



mdb
municipal demarcation board

**SEMINAR REPORT:
MUNICIPAL BOUNDARY DEMARCATIONS IN TRADITIONAL
AREAS: A POTENTIAL SOURCE OF STRIFE.**

30 October 2018

HSRC Office, Pretoria



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1. BACKGROUND

The report details the outcomes from the seminar conducted by the Human Sciences Research Council (HSRC) in partnership with the Municipal Demarcation Board (MDB). The seminar took place at the Human Sciences Research Council's Office, Pretoria on 30 October 2018. The theme of the seminar was 'Citizen Engagement and Social Cohesion', while the seminar topic was Municipal Boundary Demarcation in Traditional areas: A potential source of strife.

The seminar was attended by representatives from the Municipal Demarcation Board, Human Science Research Council Department of Cooperative Governance and Traditional Affairs (COGTA), Department of Traditional Affairs (DTA), Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission). Refer to **Appendix A** as the attendance register.

The seminar was facilitated by Prof. Barwa Kanyane (HSRC). Presentations were made by Ms L Mazibuko Manager: GIS Municipal Demarcation Board titled "Demarcations in Traditional Areas: A source of strife? (Experiences and Challenges)", and the second presentation was delivered by Mofumahadi Motshabi Gaboilelwe, The National House of Traditional Leaders titled Municipal Boundary Demarcation in Traditional areas: A potential source of strife. The panellists included Dr Wilson Makgalenchenche of (DTA), Ms Jane Thupana (MDB) and Mr Father Mkhathshwa (DAC/MRM).

1.1 Objectives of the seminar

This seminar was to be utilised as a platform for engagements on the challenges of municipal boundary demarcations in Traditional areas and mechanisms on how such could be circumvented. Therefore, the objectives of this research seminar were:

- To engage on how to resolve spatial challenges in municipal boundary demarcations affecting Traditional areas,
- To explore mechanisms on how demarcation can be used to create harmony and enhance integrated development in diverse traditional community areas,

- To examine why municipal demarcation in traditional areas is a potential source of strife and discontentment.

1.2 Problem Statement

In a number of instances historical allegiances and links between different traditional communities have been used as rationale for dissatisfaction against municipal boundaries as certain communities feel that they rather be with a certain traditional community in another municipality and vice versa. In other instances traditional communities have expressed a need to have their own single municipality without other traditional communities they do not have links or authority over. The problem statement for the seminar was that demarcation in Traditional areas with ethnic diversity are very often a source of strife.

2. SEMINAR PROCEEDINGS

The seminar took place in one day, from 12h15 - 14h00 and had only one session chaired by Programme Director: Professor M. Kanyane (DGSD, HSRC).



Professor A. Kanyane (sitting in front desk on the left) caught in action busy chairing a seminar session

The session had two major presentations, with the first presented by Ms L Mazibuko Manager: GIS Municipal at Demarcation Board titled *“Demarcations in Traditional Areas: A source of strife? (Experiences and Challenges)”*, and the second presentation was delivered by Mofumahadi Motshabi from the National House of Traditional Leaders Gaboilelwe titled *“Municipal Boundary Demarcation in Traditional areas: A potential source of strife”*. The presentations were followed by plenary discussion, and concluded with questions and discussions from the participants to consolidate the key aspects of the seminar topic as outlined in the introduction. More information on the advert of the seminar can be seen from the Seminar Poster as **Appendix B**.

The seminar proceedings were opened by the Programme Director who also highlighted the significance of municipal boundaries demarcations as one of the processes central to the core functions of the MDB aimed at achieving social cohesion; and this was followed by the first presentation of the seminar.

3. DISCUSSION

(i) The first presentation: “Demarcations in Traditional Areas: A source of strife? (Experiences and Challenges)”.

The presentation by Ms Liz of the MDB, outlined the major challenges experienced by the MDB when dealing with demarcation cases affecting Traditional Councils. The major focus of the presentation were the MDB Mandate and the legal framework that governs the work of the MDB.

Consequently, the presentation layout included the experiences of implementing MDB mandate in Traditional Areas, lessons from the experiences as well as the challenges observed and finally, the last part of the presentation was on how the MDB and other stakeholders involved in demarcations could respond to the challenges encountered to reduce the strife. Refer to Appendix D for the full presentation.

The following were the key issues highlighted in the presentation:

- There are several traditional areas which are non-contiguous with portions of the same traditional area located and detached from each other,
- Due to the spatial discrepancies in traditional areas, the MDB has observed a number of traditional areas split by municipal boundaries,
- The size of some of the traditional areas has resulted in traditional areas straddling provincial, municipal and ward boundaries,
- The MDB received several requests for boundary changes with ethnic or tribal undertones as well as those for certain communities rejecting inclusion into certain municipal areas citing such differences.

The presentation was concluded by reiterating that the application of criteria for municipal boundaries demarcation may have been applied too broadly and caused the agglomeration of externalities to become diluted. Hence, metros need to be recognised as special and treated as such, while the role of other primary cities needs to be defined and supported. As such, partnering and co-operative government is essential when dealing with demarcation cases. The MDB is therefore reconsidering the categorisation of metros and conducting research in this regard. Refer to **Appendix C** for the full presentation.

(ii) The second presentation: “Municipal Boundary Demarcation in Traditional areas: A potential source of strife”.

