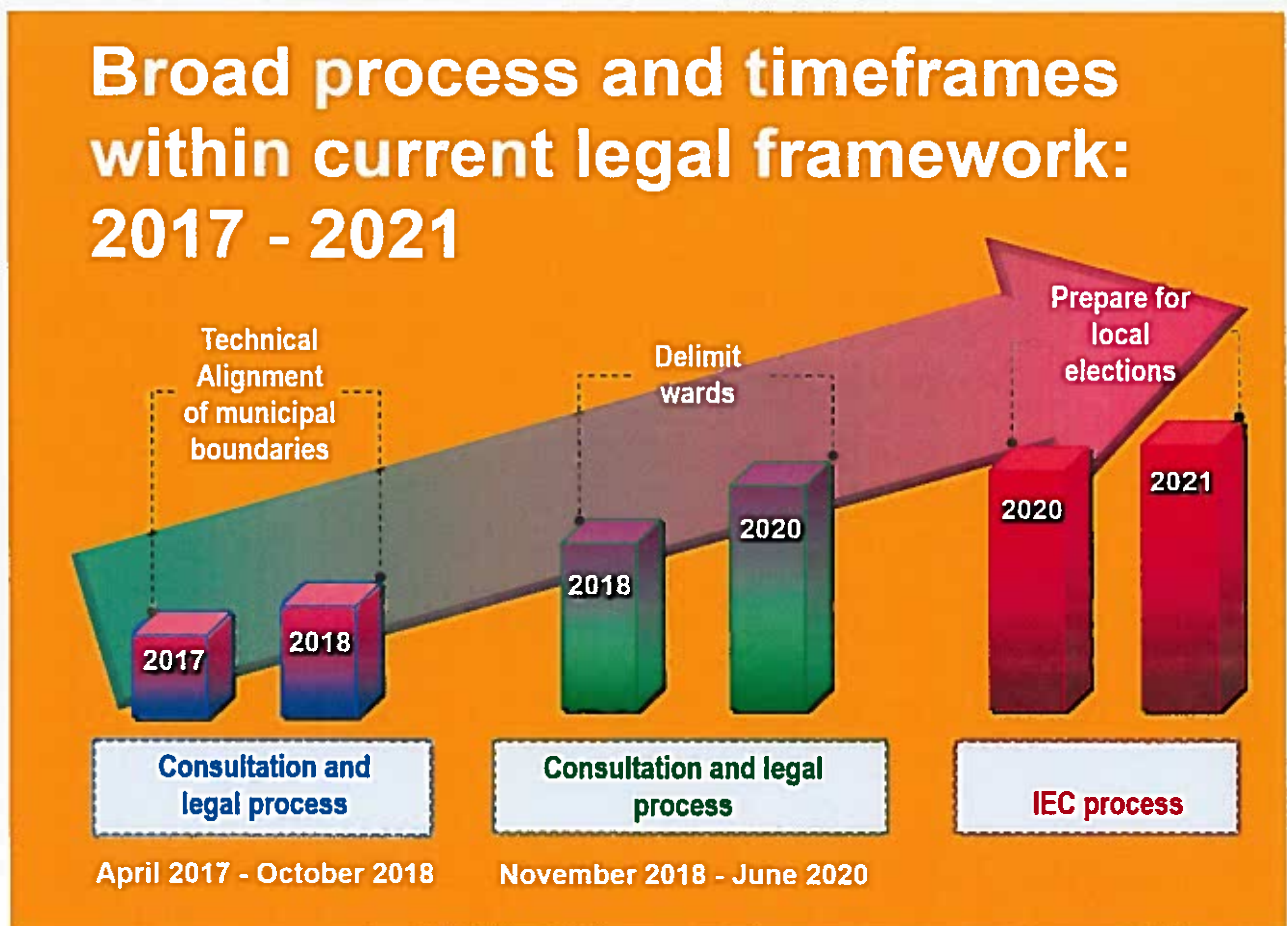
- a) **Split communities:** These cases may have occurred either as a result of the previous municipal boundary redeterminations conducted without the availability of adequate data to identify the extent of these communities, or as a result of the growth of these communities beyond their original boundaries. This category of boundary misalignment cases affect service delivery, as these communities are caught between more than one municipalities, which may not be aware of the boundary anomaly, thus withhold their services to the affected communities.
- b) **Cadastre misalignments:** This category is mainly caused by the inaccuracy of spatial base data used, thus causing minor shifts between the municipal boundaries and the cadastral boundaries. Invariably, this category does not affect large areas or populations, thus can be adjusted with minimal impact to the functioning of municipalities.
- c) **Split farms:** This is similar to cadastre misalignment, as it affects the cadastral boundaries of farms. The category affects portions of one farm split between two or more municipalities. This affects the property valuations of municipalities and eventually their rates and taxes on those properties.
- d) **Split Traditional communities:** This category is a result of municipal boundaries splitting the traditional council areas, often due to the lack of validated dataset for traditional council areas and at times due to the vastness of the traditional council areas that makes it difficult and sometimes impossible for them to fit into a single municipality. Most of the traditional council areas have not been surveyed, thus validity of this dataset remains disputed, which poses a risk if this was to be used as the base for municipal boundary redetermination. This category involves an extensive process that could take much longer than the period of the demarcation process. It will therefore not be included in the forthcoming boundary alignment project. However, the MDB is already working with the Chief Surveyor General as well as COGTA to unravel challenges linked to this category.

