

**PROMOTING SOCIAL COHESION THROUGH DEMARCATION (MUNICIPAL AND  
WARD BOUNDARIES) WITHIN TRADITIONAL AREAS**

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## **ABSTRACT**

The determination/redetermination of municipal boundaries in traditional areas has been a contested issue in the country since the dawn of democracy to date. Despite efforts that have been made by the Municipal Demarcation Board (MDB) in restructuring and redrawing municipal boundaries to address past spatial apartheid planning, ethnicity continues to be a serious issue for the MDB when demarcating municipal boundaries in the country. With boundaries that have resulted in the integration of rural communities into a single municipality and the splitting apart of rural communities into two municipalities. In several cases different ethnic, cultural, and linguistic groups would prefer to be demarcated into a single municipality or ward without other groups. This is not always possible due to the size but also because of a need to promote social integration and transformation through demarcation. Consequently, there are often demarcation contestations in traditional communities which have manifested themselves by way of violent protests, litigations, and applications for MDB to change boundaries to accommodate such interests in several parts of the country. As a result, this paper discusses the promotion of social cohesion through demarcation, it draws experiences from the area of Vuwani.

The study aims to examine whether ethnicity should be included as one of the critical demarcation factors in order to promote social cohesion through demarcation within traditional areas. The study focuses on two main objectives which are; to explore how demarcation in traditional communities (communities with ethnic and cultural differences) should be handled to enhance social cohesion and to explore international experiences on demarcation processes affecting traditional communities. The study used a qualitative case study approach using both interviews with relevant stakeholders and secondary qualitative data. The results revealed that protests such as the one in Vuwani have had politicised characteristics which reflect relationships of power often as a result of feelings of segregation. In a municipal area such as in the area of Vuwani the unfair system of distribution, social injustice, poverty, oppression, human rights, intimidation, domination, and politics of exclusion; the issue of resource remittance will always be a precarious contention. Including ethnicity as a critical factor when demarcating would lead to the re-establishment of the homelands systems. Some suggested that ethnicity should only be considered in provinces such as Limpopo and Mpumalanga that are made up of different ethnic groups. The study

concludes by recommending that the MDB considers bringing in some kind of anthropological studies into its research in order to understand the various dimensions that influence ethnicity in Limpopo. The Board should consider carrying out socio-cultural impact assessments before demarcating municipal boundaries. The Board also needs to strengthen public participation through holding more than one meeting, using platforms such as the municipal/mayoral Imbizo's and having more presence in the province through regionalisation of its offices and lastly it was recommended that COGTA along with other stakeholders work together to improve intergovernmental structure which will ideally strengthen service delivery in Vuwani and surrounding areas.

## 1. INTRODUCTION

The demarcation of municipal boundaries in South Africa has been regarded as a crucial starting position in the transformation and progress of the country (Khowa, 2022). When South Africa became a democratic country in 1994, the new Constitution of the Republic of South Africa required an independent body to determine and redetermine municipal boundaries. Thus, the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998) was adopted to give effect to section 155 of the Constitution which established the Municipal Demarcation Board (MDB). The MDB's mandate would be to redraw and rearrange the spatial setting of the country in a bid to ensure transformation (Khowa, 2022). As a result, there has been a huge decrease in the number of municipalities in the country since democracy. With the rationalisation of municipalities from 1262 to 843 municipalities in 1996. Municipal demarcations mainly focused on rectifying historical imbalances (these include spatial inequalities and the legacy of apartheid) and creating municipal areas that are not racially based, allowing the previously repressed people more access to land and power (Griggs, 1998; Nxumalo & Whittal, 2013). The municipal areas were to be structured in such a way so as to address the rural/urban divide and incorporate economic and social development (Nxumalo & Whittal, 2013).

In 2000, the MDB carried out municipal boundary redeterminations which resulted in 284 municipalities, and this was followed by the second wave of redeterminations after 2002 (Ncube & Monnakgotla, 2016). Currently, South Africa has 257 municipalities which are made up of 8 metropolitan municipalities, 44 district municipalities and 205 local municipalities (Municipal Demarcation Board, 2017). Despite efforts that have been made by the MDB in restructuring and redrawing municipal boundaries to address past spatial apartheid planning, ethnicity continues to be a serious issue for MDB when demarcating municipal boundaries in the country (Mokgopo, 2020). With boundaries which have resulted in the integration of rural communities into a single municipality and the splitting apart of rural communities into two municipalities (Mokgopo, 2020). This has led to various disputes by community members who were not in support of the methods followed and boundary results, in most instances areas were split between two municipalities, while other municipalities were split over two district municipalities and at times over two provinces (Mokgopo, 2017).

In several instances different ethnic, cultural, and linguistic groups would prefer to be demarcated into a single municipality or ward without other groups. This is not always possible due to the size but also because of a need to promote social integration and transformation through demarcation. Consequently, there are often demarcation contestations in traditional communities. These contestations have manifested themselves by way of violent protests, litigations, and applications for the MDB to change boundaries to accommodate such interests in several parts of the country. As a result, this paper will discuss promoting social cohesion through demarcation, it draws experience from the traditional area of Vuwani.

The aim of this study is to examine whether ethnicity should be included as one of the critical demarcation factors in order to promote social cohesion through demarcation within traditional areas. Against this backdrop, the objectives of this study are to:

- a. Explore how demarcation in traditional communities (communities with ethnic and cultural differences) should be handled to enhance social cohesion.
- b. Explore international experiences on demarcation processes affecting traditional communities.

This paper begins with an introduction and is followed by the literature review which discusses social cohesion, the issue of ethnicity in South Africa; it considers the case of Canada, which is an experience from an international example, the case of Vuwani is discussed and the literature review ends of with a discussion on ethnicity as a demarcation factor, the literature review is followed by a review of the legislative and policy framework that inform demarcation of municipalities in the country; followed by the methods and data collection section, the discussion and results section is discussed and is followed by the conclusion and the paper ends of with the recommendations.

## **2. LITERATURE REVIEW**

When South Africa became a democratic country in 1994, it was confronted with major restructuring of government and the implementation of the new Constitution. The new government transformed the three spheres of government (national, provincial, and local government) to enable it to eradicate traces of apartheid in the South African

human settlements and municipal institutions (Mokgopo, 2020), “homelands” or “Bantustans” were dissolved, and South Africa’s four provinces (i.e. Cape Colony, Transvaal, Natal and Orange Free State) were demarcated into nine new provinces, signalling transformation of the new democratic South Africa (Griggs, 1998; Singarum, 2002). Due to the functionality debate, there has been a transformation of the local government system from its propagated, racist and fragmented state of before 1994 to a modern system of local government (De Visser et al., 2012). Following the re-integration of the Bantustans into the country, the granting of South African citizenship to residents of the TBVC states (Transkei, Bophuthatswana, Venda, and Ciskei) and the implementation of an interim constitution in 1993, the political setting in South Africa which allowed for the internal map of the country to be redrawn was created which would include the principles of non-racial democracy (Mokgopo, 2020; Ramutsindela & Simon, 1999).

Demarcating and renaming regions in the country purely meant that the former Bantustans were preserved within the provinces that they had initially been under during the apartheid government (Mokgopo, 2020). As certain language groups were kept together and continued to inhabit the same geographic area within which they occupied during apartheid. The current provinces have continued to accommodate and maintain the same linguistic and ethnic maps that were used under the apartheid government. The spatial organisation in the democratic South Africa has unknowingly reinforced the concentration of language groups into a specific province, preserving the apartheid spatial planning status quo of distributing certain language groups into certain provinces for example former KwaZulu Bantustan has been sited under the newly created province of KwaZulu-Natal maintaining former Bantustans in one province (Ramutsindela, 2007).

The purpose of municipal demarcations has been to redress the imbalances of the past and the inequalities in municipalities (Mokgopo, 2020). The MDB has over the years done so and has faced various challenges and opposition from community members in affected areas such as Vuwani in Limpopo where people of Malamulele wanted to have their own municipality not attached to the Thulamela Local Municipality, situated in the Venda-speaking community (Mokgopo, 2017). A brief

explanation on what the concept of social cohesion entails is provided in the following section.

## **2.1 Social Cohesion**

Encouraging social cohesion in South Africa is a highly complex, yet imperative challenge. Though there is a common agreement that social cohesion has an impact on economic and social development, and that promoting a cohesive culture is an essential policy goal, not much advancement have been made to measure it and track developments in this area throughout the years (Burns et al., 2018). Lack in progress to measure and track this domain can be mainly due to the limited definitional consensus on social cohesion. Whereas social cohesion means the eagerness to trust strangers, uphold their dignity, esteem fellow residents and to be pushed to action when the marginalised experience any form of inequality (Reitz & Banerjee, 2014). Lack of social cohesion is apparent in less exaggerated but equally valuable approaches, including disinterest in decision-making, lack of support for decisions and poor organisational capacity to partake in upbuilding social activities which has been the case in Vuwani (Reitz & Banerjee, 2014); where communities have engaged in protests and have burnt government buildings. This has over the years been viewed as an outward display of frustration by the inhabitants displayed in the forms of rallies, protests, boycotts, appeals and strikes which are characterised by violence, vandalism, casualties, and bloodshed (Mokgopo, 2020).

