

# Municipal Boundary Demarcation in South Africa: Processes and Effects on Governance in Traditional Rural Areas

Cleotilda Nxumalo<sup>1</sup> and Jennifer Whittal<sup>2</sup>

<sup>1</sup>Chief Directorate: National Geo-spatial Information, Department of Rural Development and Land Reform, South Africa, CNxumalo@ruraldevelopment.gov.za

<sup>2</sup>Geomatics Division, University of Cape Town, Cape Town, South Africa, jennifer.whittal@uct.ac.za

## Abstract

*After democracy in 1994, South Africa underwent a period of reform in order to address inequalities and effect broad social change. As part of this, the Municipal Demarcation Board began determining the locations of local government boundaries in 1998. The traditional communal lands and rural villages were often split by municipal boundaries which failed to follow complex social boundaries. Contest between the government and traditional governance over land resulted in escalation of disputes. A duality in governance in traditional rural areas was thus created and rural communities were severely affected.*

*This research adopts a multiple case study approach to understand disputes over municipal boundary demarcation. The causes of disputes are investigated and the processes of municipal demarcation and boundary dispute resolution are analysed using the goals of good governance in land administration, rights, restrictions and responsibilities, Kotter's eight stages of change management and the 7Es performance measurement frameworks. The analysis shows that the process of municipal demarcation can be improved and provides proposals which should contribute to reducing boundary demarcation disputes.*

## Keywords

Demarcation, dispute resolution, performance measurement, change management, good governance

## 1. Introduction

The Municipal Demarcation Board (MDB) is mandated to dissolve the spatial layout of the apartheid legacy and to demarcate municipal boundaries in creating new municipal areas of jurisdiction which are not racially-based (Municipal Demarcation Act No 27 of 1998). The aim of municipal restructuring is to assist in redressing the imbalances of the past and the inequalities in public service (Griggs, 1998). In addition, the new municipal areas should be designed to help address the rural/urban divide and integrate economic and social development.

However, the first redrawn municipal boundaries resulted in numerous disputes against both the processes followed and boundary outcomes. In many cases rural communities are split over two municipalities, while others are split over two district municipalities and even two provinces (Khumalo, 2011). The traditional authorities, who are recognised as the custodians of rural land, have been greatly affected (George and Binza, 2011).

There is no clear distinction between their rights and responsibilities over rural communities and those of the municipalities. Traditional forms of authority are recognised by the Constitution of South Africa (Act No. 108 of 1996) and by the Municipal Structures Act (No. 117 of 1998). The result is a duality of authority in rural traditional areas and conflicts over land, land management and service provision.

## **2. Methodology**

This research is based on the critical realist research paradigm. A critical realist approach allows for the perceptions of role-players to be ascertained, as well as the material facts of each case to be compiled. A multiple case study strategy is adopted and allows for in-depth and holistic understanding of the subject matter. A case study strategy conveys the features of actual life events, views and impressions of the affected stakeholders (communities, traditional leaders, demarcation board, and municipal representatives) (Denzin and Lincoln, 1998). The critical realist chooses purposeful sampling to acquire information on the specific environments of the phenomena under study (Danermark *et al.*, 2002).

In this research, cases in which communities lodged grievances against municipal demarcation were chosen. A multiple method research approach was adopted for the collection of data through open ended interviews, semi-structured questionnaires, direct observation, documents and media articles. Cross-case analysis is employed to search for cross-case patterns. The three cases are analysed for similarities as well as differences but within the same theme under this study. Frameworks such as rights, restrictions and responsibilities (RRRs), goals of good governance, 7E's performance measurement (Whittal, 2008) and Kotter's eight stages of change management (Kotter, 1996) are compared against the process of municipal demarcation and dispute resolutions. The employment of these frameworks is feasible in the approach to municipal demarcation processes and dispute resolution processes.