In her presentation, Mofumahadi Motshabi appreciated the fact that the National House of Traditional Leaders (NHTL) was invited to share its perspective on municipal boundary demarcations in traditional areas. She appreciated the fact that there is misalignment of municipal boundaries to traditional area boundaries. Furthermore, she highlighted that the participation of traditional leaders in boundary (re)determination and how they can support the work of the MDB remains critical as traditional leaders are bound to address the misalignment she referred to in her presentation.

The following were the key issues highlighted in the speech:

- The conflict, which sometimes prevail between councillors and traditional leaders, does not help the processes of demarcation. They need to rise above the simple problems to face real crocodile like addressing the issue of the spatial discrepancies in traditional area that has been observed over a number traditional areas split of municipal boundaries by the MDB,
- The challenge of traditional authorities straddling across two municipalities or crossing over provincial boundaries is a real life situation that is facing traditional authorities,
- hat There are issues of service delivery that could be addressed through the municipal boundary demarcation processes,
- Traditional Leaders and Communities acknowledge that it is the work of government to ensure proper integration of traditional land use development processes into formal systems of spatial planning and land use management without removing traditional leaders or their powers in the administration of such in their traditional communities.
- The Spatial Planning and Land Use Management Act provides that the State must respect, promote and fulfil social, economic and environmental rights of everyone and strive to meet the basic needs of previously disadvantaged communities. It is equal the duty of the state to respect the cultural diversity upheld by the Constitution,
- The existing powers of the institution of traditional leadership on land management in their areas of jurisdiction should be strengthened working in tandem with Municipalities. The complete and sole management of space by municipalities in traditional areas will make access to land an economic nightmare to the previously disadvantaged, indigenous and or traditional communities and will create conflict (Refer to Appendix D for the full presentation). The picture below is of some of the participants who deliberated on some of the key seminar issues that emerged during seminar session.



4. REFLECTIONS (KEY EMERGING ISSUES FROM DISCUSSIONS)

During the discussion session, panellists and delegates engaged on the presentations given. The following were the key emerging issues from the seminar deliberations:

- Should the MDB not be given the mandate to demarcate provincial boundaries?
- What does meaningful consultation mean?
- The MDB mandate is challenging in its essence because it draws from the legislated criteria, but also it would be interesting to hear from stakeholders what are their experiences are with challenges encompassing traditional authorities straddling over different municipalities,
- The areas forming part of Traditional Authorities being demarcated into urban municipalities causes challenges related to socio economic issues,
- The issue of social cohesion is imperative and the MDB would like assistance in this regard,
- The Constitution of the Republic of South Africa solidifies the mandate of the MDB by strengthening and deepening democracy. In this regard, the key role

players are the three (3) spheres of government as well as the institution of Traditional Authority, while the missing link is the issue of consultations. The question to be answered is “Where does the MDB start with consultation? Or what is the entry point for efficient consultation?”



Father S. Mkhathshwa, Moral Regeneration Movement (MRM), (sitting in front) amongst the delegates participating in discussion served as one of the panellists.

- The MDB needs to have an understanding and respect of the protocols when consulting traditional authorities.
- Traditional Authorities are the custodians of culture, traditions and customs, as well as social cohesion. Thus, the mind-set of citizens needs to be changed regarding this matter given the apartheid and colonial past of South Africa.
- The MDB has a prominent role to play in changing the mind sets, in reengineering boundaries.
- The Principle of Common good, is what underlines the work of the MDB especially municipality.
- The issues of land, expropriation of land without compensation, has major impact on the mandate on the MDB.

- Sound communication is vital in demarcation matters, because it is really engaging the affected stakeholder(s).
- Political interest has a major impact on the determination and redetermination of municipal boundaries.
- The question that remains to be answered is *“For how long will the demarcation of boundaries carry on for, and what is the end goal?”*
- The coordination between the relevant stakeholders in demarcations is critical so that they may pull to the same direction. The question is *“What are the challenges thereof?”*
- The MDB in its work must illustrate issues that may occur in the different context of urban vs rural. It should illustrate the extent to which economic imperatives are more important in certain areas than political imperatives in other areas.
- Clarity should be made between the relationship of the MDB work with the IEC particularly in voter districts where communities live, and what impact does this have on unilateral politics.
- An engagement is needed on the component of the modernisation of traditional systems of governance and the contrast between this with the despotic behaviour and self-interest of traditional leaders be identified.
- One of the key issued that emerged from deliberations was *“What does consultation mean to the two entities, that is, the Traditional Leaders and the MDB?”* and *“What are the core issues that communities take the MDB to court?”*

5. SEMINAR OUTCOMES AND RECOMMENDATIONS FOR THE MDB

The following recommendations were made:

- The seminar agreed that whilst progress has been made by the MDB with regards to public participation within their processes, more can be done to ensure that the public participation goals are realised.
- The issues of civic education was emphasised as critical when dealing with demarcation matters.
- Father Mkhatswha closed the seminar by stating that the work of the MDB is a small part of democracy, but an integral part in deepening democracy.

- Over and above, the seminar was considered as successful in the sense that it served as a platform through which participants from various sectors engaged actively on constructive deliberations around demarcation processes in South Africa.

APPENDICES

Appendix A: Attendance register of the participants

Appendix B: Seminar Poster

Appendix C: Presentation by Liz Mazibuko (MDB) “Demarcations in Traditional Areas: A source of strife? (Experiences and Challenges)”.

Appendix D: Presentation by Mofumahadi Motshabi Gaboilelwe (NHTL) “Municipal Boundary Demarcation in Traditional areas: A potential source of strife”.