In the South African setting, social cohesion may be viewed as general kindness expressed in the notion *Ubuntu* (Burns et al., 2018). Social cohesion as a term of art cannot be based on colloquial usage in the way that terms such as “power” and “fairness” are used. As a vaguely clear term of art, social cohesion is likely to be overlooked as pointless and is susceptible to several types of abuse such as the meanderings and essentials of political action from day to day. Social integration plays an important role in social cohesion as it refers to the magnitude to which members of a group form relationships with people outside the group these relationships exist (Reitz & Banerjee, 2014). It is the mandate of the Board to determine and redetermine municipal boundaries. Thus, when determining municipal boundaries, the Board takes into consideration the objectives found in the The Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998). The MDB is to also consider section 24

(iii) of The Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998) which talks to ethnicity and social cohesion, when determining municipal boundaries within traditional areas. In the United States, social cohesion is lesser in communities that have an elevated ethnic diversity, inhabitants do not trust outsiders; and conventional and unconventional networks are lower (Gijsberts et al., 2011). Concerns about the huge and dangerous impacts of racial diversity on social cohesion and national identity have been documented by journalists and policy makers in Britain (Letki, 2008).

David Goodhart, editor of *Prospect*, focuses his article on the damaging effect of ethnic diversity in modern Britain, on the sense of belonging and unity amongst inhabitants and on the practicality of the British welfare state; while chair of the Commission for Racial Equality, Trevor Philips echoed this dispute by stressing the need to solidifying common values and core Britishness (Letki, 2008) In analysing social cohesion in Canada, it has been found that there are increasing discrepancies amongst people of various socio-economic classes and disturbing occurrences of cultural self-doubt and longing for Old Canada are decreasing tolerance and compassion (Burns et al., 2018). There is no doubt then from the above discussion that the issue of social cohesion is not unique in other countries.

## **2.2 The issue of ethnicity in South Africa**

Ethnicity along with ethnic groups and ethnic diversity remain highly contested concepts. Regardless of the challenging nature of ethnicity, there has been an increase in the amount of political scientists and economists (see Rodrik, 1999; Sambanis, 1999; Easterly, 1997) that have begun to integrate ethnic groups into their (experiential) analysis or the practice of ethnicity as an autonomous inconstant to explain a range of social and economic consequences, particularly related to vicious group protests, secessionist actions and economic growth difference (Brown & Langer, 2010). However, some scholars remain doubtful of using ethnicity as a descriptive variable. In fact, Martin and Doornbos have taken their stance as follows: “ethnicity does not explain anything, it needs to be explained” (Doornbos 1991:19 as cited in Brown & Langer, 2010). Although ethnic groups and ethnic diversity can at times be viewed as important variables effecting a range of social and economic



phenomena, the concept of ethnicity faces various theoretical, extent and pragmatic challenges and constraints which could have a major effect on the research findings.

Ethnicity has been associated with demarcation differences, with claims that populations decline planned demarcations because of poor service delivery and ethnic issues (Khowa, 2022). Ethnicity is generally defined as part of one's character which is represented by one of the following ascriptive categories: race, religion, social symbols, shared history, or language; it is separate from an individual's identity that comes from economic status, civic affiliations, personal history or personal moral doctrine (Khowa, 2022). South Africa is a distinct country and houses various ethnic groups. As a result, it is often argued that ethnicity is dominant and is greatly influenced by the lack of resources as ethnic groups contend for resources. However, authors such as Khowa (2022) argue that such claims are unsupported because in Limpopo, community members, despite diversity have for many years lived together in harmony. Letki (2008) who performed an important test concluded that there is paucity in practical evidence to sustain the widely used claim that ethnic diversity undermines cohesion, instead the main problem is poverty. Through her research Letki has found that ethnic diversity has an immediate detrimental impact on trust and informal help but interprets these as largely a pseudo-effect (Gijsberts et al., 2011). Moloji (2016) argues that ethnicity seems to be creeping in, in South Africa, as the past depicts that each tribe has its own context and cultural identity that rejects ethnic groups and results in tension and conflicts.

It can be argued that past apartheid government policies and legislations such as the Group Areas Act 41 of 1950 (Group Areas Act 41, 1950) have contributed to the current issue of ethnicity. The Group Areas Act was used to spatially segregate people based on race and tribe, it was used to move black people to Homelands also referred to as Bantustans and facilitated the self-managing for own areas rule and the pass law system (Khowa, 2022). When one looks at South Africa's landscape today, certain provinces are still home to specific ethnic groups. For instance, Eastern Cape is home to the Xhosa tribe, Free State province is home to the Sotho tribe, KwaZulu-Natal is home to the Zulu tribe, and Northwest is home to the Batswana tribe. Interesting to note though, is that Limpopo is one of the provinces in the country that is made up of more than one ethnic group, there is also Mpumalanga province made up of mainly

the Swati, Tsonga and Ndebele speaking ethnic groups with Limpopo province having been widely documented as having conflict which has arisen mainly because of one ethnic group seeking to dominate the other and compete for power. It is very important then to consider the dynamics in Limpopo that have fuelled conflicts. The following section discusses the Canadian case.

### **2.3 The Case of Canada**

Several towns around the world have experienced, for administrative and political reasons, amalgamations that have lessened the number of municipalities on a given territory. This has had impacts on several urban contexts, as demonstrated by contemporary amalgamations in Ottawa, Toronto and Halifax (Canada), Baltimore (United States) and other countries like Scotland, England and Australia (Arcand et al., 2003). The case of Montreal in Quebec stands out, because of its strategic economic point; and its historical and frequently incompatible relations between its varied ethnic and linguistic collectiveness. Prior to the municipal amalgamation in January 2002, the island of Montreal was made up of 29 municipalities including the city of Montreal that had a bilingual status conferred by the Charter of French Language (Tomàs, 2011). The 29 municipalities ran their own affairs but differed linguistically and ethnically, as well as economically (Arcand et al., 2003). The merger of the island of Montreal with the city of Montreal was done under the slogan “One island, one city” and was part of a provincial scheme that had been launched by the Parti Québécois<sup>1</sup> across Quebec. The motive for the mergers was to make Montreal the largest French city in North America; it was believed that bigger municipalities would be more effective and would be able to endure competition with other towns in Canada (Tomàs, 2011).

The merger in Quebec was met with contestation by certain municipalities which had bilingual status, more so on the island of Montreal. This was mainly due to the existence of mainly English-speaking municipalities which were scheduled to be merged with the predominantly French-speaking city of Montreal (Trent, 2012). The merger was viewed by some municipalities as an immediate attack on the rights of

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<sup>1</sup> Parti Québécois is a sovereigntist and social democratic provincial political party in Quebec, Canada that promoted independence for Quebec (Wallenfeldt, 2018).

Anglophone (English speaking Canadians) communities of the island of Montreal (Arcand et al., 2003). The English-speaking municipal citizens feared losing their rights, although the mayor of Montreal had stated that their dialectal rights would be safe in the new City of Montreal; the provincial government encouraged the use of French instead of English within the central municipal administration (Arcand et al., 2003). Implying that the new city of Montreal was considered a French speaking city although this was not officially recognised because the Municipal council had not taken a position in that matter. While English is used as a second language in Quebec, it is as though this language is increasingly pushed aside at the political and administrative levels (Arcand et al., 2003). Although some might have thought that mergers were a good thing, there was anger over them because they were imposed. Many felt angry and helpless because of having not been given a choice to vote on the matter (Trent, 2012). Various protests were organised, and lawsuits were filed, 15 municipalities appealed to the Court of Appeal of Quebec, to no avail.

The new City of Montreal was divided into 27 boroughs which oversaw local administration and the city above them oversaw larger issues such as economic development or transport matters. In 2004 referendums to allow merged municipalities to demerge were held throughout Quebec. Referendums were conducted in 22 of the 27 formerly independent municipalities on the Island of Montreal (Tomàs, 2011). The results of the referendum were that the annexation of 15 of the formerly autonomous municipalities gained most of their freedom (reversed through referendum); these are mainly English-speaking municipalities with some French-speaking municipalities (Trent, 2012). All areas that were demerged were predominantly English-speaking residents and were wealthier in comparison to other suburban municipalities (Tomàs, 2011). Despite the costs associated with the decision to demerge, self-identity and socio-economic factors were the main issues that motivated demerges in Canada (Tomàs, 2011). Currently Montreal has a two-tier government structure made up of the City of Montreal and its 19 boroughs. Each borough has its own council and sends one or more councillors (dependent on the population) to represent the borough on the 65-member city council which is headed by the mayor (Encyclopedia Britannica, 2022).