## **3. Case Studies**

### **3.1 Overview**

The multiple case study approach facilitates understanding of the perspectives of all the stakeholders (Yin, 2002). Three case study areas which have exhibited conflicts over municipal boundaries were selected (Figure 1). The context of each case is different, but the communities faced similar challenges with respect to governance and boundaries. A comprehensive case study narrative for each case (Nxumalo, 2013) underpins the analysis; these narratives are summarised here.

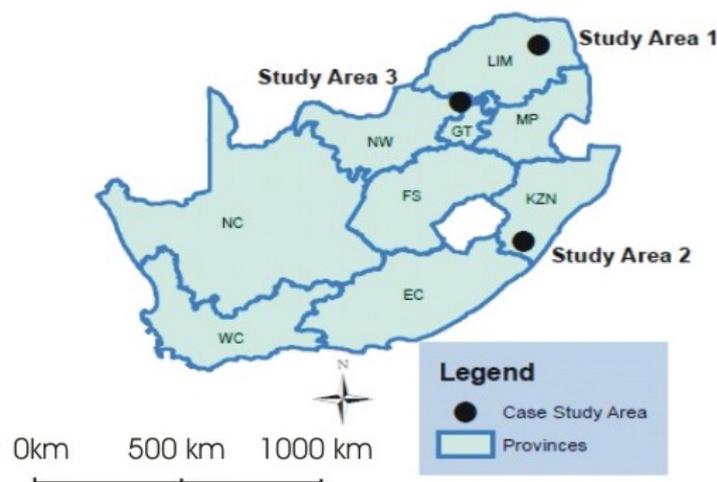


Figure 1. Geographical positions of study areas

### 3.2 Case One: Ndengeza (Limpopo Province)

#### 3.2.1 Background

In the early 1930s, the Ndengeza community (Tsonga origin) was removed from their land between the Middle Letaba and Klein Letaba Rivers, Vhembe, Limpopo Province (informants 4, 6, 7 and 8, 2012). Backed by the government, the Banks family (“white” farmers) took occupation of the land and it became part of Crystalfontein Farm 57. Informants 4 and 5 explain that, in the 1960s, the water in the Klein Letaba River dried up and Crystalfontein Farm 57 was abandoned. The apartheid system prevented the Ndengeza community from returning to the area and it remained unoccupied.

Along with the new political dispensation in South Africa, the Constitution (Act 108 of 1996) provides for the restitution of land rights to those dispossessed, supported by an independent commission, called the Restitution and Land Claims Commission (RLCC) established under the Restitution of Land Rights Act No 22 of 1994. The Land Claims Court has powers to adjudicate claims. In 1998, the Ndengeza traditional authority lodged a land claim for part of the Crystalfontein Farm 57 with the RLCC and is waiting for the outcome of the restitution of the land.

#### 3.2.2. Causes of Disputes

After the completion of the municipal demarcation in 2000, the land under claim was split over two municipalities namely, the Great Giyani Municipality in the south and the Makhado Municipality in the north (Informants 1, 4 and 5, 2012). The traditional leaders of the Ndengeza community expressed their concern that they were not consulted during the demarcation process (Informants 1, 2, 3 and 5, 2012). The land under contention is area A, in figure 2, between the two rivers. The Ndengeza community may physically occupy this land (Informants 13, 14, 15 and 16, 2012); however, this will mean crossing the municipal boundary and traditional division (*ibid*). They wish to have the municipal boundary re-established so that the area between the two rivers (area A in figure 2) falls within the Greater Giyani municipality (Informant 9 and 10, 2012).

In 2008, the Ndengeza Traditional Authority lodged a grievance with the MDB over the boundary and requested that it be re-demarcated (Informant 4, 2012) to incorporate area A.