DEMARICATION PROCESS 2017-2021

13. The 2017–2021 demarcation process is aimed at addressing boundary misalignments, and not major boundary redeterminations.

14. The sequence of events for demarcation process culminating in the 2021 local government elections is broadly planned as illustrated in the diagram below. This includes technical boundary alignments conducted between 2017 and 2019, ward delimitation in local and metropolitan municipalities between the 2019 and 2020, and the IEC processes for the local government elections towards 2021.

BROAD DEMARICATION PROCESS



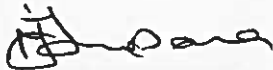
15. The municipal boundary re-determination programme focusing on technical boundary alignment detailing the activities and broad timeframes is attached as Annexure A.

CONCLUSION

16. Municipal Mayors are requested to bring the contents of this circular to the attention of all councillors, and other stakeholders in their municipal areas such as ward committees, traditional leaders, community development workers etc. The MDB is looking forward to strengthen its relations with all stakeholders in this process and would like to plead for the cooperation and support we enjoyed in the previous cycles.

17. The MDB is committed to ensure that the process of the technical boundary alignments will be done in consultation with key stakeholders and the affected communities.

Regards



JANE THUPANA

CHAIRPERSON: MUNICIPAL DEMARCATION BOARD

DATE: 27/03/2017

ANNEXURE A

BOUNDARY ALIGNMENT PROGRAMME (ACTIVITIES AND BROAD TIMEFRAMES)

PROCESSES	DATE	TASK	RESPONSIBILITY
Consultation Process – Pre Legal Process	April – June 2017	Consultation with MINMEC	MDB - BOARD
		Consult with Provinces	MDB - BOARD
		Consultation with other Primary Stakeholders	MDB OFFICIALS
Legal Process: Intention to Consider Proposals and Board decisions: Section 26 & 27 of the Municipal Demarcation Act (MDA)	July- September 2017	Publish intention to consider proposals and process submissions	MDB – BOARD & OFFICIALS
Legal Process: Conduct Investigations and public meetings and Board decisions – Section 28, 29	October – December 2017	Conduct Investigations	MDB – BOARD & OFFICIALS
	January 2018 – March 2018	Conduct Public Meetings	MDB – BOARD & OFFICIALS

MBS

PROCESSES	DATE	TASK	RESPONSIBILITY
& 18 and 21(1) of the MDA	April 2018 – June 2018	Consideration of Public inputs and determinations or redeterminations	MDB – BOARD & OFFICIALS
Legal Process: Publication for Objection- Section 21(3) of MDA	July – August 2018	Publication of re-determination and consideration of objections	MDB – BOARD & OFFICIALS
Legal Process: Confirm, Vary or Withdraw Re-determination – Section 21(5) of MDA	September - October 2018	Confirm, vary or withdraw re-determination and final gazetting	MDB – BOARD & OFFICIALS

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