## **2.4 The Case of Vuwani**

In 2015, the then Minister of Cooperative Governance and Traditional Affairs (COGTA), Pravin Gordan requested the MDB in terms of section 22(2) of the Municipal Demarcation Act (No. 27 of 1998), to consider the re-determination of boundaries of several municipalities ahead of the 2016 local elections (Municipal Demarcation Board, 2015a). The MDB went ahead with the redetermination of 19 local municipalities in seven provinces, including the establishment of the new local municipality in 2016 (now named Collins Chabane Local Municipality (CCLM)) in the Limpopo province (see Appendix 1). The minister requested that the Board redetermine the municipal boundaries of Musina, Thulamela, and Makhado Local Municipalities by disestablishing the Mutale Local Municipality which was situated in the Vhembe District Municipality. The main purpose was to improve the financial capability of municipalities that fell under the Vhembe district (Municipal Demarcation Board, 2015a). This proposal was also part of the “Back-to-Basics” policy agenda for local government which considered various strategies to deal with dysfunctionality of municipalities, including whether some municipalities should be re-demarcated to improve their functionality and economic viability (Sinthumule, 2021). With the disestablishment of Mutale Local Municipality, new borders would need to be redrawn in the Vhembe district. This process overlapped with protests by the citizens of Malamulele (predominantly Tsonga speaking) located in Thulamela Local Municipality; protests had been ongoing since the early 2000’s, marked with violence that reached a climax in 2009; with people of Malamulele demanding to be removed from the Venda-speaking dominated Thulamela municipality and have their own Tsonga-speaking municipality (Rasila & Musitha, 2017).

Citizens claimed that Thulamela Local Municipality which was formed in the year 2000, via the amalgamation of Greater Thohoyandou Transitional local council (Venda dominated area) and Malamulele Rural Local Council (Tsonga dominated area) was not delivering services to the predominantly Tsonga-speaking population of Malamulele; citizens were of the belief that the municipality was biasedly directing services to the Venda-speaking areas since the municipal council seats are situated in Thohoyandou (Sinthumule, 2021). Results emanating from a feasibility study that was conducted by the Board, found that Malamulele had not met all the demarcation criteria for it to be a municipality on its own (Municipal Demarcation Board, 2015a).

This has caused unavoidable conflict between the MDB, traditional authorities, municipal authorities, and the community members of Vuwani. The people of Vuwani refused to be incorporated into the newly established municipality, which further fuelled animosity between the Tsonga-speaking people who are currently in Collins Chabane Local Municipality; most claim that the Vuwani people are racists and look down on the Tsonga-speaking people, that they don't need them to be part of "their" municipality (Rasila & Musitha, 2017:2) displaying undertones of ethnicity.

The new municipal boundaries published in the Provincial Gazette on 25 August 2015 indicated that the villages of Mulenzhe, Piet Boy, Khakhanwa and Malamulele that were previously part of Thulamela Local Municipality would now fall under CCLM (See Appendix 1). The villages of Masakona, Tshimbupfe, Masia, Mashau, Vyeboom, Davhana and Vuwani which were previously in Makhado Local Municipality would now fall under the jurisdiction of CCLM (Sinthumule, 2021). The new borders also split traditional villages and traditional communities, with villages under the same tribal authority divided into two separate municipalities. The re-determination of borders for separated communities has resulted in tension, anger and violent protests directed to the MDB and the government and have further created confusion among traditional leaders in terms of their status, powers and areas of jurisdiction and residence (Sinthumule, 2021). In October 2015, eight local Traditional Councils, together with the Vuwani Service Delivery and Development Forum, filed an urgent application to the Limpopo high court (Case No. 80434/15) requesting that the decision by the Board regarding the incorporation of Mutale into Musina and Thulamela and the creation of a new municipal area comprising of portions of Makhado and Thulamela local municipalities be reviewed and set aside (Municipal Demarcation Board, 2015a). On 29 April 2016, the Limpopo High Court dismissed the application and ordered each party to pay for their own costs. The applicants went a step further and applied for leave to appeal to the Constitutional Court and the application was dismissed on 7 July 2016 and no order as to costs was awarded (Municipal Demarcation Board, 2015a).

The decision by the High Court and the Constitutional Court to dismiss the application and appeal was followed by the establishment of a Pro-Makhado task team which was made up of a group of local communities and was created with the aim of opposing

the incorporation of mostly Venda dominated villages into CCLM (Sinthumule, 2021). The establishment of the task team resulted in the most violent demarcation protests in the history of South Africa which resulted in the burning down of 30 schools in Vuwani and surrounding areas, violent destruction of public property and infrastructure and total shutdown of all activities that lasted three months, thus thrusting Vuwani into the national spotlight (Kanyane et al., 2021; Sinthumule, 2021). Communities continued to show their anger by not voting during the local government election on 3 August 2016. While everyone has the right to protest peacefully, to express dissatisfaction with decisions that affect them, the rate of recurrence and violent nature of protests in the country often undermines the social fabric of our society (Kanyane et al., 2021).

## **2.5 Ethnicity as a demarcation factor**

There is a paucity in literature written on the use of ethnicity as a factor in the demarcation process in South Africa. Currently, ethnicity is seen as a reaction to the challenges and conflicts that the MDB is faced with (Mokgopo, 2020). According to Bazzi and Gudgeon (2021), ethnicity continues to be a key vehicle for political deployment across the country with recent studies having documented favouritism in resource allocation in relation to recently nominated leaders' ethnic native land in sub-Saharan Africa. This has also been the case with residents of Thulamela Local Municipality having made claims that the Venda-speaking areas have been receiving first choice in service delivery to the disadvantage of the Malamulele community (Kanyane et al., 2021). There have also been debates on whether ethnicity has been a cause for violence or whether these identities are simply (re)created and instrumentalised by radical leaders who sense an opportunity to come to or hold on to power. In the case of Vuwani, ethnicity has been used to demean the decision of the MDB to place the villages of Vuwani under Collins Chabane Local Municipality and encourage people to protest, it may have been used to rally people into engaging in torching and burning of schools, business and forcing the shutdown of businesses (Human Sciences Research Council, 2017).

Often traditional areas are fragmented or merged with other communities as in the case of Malamulele and Vuwani (Mokgopo, 2017). According to Mokgopo (2020), the only way to resolve the tension between the MDB, municipalities and traditional

leaders in traditional areas where different languages are spoken is by using ethnicity. This suggests that ethnicity should only be considered in certain cases where there is an overlapping between traditional leaders and ethnicity. For example, in provinces such as Mpumalanga and Limpopo the traditional leaders belong to different ethnic groups, and this means that there will be ethnic differences in such areas and the dialect that is spoken in the traditional areas should be counted as a component in demarcating municipal boundaries (Mokgopo, 2020). The ethnic differences between the Venda and Tsonga speakers in the case of Vuwani has contributed to this study which considers whether ethnicity should be included as a critical demarcation factor.

Although the Constitution of the Republic of South Africa recognises that South Africa is a united and non-racial country, ethnic diversity cannot be overlooked when determining municipal boundaries as it is presently the burning issue in Limpopo (Mokgopo, 2020). The Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998) provides for the use of ethnicity indirectly in section 25(f) where it provides that the Board must, when determining a municipal boundary, consider areas of traditional rural communities and one of the Boards objectives when determining municipal boundaries includes in section 24 (iii) the promotion of social and economic development which talks to ethnicity and social cohesion (Government of South Africa, 1998). Majority of traditional areas are home to specific ethnic groups which are led by different traditional leaders, these ethnic groups most of the time speak a particular language as in the case of Vuwani and Malamulele. It is the language that is spoken by the people in various traditional areas that makes them ethnically different from one another (Mokgopo, 2020).

It has been pointed out that, although much improvement has been made to amend institutions and the quality of life as it had been during the apartheid era, in this case the homelands and their former citizens; there is an ongoing threat that these attempts reinforce the very boundaries created by the past apartheid regime (Ramutsindela, 2007). Today, the Vuwani area bears the brunt of spatial segregation which was created during apartheid to divide black ethnic groups and promote tribal identity and allegiance (Human Sciences Research Council, 2017). Therefore, even though literature suggests that the inclusion of ethnicity when demarcating municipal boundaries needs to be done in such a way so as to encourage social cohesion and

avoid the reinforcement of apartheid spatial planning; doing so will be going against chapter 2, section 9 of the Constitution of the Republic of South Africa.