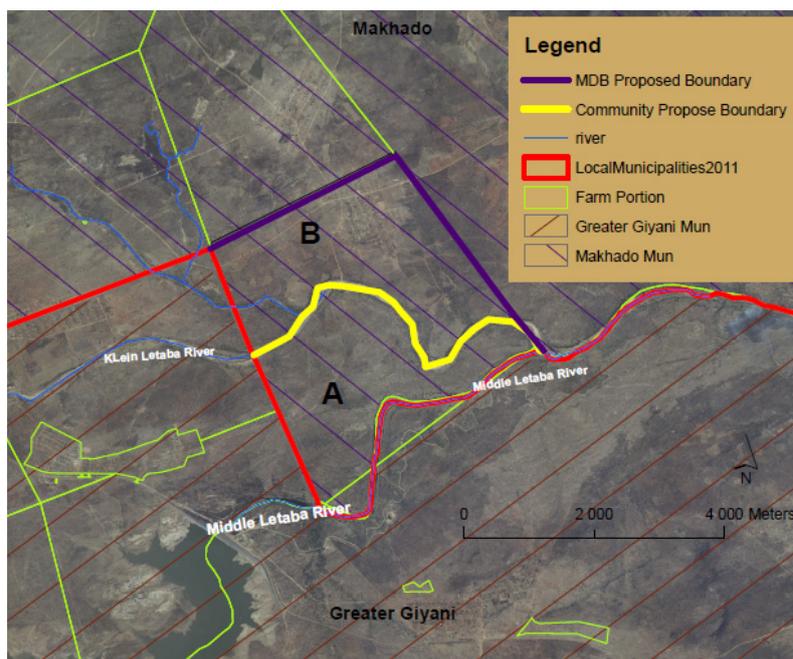


Figure 2. Case One: Ndengeza

In March 2012, the MDB had a meeting with the affected municipalities to address the municipal boundary matters. The municipalities agreed to assist in a facilitating role (Informants 19, 22 and 23). The MDB have acknowledged the grievance from the community and proposed a re-demarcation of the municipal boundary between Greater Giyani and Makhado to the affected municipalities. It was expected that municipalities would take the MDB's proposal to the community for consultation (Informant 50, 2012), but this did not happen (Informants 4 and 5, 2012). Instead, Makhado Municipality rejected the MDB's re-demarcation proposal stating that they would lose voters from the voter's roll as well as government grants if their area were to be decreased (Informants 20 and 21, 2012). The official response from Makhado Municipality was that not sufficient public participation was carried out (*ibid*).

### 3.2.3 Inaccurate interpretation of proposed boundary demarcation

It was also discovered that the proposed re-demarcation by the MDB (includes areas A and B) was yet again not in agreement with the request of the community (area A only). The community were concerned that they were not being consulted and the MDB and the municipalities have reached a deadlock (Informants 4 and 5, 2012).

Communication seems to be an issue. The Ndengeza community received the MDB's demarcation proposal on 13 March 2012 from the researcher, one year after its release to the municipalities. The Ndengeza community insists that their claim is up to the Klein Letaba River and nothing beyond (*ibid*). Furthermore, the MDB's proposed re-demarcation (including areas A and B in figure 2) will split the Makhado community over two municipalities which will result in further grievances (Informant 4, 2012).

#### *3.2.4 Resolution Process*

The two municipalities have been requested to deal with, and comment on, a misinterpreted demarcation proposal (*ibid*). In June 2012, the MDB was re-issued with the community's proposal as well as comments from the researcher. The response from the MDB on the community's concerns was that the current re-demarcation process should be abandoned and a new process started according to section 26 of the Municipal Demarcation Act No 27 of 1998. The MDB assured the researcher that community participation will be increased and that feedback will be considered and documented.

#### *3.2.5 Current Status*

The process of municipal demarcation in this case study area has been a one-sided affair whereby the government made unilateral decisions concerning rural community matters (Informant 13, 2012). The MDB has acknowledged that the communities have much to offer the demarcation process however, they were not initially involved (Informants, 1, 2, 3, 23 and 24, 2012). The Ndengeza community has expressed their interest in identifying the extent of land parcels and also in conveying historical background to the land for the re-demarcation process (Informants 6, 7 and 8, 2012). In August 2012, the MDB changed the proposed boundary, with assistance from the researcher, to be in line with the proposal from the community.