As suggested by learners that were interviewed during a study conducted by the Human Sciences Research Council, “there should be rigorous efforts made to attain reconciliation and social cohesion between various ethnic groups to reduce issues of conflict. For example, one learner suggested that a good idea would be to have more ethnically mixed schools (both Venda and Tsonga) or organise social functions which will bring the Tsonga and Venda speaking people together as this will enable cohesion that is more social and break ethnic divisions” (Human Sciences Research Council, 2017:56-57).

### **3. LEGISLATIVE AND POLICY FRAMEWORK**

Chapter 7 of the Constitution focuses mainly on local government and outlines the legal foundations and aspirations for local government in South Africa. Besides the constitution, four main pieces of legislation and a policy document, the 1998 White Paper on Local Government, provide the legislative and policy framework for the developmental, democratic, and accountable local government system envisaged by foundational legislation. The Constitution of the Republic of South Africa, 1996 (No. 108 of 1996), the Local Government: Municipal Demarcation Act, 1998 (No. 27 of 1998) and the Local Government: Municipal Structures, 1998 (No. 117 of 1998) are the three pieces of legislation that have an important impact on the work of the MDB discussed in this study. The focus of this study will be mainly on the two mentioned acts and the constitution.

#### **3.1 Constitution of the Republic of South Africa**

The constitution according to section 155 provides that the whole territory of South Africa must be covered by municipalities and according to section 155 requires the determination and re-determination of municipal boundaries be done by an independent authority. The constitution was drafted in terms of chapter 5 of the interim constitution (Act 200 of 1993) and was first adopted in 1996 after being amended to comply with the constitutional principles contained in the interim constitution. According to Section 152 of the Constitution, the objectives of local government are:



- a. to provide democratic and accountable government for local communities;
- b. to ensure the provision of services to communities in a sustainable manner;
- c. to promote social and economic development;
- d. to promote a safe and healthy environment; and
- e. to encourage the involvement of communities and community organisations in the matters of local government.

Section 155 of the constitution deals with the establishment of municipalities, while section 155(3)(b) outlines the need for legislation to establish the criteria and procedures for the determination of municipal boundaries by an independent authority. The constitution provides the following categories of municipalities:

- a. Category A: A municipality that has exclusive municipal executive and legislative authority in its area.
- b. Category B: A municipality that shares municipal executive and legislative authority in its area with a category C municipality within whose area it falls.
- c. Category C: A municipality that has municipal executive and legislative authority in an area that includes more than one municipality.

While section 156 discusses the powers and functions of municipalities, section 229 clearly specifies the powers and functions of municipalities.

### **3.2 Municipal Demarcation Act (No. 27 of 1998)**

The purpose of the act is to provide for criteria and procedures for the administration of municipal boundaries by an independent authority: and to provide for matters connected thereto. Chapter 1 of the Act enables the establishment of the MDB. The Act specifies the MDB's status, functions, powers, and composition. Demarcation criteria are specified in Sections 24 and 25 of the Act. According to Section 24, when the Board determines a municipal boundary, its objective must be to establish an area that would:

- a. enable the municipality for that area to fulfil its constitutional obligations, including-

- (i) the provision of democratic and accountable government for the local communities;
  - (ii) the provision of services to the communities in an equitable and sustainable manner;
  - (iii) the promotion of social and economic development; and
  - (iv) the promotion of a safe and healthy environment;
- b. enable effective local governance;
  - c. enable integrated development; and
  - d. have a tax base as inclusive as possible of users of municipal services in the municipality

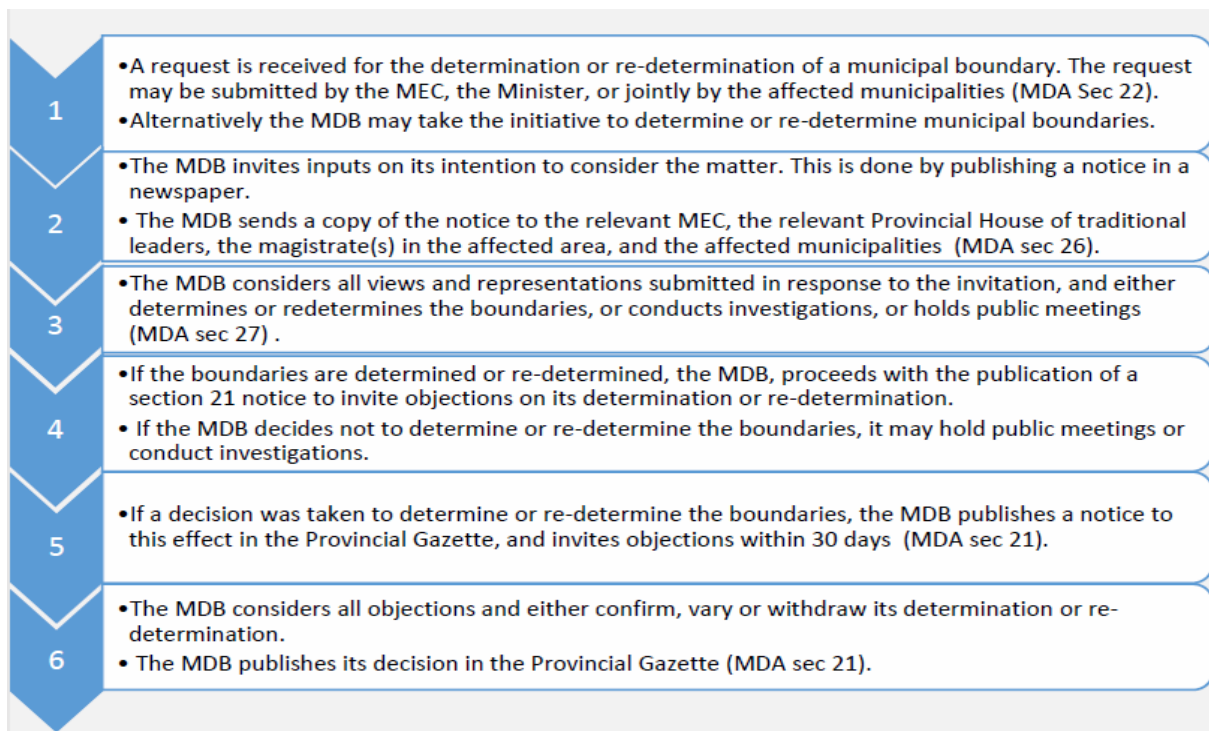
Section 24 of the Municipal Demarcation Act, which specifies the demarcation objectives, is the same as section 152 of the Constitution which outlines the objects of local government. Section 25 of the Act considers the factors that should be considered when determining municipal boundaries. To attain the objectives, set out in section 24, the Board must, when determining a municipal boundary, consider:

- a. the interdependence of people, communities and economies as indicated by:
  - (i) existing and expected patterns of human settlement and migration;
  - (ii) employment;
  - (iii) commuting and dominant transport movements;
  - (iv) spending;
  - (v) the use of amenities, recreational facilities and infrastructure; and
  - (vi) commercial and industrial linkages;
- b. the need for cohesive, integrated and unfragmented areas, including metropolitan areas;
- c. the financial viability and administrative capacity of the municipality to perform municipal functions efficiently and effectively;
- d. the need to share and redistribute financial and administrative resources;
- e. provincial and municipal boundaries;
- f. areas of traditional rural communities.
- g. existing and proposed functional boundaries, including magisterial districts, voting districts, health, transport, police and census enumerator boundaries;
- h. existing and expected land use, social, economic and transport planning;

- i. the need for co-ordinated municipal, provincial and national programmes and services, including the needs for the administration of justice and health care;
- j. topographical, environmental, and physical characteristics of the area;
- k. the administrative consequences of its boundary determination on
  - (i) municipal creditworthiness;
  - (ii) existing municipalities, their council members and staff; and
  - (iii) any other relevant matter; and
- l. the need to rationalise the total number of municipalities within different categories and of different types to achieve the objectives of effective and sustainable service delivery, financial viability, and macro-economic stability

The factors specified in section 25 of the Municipal Demarcation Act are important and should be considered by the MDB when carrying out municipal boundary re-determinations. In terms of the demarcation process, section 21 of the Municipal Demarcation Act states that the Board must determine, or re-determine, municipal boundaries in South Africa. There are six main steps involved in this process which are illustrated in Figure 1.

**Figure 1:** The process of determining/redetermining municipal boundaries



**Source:** Municipal Demarcation Board (2015b)

### **3.3 Municipal Structures Act 117 of 1998**

A municipality, according to the Municipal Structures Act (No. 117 of 1998), is defined as the structures, political office bearers and administration of the municipality; a geographic area; and the community of the municipality. According to this definition, a municipality is made up of a municipal institution (political and administrative structures), and the people who live in a particular area. The purpose of the Act is:

- a. to provide for the establishment of municipalities in accordance with the requirements relating to categories and types of municipalities.
- b. to establish criteria for determining the category of municipality to be established in an area.
- c. to define the types of municipalities that may be established within each category.
- d. to provide for an appropriate division of functions and powers between categories of municipality.
- e. to regulate the internal systems, structures and office-bearers of municipalities.
- f. to provide for appropriate electoral systems.

Even though the different categories of municipalities are specified in the Constitution, the criteria for determining when an area should have a single category A municipality or when it should have municipalities of both Category B and Category C are specified in Chapter 1 of the Municipal Structures Act.

Section 84 specifies the division of the 38 powers and functions specified in the Constitution (Schedules 4B and 5B) between district and local municipalities while section 85 allows the Member of the Executive Council (MEC) for local government, after consulting the MDB, to adjust the allocation of powers and functions between district and local municipalities. Section 85 also specifies the MDB's advisory role, based on its assessment of municipal capacity, before adjustments on powers and functions are made by the MEC.

## **4. METHODS AND DATA COLLECTION**

Since the aim of this study was to examine whether ethnicity should be included as one of the critical demarcation factors to promote social cohesion through demarcation

within traditional areas, a descriptive research design was used. The study used a qualitative case study approach using both interviews with relevant stakeholders and secondary qualitative data. The secondary qualitative data was mainly obtained from past reports produced by the Board, peer reviewed journal articles, books, seminar reports and news articles.

Results presented in this paper were mainly based on interviews carried out with a total of nine participants and a group interview made up of four people from Vuwani and Malamulele. The original goal was to conduct a focus group discussion (of 6-8 people) but unfortunately efforts to secure the participation of two more participants to form the focus group discussion did not succeed. The list of interviewees is shown in Appendix 2. The case of Vuwani in Limpopo was chosen as the study area because this area houses two different ethnic groups which have for many years lived together in harmony. However, in recent years this area has been documented as having conflict which has mainly occurred because of one tribe seeking to dominate the other and compete for power.

## **5. DISCUSSION AND RESULTS**

In 2015, the minister of Cooperative Governance and Traditional Affairs, invoked his powers in terms of section 22(2) of the Municipal Demarcation Act, requesting the Municipal Demarcation Board (MDB) redetermine the municipal boundaries of Thulamela, Musina, and Makhado local municipalities by disestablishing Mutale Local Municipality (which was part of the four local municipalities under the Vhembe District Municipality) with the aim of improving the financial viability of all municipalities in the Vhembe District Municipality (Municipal Demarcation Board, 2015b). The minister's request overlapped with protests by the citizens of Malamulele located in Thulamela Local Municipality, protests date back to the early 2000's marked with violent protests which reached fever pitch in 2009. During these protests, the people of Malamulele were demanding to be removed from Thulamela municipality and have their own municipality. Majority of the interview participants for this study said that the main reason why the people of Malamulele were demanding their own municipality were mainly because of service delivery issues. During a group interview, one participant said that:

The people of Malamulele were protesting because of lack of service delivery from Thulamela municipality. According to them, the service delivery in Thulamela was one sided, since it was only done in Thohoyandou and Malamulele was neglected for that matter.

It is interesting to note that service delivery protests in the country originated during the apartheid period and were used as strategies to convey frustration with the lack of services as well as pursuing ethnically based structures (Reddy, 2016). Today however, service delivery protests can be seen as the impoverished and marginalised rebelling and at the same time endeavouring to initiate social change at the grassroots level in terms of improving their lives (Reddy, 2016). This has been the case in Vuwani where the Tsonga people in Malamulele and neighbouring areas asserted that the Venda speaking people were benefitting in terms of service delivery, more so since the headquarters of Thulamela municipality are situated in Thohoyandou, a town dominated by the Venda speaking people in terms of habitation (Netswera & Nealer, 2020). This came across as a deliberate action by the Venda-based Thulamela municipal management to side-line the predominately Tsonga speaking people of Malamulele and surrounding areas (Mugovhani, 2021). Ironically, this claim was made during the period when the mayor of the municipality was a Tsonga speaking person (Councillor Mdaka); with a large number of municipal workers being Tsonga speaking people (Mugovhani, 2021).

The case of Vuwani is not unique to South Africa, there have been similar cases fuelled with discontent due to poor service delivery such as the case of Zamdela where the residents not only voiced their concerns over service delivery but also raised concerns that are governance related. Residents of Metsimaholo (situated in Free State) believed that service delivery provision from a newly formed and bigger municipality would disadvantage them as the profits from their municipality would have to be shared with their poorer neighbours of Ngwathe (Isandla Institute, 2013). Another case is that of Barberton, where residents embarked on violent protests in order to have their merger into the City of Mbombela reversed. Residents claimed that since the merger, service delivery had declined significantly, other complaints were of high municipal rates, high unemployment, and continuous water shortages (Kanyane et al., 2021). As much as service delivery provision is one of the issues driving discontent

with municipal boundary demarcations in the country; It is worth noting that service delivery protests usually highlight other issues such as inequality, unemployment, poverty, and issues of ethnicity as has been the case in Vuwani. It is also worth noting that poor intergovernmental co-ordination has nothing to do with the work of the MDB, anything that has to do with service delivery can be strengthened through improved intergovernmental structures.

### **5.1 Protests following the minister's request**

With the disestablishment of Mutale Local Municipality and the establishment of a new municipality (known as Collins Chabane Local Municipality), new boundaries would need to be redrawn in the Vhembe district. These boundaries which would lead to separated communities resulted in tension, anger and violent protests carried out by the people of Vuwani against the MDB and the government. When interviewed participants were asked whether the protests carried out by the people of Vuwani was an outward display of frustration or was it an outward display of ethnicity. Most interviewed participants were of the stance that the people of Vuwani carried out protests because of both frustration and issues of ethnicity. An official from CCLM said:

Most of them were influenced, they were made angry by the leaders residing inside the forum in that area because by the time the Demarcation Board indicated that they are to dis-establish Mutale and establish a new municipality...to form a new municipality, the leaders who were in Makhado residing around Vuwani felt that their positions are being threatened...they decided no, it's better to influence the people to not accept to fall in the new entity.

During the group interview, one of the participants stated that:

Some of these people are politicians who previously were leading in different political positions in Makhado or Ha Mutale. So, they thought maybe when they are now based in Collins Chabane, they are no longer going to have this strategic political position that they previously had, the privilege they had in that particular or in those respective municipalities. But some other things is that the issue of tribalism, I think it has its own play. In a process where one group felt like the

inferior, one group they felt like they were superior to the other and that's one thing that in essence resulted in this unsettlement and unnecessary protests.

It is very clear then from the answers given by the participants that the people of Vuwani were protesting as a means of voicing out their frustrations and also as an outward display of ethnicity. Participants interviewed also outlined the fact that the people of Vuwani were influenced by those in power who were of the perception that if they were to be based in a new municipality, they would lose their power. In past times, protests of this nature have had politicised characteristics which reflect relationships of power often as a result of feelings of segregation and devaluation (Kanyane et al., 2021). In the beginning of 2013, Zamdela (an area in Free State province) residents voiced similar sentiments as the people of Vuwani, they claimed that the then Premier was the one pushing for the merger of Metsimaholo with the impoverished Ngwathe municipality, and that merging these two municipalities would embed the premier's hold over the new municipality and his patronage networks would benefit from the profits of Metsimaholo, it was also reported that there were factional battles within the ruling party in this province (Isandla Institute, 2013). Thus, for these reasons, municipal demarcations or the drawing of boundaries is often associated with political struggles (Khowa, 2022).

## **5.2 Ethnicity because of a lack of resources**

South Africa is a diverse country and is home to various ethnic groups. As a result, it is often argued that ethnicity is mainly influenced by the lack of resources as ethnic groups compete for resources. When asked whether this has been the case in Vuwani, out of the 9 interviews (one on one interviews) that were conducted 8 agreed that ethnicity was greatly influenced by the lack of resources in Vuwani. The traditional leader from the Masia traditional house said:

Yes, there were no resources, but it was a perception, real or unreal was created by that build up that resources will belong to a certain group of people, there are dynamics now as we speak.



During a group interview, one of the participants said:

There were individuals that were benefiting, they were unsettled because they continuously wanted to benefit when this area of ours is divided. So, it felt like immediately you remove them, they were no longer going to benefit.

Although South Africa is a diverse country made up of different ethnic groups, it is often argued that ethnicity is mainly influenced by the lack of resources as ethnic groups contend for resources. Authors such as Khowa (2022) disagree with such claims and argue that these claims are unsupported because the Limpopo community members have lived together in harmony for many years. Sinthumule (2021) also claims that the Venda and Tsonga speaking people have lived together for years with people having intermarriages. However, the redetermination of borders has caused rivalry between these two ethnic groups. With divisions based on ethnicity undermining the vision of a non-racial and democratic South Africa. In a municipal area with an unfair system of distribution, social injustice, poverty, oppression, human rights, intimidation, domination, and politics of exclusion; the issue of resource remittance will always be a precarious contention as in the case of Vuwani (Ayodele, 2008). The probability of the constituting groups to demand for unbiased distribution of power and resources, accommodation, and the scuffle to bring about changes in the oppressive system by redressing power imbalances will always be at the forefront of their politics (Ayodele, 2008). Violence that has occurred due to sociological differences such as ethnicity, gender, sexuality, and race has become prosaic in South Africa. With the mobilisation of citizens in order to carry out plans or to access resources, has led to conflict globally; with violence usually linked to perceptions of identities and preferential access to resources (Kanyane et al., 2021).

### **5.3 Could the re-determination of Vuwani have been handled differently by the Board?**

During the group interview, participants were of the opinion that the MDB should have invested more time with regards to the issue of consultation. They stated that the time for consultation was not enough, and another interview participant said that; going forward the Board would need to ensure that it involves a variety of stakeholders as it possibly can. Ironically, an official from Collins Chabane Local Municipality said:

...to me they consulted almost every stakeholder, it was not practically possible to consult every village but the meetings they had with us in the various areas, to me they handled the matter within the parameters of the work that they are doing in line with the Constitution of the Republic of South Africa.

Although the MDB is not legally required to hold public meetings, the Board convened a meeting on the 21<sup>st</sup> of April 2015 at Thohoyandou Indoors Sports Centre in Thulamela municipality. Just over one thousand people including the district and local municipality mayors, IEC, provincial Coghsta and provincial office of the Premier attended the public consultation meeting (Municipal Demarcation Board, 2015b). At the meeting 48 people spoke and of the 48 people that spoke only 37 supported the minister's proposal to disestablish Mutale and establish a new municipality; they were in support of the redetermination with the condition that a fourth municipality be established as Vhembe could not be sustained by three municipalities. The population of Makhado and Thulamela municipalities were mentioned as challenges affecting service delivery and the disestablished Mutale Local Municipality would add to the current burden carried by Thulamela. Only 4 people were in opposition of the establishment of a fourth municipality. A majority of the people who attended the meeting were of the view that wards 1-7 and 13 of Mutale be incorporated into Thulamela Local Municipality and the remaining into Musina Local Municipality with reasons relating to commuting patterns, tax base and interdependence. A few in attendance had doubts with regards to the splitting of traditional areas and suggested that the entire Mutale be merged with Musina.

There is no doubt then, that the MDB followed due diligence during the process to redetermine municipal boundaries. However, what does stand out is the fact that it was reported that only one public consultation meeting was conducted due to the limited investigation time the Board had. During an interview, MDB official B said that:

The board followed its normal process, the only shortfall from our side would have been limiting the investigation time, we had to do it in, I think, three months.

The two traditional leaders that were interviewed were both of a similar view that the redetermination of Vuwani could have been handled differently. The traditional leader from the Masia royal house stated that *'they were not told in advance... we heard in the eleventh hour, and we went there to object it'*. The traditional leader from the Mhinga traditional house said: *'you can't force people. You must negotiate, there was no negotiation'*. These statements assume that the Board did not notify all stakeholders of the public consultation meeting.

However, according to the investigation report that was compiled by City Insights on behalf of the Municipal Demarcation Board (2015a:1), the Board published a notice notifying the public of the proposal to redetermine the municipal boundaries and establish a new municipality; and inviting submissions thereto. The Board went a step further through an advertisement in the following radio stations: Phalaphala FM, Munghana Lonene FM, Thobela and SAFM, which announced the Board's intent to redetermine the said municipal boundaries. The Board further dispatched a circular through post and electronic means detailing the notices of the publication. A copy of the notice was sent by registered post to the MEC responsible for local government in Limpopo, the effected municipalities, magistrates, and the provincial house of traditional leaders.

#### **5.4 How should demarcation in traditional communities be handled to enhance social cohesion?**

The demarcation of municipal boundaries in traditional areas have been a contested issue in the country but not unique in the world. Municipal boundary demarcation disputes are a rare form of community conflict that is multi-faceted in nature and because of their nature these kinds of disputes are very difficult to manage and resolve (Tyabazayo, 2013). When asked how demarcations in traditional communities should be handled to enhance social cohesion, the traditional leader from the Masia traditional house said:

You put B-BBEE as a systemic and structural issue to get rid of, in employment you'll put systems in place so that you address issues of whining for example or the marginalised. In procurement you make sure that you put systems in place that advantage the historically marginalised. And in places where you see that

social cohesion might be a problem, you put systems in place not just terms of policy and so to ensure that there are no people who are side lined. Structurally, it can't just be a commitment by lips it must be in practical form.

The traditional leader that was interviewed is of the opinion that B-BBEE (also known as Broad Based Black Economic Empowerment) could be used when demarcating traditional areas in order to enhance social cohesion and eradicate traces of marginalisation. B-BBEE is an implementation tool used to empower all black people including youth, workers, women, people living with disabilities and people living in rural areas, through diverse and integrated socio-economic strategies that include as stated in the section 1 of the Local Government: Broad-Based Black Economic Empowerment Act, 2003:

- a. increasing the number of black people that manage, own and control enterprises and productive assets;
- b. facilitating ownership and management of enterprises and productive assets by communities, workers, cooperatives, and other collective enterprises;
- c. human resource and skills development;
- d. achieving equitable representation in all occupational categories and levels in the workplace;
- e. preferential procurement; and
- f. investment in enterprises that are owned or managed by black people (Government of South Africa , 2004).

Usually, economic growth that is balanced on inequalities marginalises people further, causing a very unstable and volatile economy which erodes the possibility of a collective and sustainable South Africa. It is clear than that B-BBEE is an important policy for the advancement of the socio-economic revolution of traditional areas and it creates a balance because it does not empower a single group of individuals at the expense of another (SERR Synergy, 2017). Instead, it is about increasing the economic involvement of those that were previously disadvantaged, thus resulting in social cohesion.

The traditional leader from the Mhinga traditional house said: *if it doesn't go back to the way the Boers had crafted it, there will never be peace here in Limpopo, unfortunately. Tell the truth and shame the devil.* The traditional leader gives the impression that the only way there will be peace and social cohesion in Limpopo is by re-introducing the past Bantustans/ Homelands system that was incorporated by the apartheid government. On the other hand, the anthropologist from the University of Limpopo said:

The MDB should think of a neutral name which could be given to that municipality [Collins Chabane] which will make Venda people feel proud of the existence of the municipality and also the Tsonga on the other hand or they should maybe use something like a name which resembles the pride of both communities.

Thus, the anthropologist's answer to the question highlights the importance a name carries and how people associate a name of a municipality with recognition of their distinctiveness. Citizens generally want their language, social cultures, and legal institutions to be recognised and respected; they want the right to preserve a separate identity and the right to physical existence (Tyabazayo, 2013) which has been the case in Vuwani and Malamulele. It is imperative to understand the value people attach to a territory and the necessity to quickly resolve prospective territorial disputes. In Canada, the merger of Quebec was met with contention by certain municipalities which had bilingual status, more so on the Island of Montreal. The English-speaking citizens feared losing their rights. As a result, following the referendums held in 2004, annexation of 15 formerly autonomous municipalities gained their freedom. Thus, in order to enhance social cohesion in Canada's Quebec area, demerges of municipalities were done. The demarcation of municipalities in traditional areas need a special approach in their management and resolution, thus an ideal approach could be problem solving workshops as an apt strategy for the resolution of boundary issues and the enhancement of social cohesion within traditional areas.

### **5.5 Should ethnicity be included as one of the critical demarcation factors when demarcating within traditional areas?**

Some authors such as Manage (2012), Kanyane et al., (2021) and Khowa (2022) argue that municipal boundary disputes have been linked to ethnicity and poor service

delivery, citing Vuwani and Malamulele as points of reference where community members have rejected proposed demarcations. Others argue that in places where there is more than one ethnic group within one municipality traces of ethnicity can be seen (Mathoho, 2013). When interview participants were asked whether ethnicity should be included as one of the critical demarcation factors when demarcating within traditional areas, majority of the interview participants said no, most feared that including ethnicity as a critical factor when demarcating municipal boundaries will lead to the reinstatement of the Bantustans for separate development. The former CCLM mayor said:

Personally, I feel that should not be given, that will be reinstating the Bantustan policies of separate development where one ethnicity is staying in a particular area and in so they will be more or less resurrecting the policies of Verwoerd and the apartheid government.

It can be argued that apartheid policies and legislation such as the Group Areas Act, 1950 (No 41 of 1950) have contributed to issues of ethnicity in the country. The Group Areas Act, 1950 (No 41 of 1950) enabled spatial segregation where black people were moved to the homelands (also referred to as Bantustans) thereby enabling the own management for own areas principle and the pass law system which divided the citizens of the country based of race, ethnicity and tribe resulting in a system of division amongst black people (Khowa, 2022). Today, traces of the Bantustan system still exist, when one looks at the landscape of the country certain provinces to mention a few, are still home to specific ethnic groups for example KwaZulu-Natal is still home to Zulu speaking people, Northwest to Setswana speaking people and Eastern Cape to the Xhosa speaking people as earlier alluded to. This resulted in conflict between dissimilar ethnic groups as they strive for dominance of each other and compete for power (Khowa, 2022).

The former Board member of the MDB also stated a similar view to that of the former mayor of CCLM, *that including ethnicity as a critical factor when demarcating would go against the better goal of transformation, it would be going back to a new form of apartheid, which will result in the apartheid homelands*. The anthropologist from the University of Limpopo that was interviewed had a different opinion, he said:

I think it is very important to include the issues of ethnicity in demarcating the area. If ethnicity is not included, I think it gives chance to instigators to mobilise people on ethnic lines.

The anthropologist that was interviewed made an interesting point of which the same sentiments were echoed by interview participants earlier on in this paper. Interview participants stated earlier on that protests by the people of Vuwani were mainly influenced by those in power who were of the perception that if they were to be based in a new municipality, they would lose their power, this led to them mobilising people based on ethnic lines. Kanyane et al., (2021:113) is of the opinion that ethnicity might have been used in Vuwani to mobilise people to engage in arson attacks and close down businesses in protest against the new local municipal boundaries. They further state that the historical distribution of majority Tshivenda speaking people in the north of wards of Collins Chabane and of the Xitsonga speaking people in the south might have enabled easy mobilisation (Kanyane et al., 2021). Thus, issues of ethnicity are linked to opinions around who governs the other and who has access to state resources, usually in villages that were separated according to tribal groups during apartheid. Despite restructuring that has occurred in order to improve institutions and the quality of life as it had been in the former homelands and their former citizens, there is always the danger that these attempts reinforce the boundaries created by the apartheid government (Ramutsindela, 2007).

The issue of ethnicity is a sensitive matter in South Africa given its past history of spatial segregation based on racial and ethnic lines. However, today it can be used as an important matter in understanding the core drivers of protests in Vuwani and of the Malamulele protests over service delivery provision (Human Sciences Research Council, 2017). Traditional areas are usually divided or merged with other communities as in Vuwani and Malamulele. However, in traditional areas that are made up of people who speak different languages and where there is tension between the MDB, municipalities and traditional leaders; results from the study suggest that tensions could be resolved by using ethnicity when demarcating municipal boundaries. Even though the use of ethnicity in demarcating municipal boundaries has been viewed as a return to the apartheid era (Mokgopo, 2020:121). Thus, even though the results from

the study suggest that the language spoken in the traditional areas should be counted as a factor in demarcating municipal boundaries in such areas (Mokgopo, 2020); in a means to reduce tensions between various ethnic groups as they will now have their own municipal offices within their boundaries. Considering language as a factor when demarcating municipal boundaries in traditional areas will be going against chapter 2, section 9 of the Constitution of the Republic of South Africa.

## **6. CONCLUSION**

The demarcation of municipal boundaries in South Africa has been considered as a critical starting point in the transformation and progress of the country. With a huge decline in the number of municipalities in the country since the dawn of democracy, from 1262 to 843 municipalities in 1996. Followed by the second wave of redeterminations after 2002. Presently, South Africa has 257 municipalities which are made up of 8 metropolitan municipalities, 44 district municipalities and 205 local municipalities (Municipal Demarcation Board, 2017). Regardless of the efforts that have been made by the MDB in restructuring and redrawing municipal boundaries in order to address spatial inequalities inherited from apartheid planning, ethnicity continues to be a serious issue facing the Board when demarcating municipal boundaries within traditional areas made up of different ethnic groups. This study aimed to examine whether ethnicity should be included as one of the critical demarcation factors in order to promote social cohesion through demarcation within traditional areas. The study mainly focused on the case of Vuwani and experiences from interviews were gained.

The case of Vuwani is not unique in the country, there have been similar cases fuelled with discontent because of service delivery issues such as in Zamdela and Barberton. It is, however, interesting to note that as much as poor service delivery is one issue driving discontent with municipal boundary demarcations in the country, protests of this nature highlight other issues such as inequality, poverty, unemployment, and ethnicity as has been the case in Vuwani. With the disestablishment of Mutale Local Municipality and the establishment of a new municipality (known as Collins Chabane Local Municipality), the redrawing of new borders in the Vhembe district resulted in tension, anger, and violent protests of which most interview participants were of the opinion that these were as a result of both frustration and an outward display of



ethnicity. Those that were interviewed in this study also mentioned that the people of Vuwani were also influenced by those in power because they were of the perception that if they were to be based in a new municipality, they would lose their power; this shows that at times the fear of the unknown played a role in protests that occurred in Vuwani. It was highlighted during interviews that issues of ethnicity in areas of Vuwani and Malamulele was influenced by lack of resources, as ethnic groups contend for resources in this case the Tsonga versus the Venda ethnic group; with the mobilisation of citizens in order to access resources.

On the matter of whether the determination/redetermination of Vuwani could have been handled differently; the main issue that was brought up was time, the MDB had too little time and thus ended up only having one public participation meeting, perhaps more meetings could have been held if the Board was given more time in which to redetermine municipal boundaries in the district. On the manner in which demarcation in traditional communities could be handled to enhance social cohesion, it was suggested by one of the traditional leaders that the B-BBEE could be used to eradicate traces of marginalisation and enhance social cohesion. Another traditional leader was of the view that the province of Limpopo needs to re-adopt the homelands system in order to enhance social cohesion in the province and the anthropologist was of the opinion that municipalities in the future would need to be given names which accommodate all ethnic groups within them.

In the international experience of Quebec in Canada that was considered, social cohesion between the French speaking and the English-speaking Canadians was enhanced through the demergers of municipalities and the annexation of 15 formerly autonomous municipalities. Problem solving workshops as an apt strategy for the resolution of boundary issues and enhancement of social cohesion within traditional areas was suggested. In conclusion, in provinces such as Limpopo and Mpumalanga where traditional leaders usually belong to different ethnic groups, considering the language spoken as a factor when demarcating municipal boundaries in order to avoid tensions between the different ethnic groups will be going against chapter 2, section 9 of the Constitution of the Republic of South Africa.

## 7. RECOMMENDATIONS

**Ethnicity as a critical demarcation factor.** The MDB needs to consider bringing in some kind of anthropological studies into its research in order to understand the various dimensions that influence ethnicity in Limpopo. Results from the studies will assist the Board in redetermining municipal boundaries which are inclusive of all ethnic groups, with the unbiased distribution of power and resources within traditional areas.

**Enhance social cohesion.** The Board should also consider carrying out socio-cultural impact assessments before demarcating municipal boundaries in order to avoid situations such as the one of Vuwani and to enhance social cohesion.

**Public participation.** The issue of public participation featured in the findings and discussion section of this study. Interview participants felt that the MDB should have invested more time towards public consultation as only one meeting was held at Thohoyandou Indoors Sports centre in Thulamela municipality. It is recommended that in future, the Board conducts more than one meeting in order to avoid issues of bussing. The Board should also consider using platforms such as the municipal/mayoral Imbizo's for public consultation in order to reach more stakeholders and the larger community. Interview participants also recommended that the Board be very close to the people by considering regionalisation of its offices, in this way it will be easier for the MDB to develop workshop programs in which it visits various municipalities within the province and capacitate various stakeholders of its constitutional mandate and on proposed demarcations/redeterminations.

**Service delivery.** Service delivery protests originated during apartheid and were used as strategies to convey frustration with lack of services and pursuing ethnically based structures. Today, service delivery protests are initiated in order to bring about some form of social change. In Vuwani, the Tsonga people claimed that the Venda speaking people were benefiting in terms of service delivery since the headquarters of Thulamela municipality are situated in Thohoyandou which is Venda speaking dominated. Since service delivery is not the mandate of the MDB, it is recommended that COGTA, SALGA and National Treasury look into ways in which it can engage with

local municipalities and various stakeholders to improve intergovernmental structures which will ideally strengthen service delivery.

**Feasibility.** One MDB official interviewed complained that the time that was given to the Board to conduct a feasibility study was too short, because the MDB was given about 3 months. It is therefore recommended that the Board considers increasing the amount of time for conducting feasibility studies before redetermining municipal boundaries to a minimum of 6 months. It is hoped that this would allow for a thorough investigation before the process of municipal boundary redetermination is implemented.

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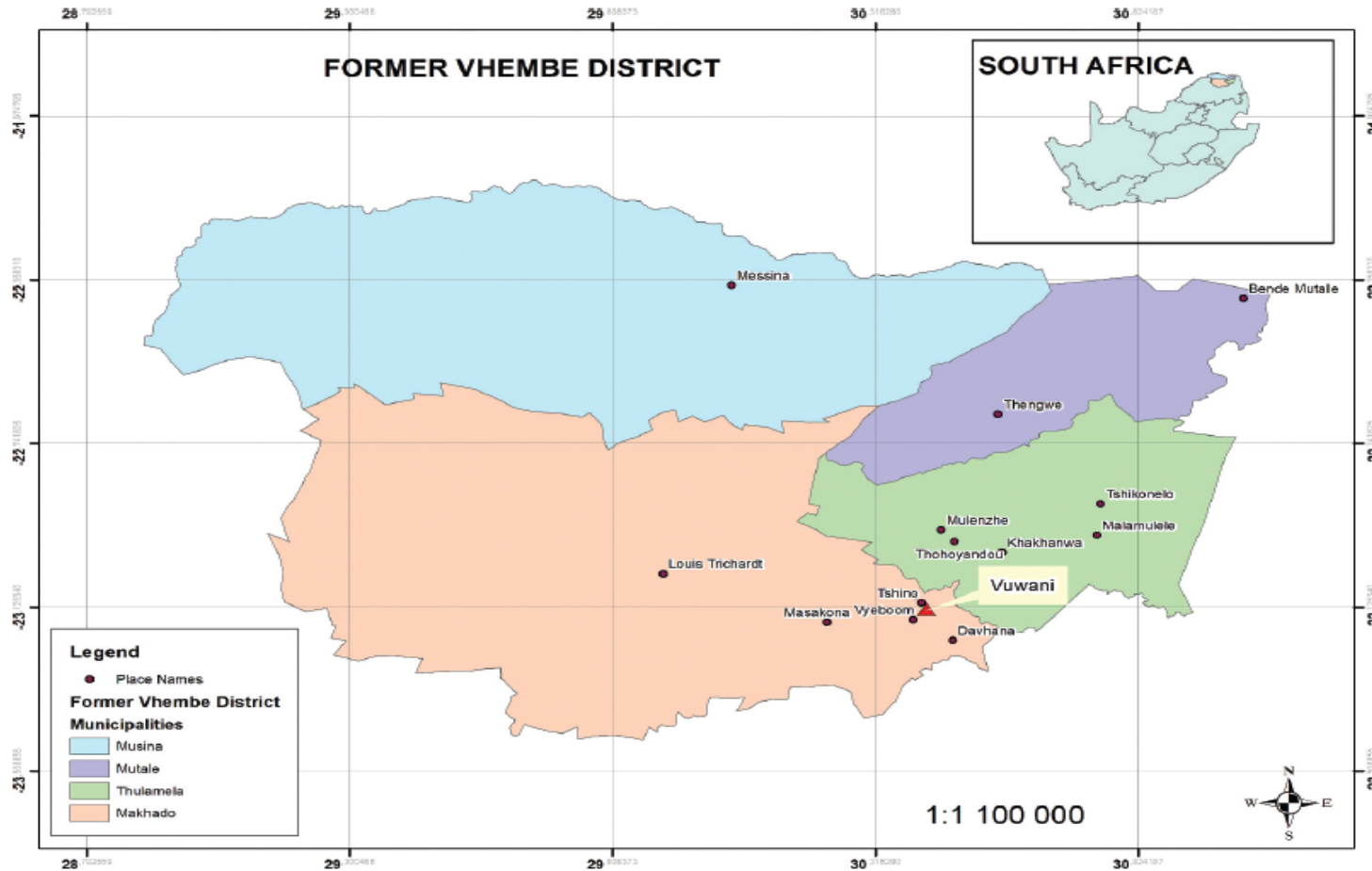
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**APPENDIX 1:** Map of Former Vhembe and New Vhembe District

**APPENDIX 2:** List of interview participants

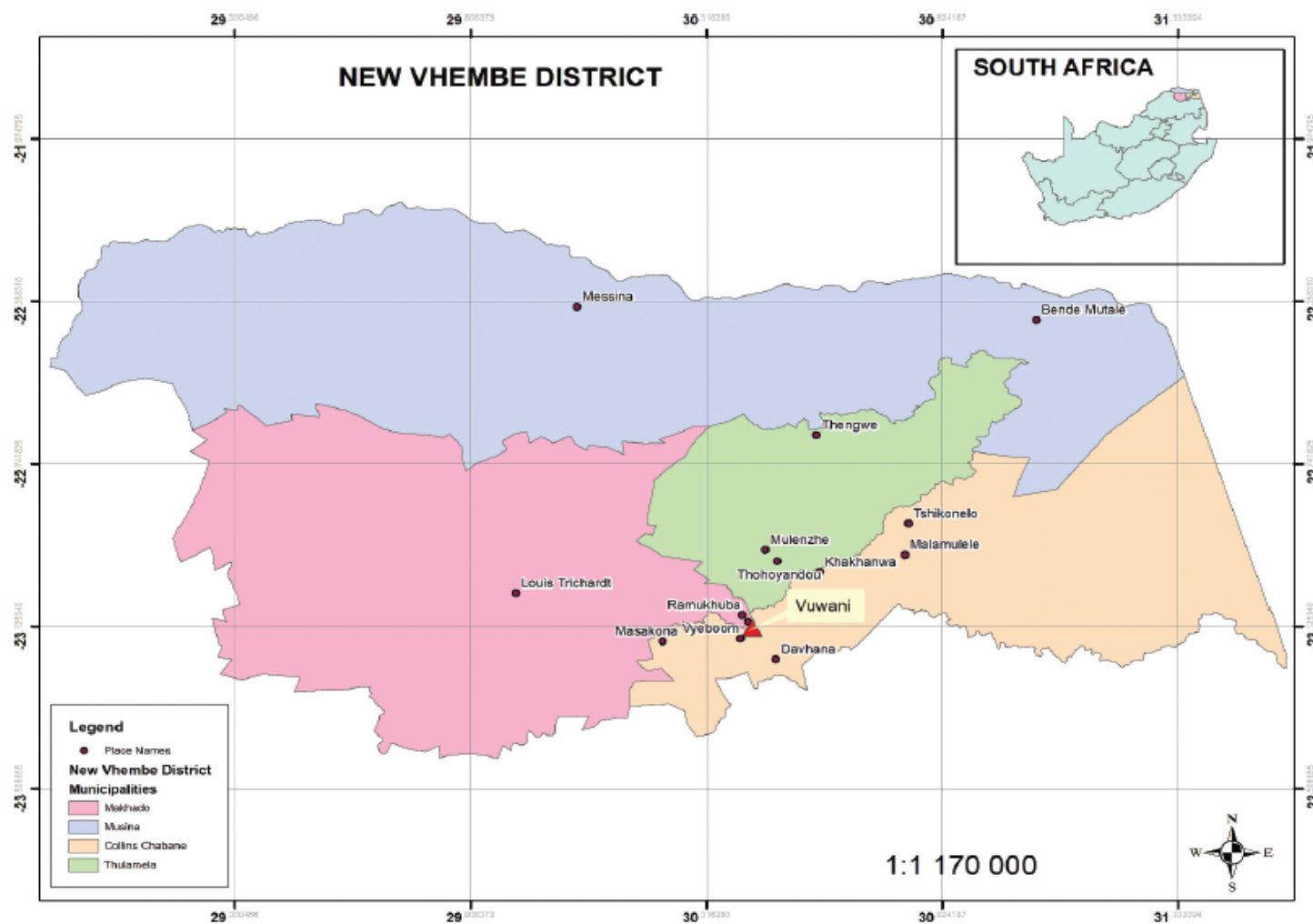
APPENDIX 1

A map showing former Vhembe District Municipality (pre 2016 redetermination)



Source: Sinthumule (2021)

A map showing new Vhembe District Municipality (post 2016 redetermination)



Source: Sinthumule (2021)



## **APPENDIX 2: List of interview participants**

1. Traditional leader from the Maisa traditional house
2. Traditional leader from the Mhinga traditional house
3. Anthropologist from the University of Limpopo
4. Makhado Local Municipality official
5. Collins Chabane Local Municipality official
6. Former Collins Chabane Local Municipal Mayor
7. Former MDB Chairperson (referred to as former Board member)
8. Two MDB officials (referred to as MDB official A and MDB official B)
9. Group interview -made up of four participants from Vuwani and Malamulele area's