### **3.3 Case Two: Nhlangwini Community (KwaZulu Natal Province)**

#### *3.3.1 Background*

Prior to 2000, all of the 16 Nhlangwini villages fell in the traditional authority of King Dlamini. After the municipal demarcation in 2000, Nhlangwini villages (Figure 3) were split between the Umzumbe and Ubuhlebezwe Municipalities. The villages of KwaBhidla, KwasiGodi and Mhlabathsane fell in Ubuhlebezwe, while the villages of Nhlangwini, Mkhomazi, Kholeta, Ncengesi, Ndwebu, Phungase, Kwasosibo, Thuthuka, Mpongozini, Kwankalokazi, Mpikiswaneni, Nkwazi and Umzumbe fell in Umzumbe Municipality. As a result of the demarcation process, the communities of Ndwebu, Kholeta, Thuthuka, Ndwebu, Phungase, Kwasosiba, Ncengesi and Mkhomazi were the furthest away from their local municipal offices. The impact of this is poor or non-existent service delivery, inconveniencing the southern part (Kwabhidla, KwasiGodi and Mhlabatshane) of the Nhlangwini community (Informant 35, 2011). It is more practical and convenient for these villages to be serviced by the adjacent Ubuhlebezwe Municipality.

Of the villages affected by municipal demarcation, only the Ndwebu Village submitted their grievance to the MDB. Some villagers have limited knowledge about the procedures required and many community members are illiterate which makes it challenging to compile their grievances formally (Informants 31, 32 and 34, 2011). Villages Nkwazi, Mpikiswaneni, Umzumbe and Kwankalokazi did not send their grievance to MDB because they are located between the Umzumbe and Ubuhlebezwe Municipal offices and do not mind which municipality they fall under.

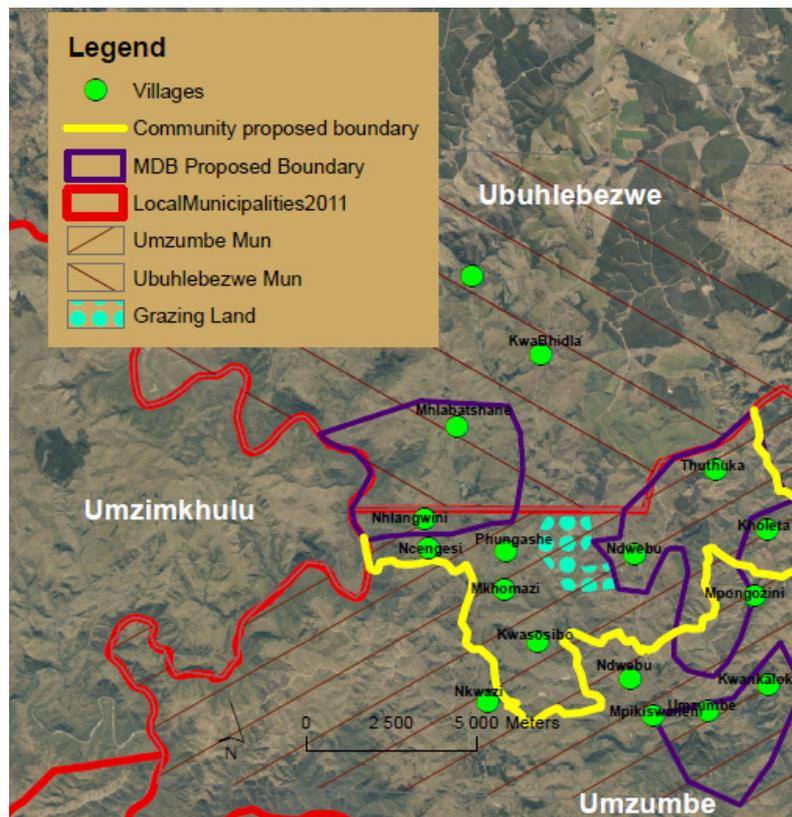


Figure 3. Case Two: Nhangwini

### 3.3.2 Causes of Disputes

Since the advent of cross-border municipalities, the traditional leaders of Nhangwini community are now obliged to liaise with two municipalities regarding community matters (Informants 27 and 29, 2011). The Nhangwini community case is unique in that the community is split over two district municipalities (Sisonke and Ugu) as well as between two local municipalities. The Ndwebu community has lodged a grievance to the MDB. The complaint includes the following:

- The Ndwebu community has always associated themselves with the communities currently falling within the Ubuhlebezwe Municipality and have expressed that their sense of belonging is affected.
- They believe that their development will be inconsistent with rest of Nhangwini community located within the Ubuhlebezwe Municipality.
- They are concerned that job distribution will favour communities that are closer and more accessible to the Umzumbe Municipality (Informants 43 and 44, 2011).
- Differing bylaws in each of the district municipalities may further restrict the development of the community as a whole.

The municipal demarcation has affected the responsibilities of the traditional leadership (Informants 27, 28, 29 and 35, 2011). Even though South Africa is currently a democratic state, the community still approach the king on community-related issues and, in turn, the traditional leaders need to approach more than one municipality to address the same issues (*ibid*). The consequence of

municipal demarcation has created a duality in approach (two different municipalities) in order to address the needs of the same community.

### *3.3.3 Inaccurate Interpretation of Proposed Boundary*

On February 2011, the MDB opened Case no. 449 for the Nhlungwini case. A map representation of the grievance area was determined from the information received from the Ndwebu village and was attached to the case (Informant 50, 2011). The people of Nhlungwini claimed that they had not previously been issued with the MDB proposal and immediately identified discrepancies in the data when the map was presented to them by the researcher. The community required the villages of Ndwebu, Kholethi, Mkhomazi, Mpungashe, Kwasosiba, Ndwebu and Ncengezi to be under the Ubuhlebezwe Municipality (see figure 3).

### *3.3.4 Resolution Process*

On 07 November 2011, the Mayor of Ubuhlebezwe took the initiative to host a meeting between the communities, ward councillors, traditional leaders, and local and district municipalities in order to address the municipal boundary grievances (Informant 37, 2011). The MDB was not requested to attend the meeting because of fear of intimidation. The community was given the opportunity to voice their concerns with the municipality (*ibid*). The conclusion of the meeting was that the community is unsatisfied with the current municipal boundaries (Informant 37, 2011). In February 2012, after consultation with the affected municipalities as well as some traditional leaders (Informant 50, 2011), the MDB changed the proposed municipal boundary between the Umzumbe and Ubuhlebezwe Municipalities (see figure 3). This proposal is aligned with the requests from the Nhlungwini community and the Ndwebu Village is in favour of this proposal (Informant 28, 2011).

### *3.3.5 Current Status*

The Ubuhlebezwe Municipality would increase in population and would therefore receive increased income from central government, while the Umzumbe Local Municipality would see a population reduction and face budget cuts (*ibid*). In December 2012, the Umzumbe Municipality expresses their negativity toward any municipal boundary changes, while the Ubuhlebezwe Municipality accepts municipal re-demarcation (Informants 24 and 25, 2011). The Ndwebu Village that lodged the grievance is now satisfied with the direction taken by the MDB (Informants 28 and 30, 2011).

The MDB feels that the matter is unresolved and that all stakeholders are required to participate in the process until consensus is reached. The options available to the MDB are to re-issue a notice in terms of Section 26 of the Municipal Demarcation Act No 27 of 1998 and follow the re-demarcation process or they could subcontract this process (Informant 50, 2012).

### **3.4 Case Three: Mmaleramodijo Peoples Forum (North West Province)**

#### *3.4.1 Background*

Eight villages, located along the border between the Moretele and Madibeng Municipalities, of the Botanala District in the North West Province, are unsatisfied with the municipal demarcation (Informants 54, 59 and 60, 2012). Prior to municipal demarcation in 2000, these villages (Figure 4) requested an upgrade of the main road D635/D634 (Interviewees 55 and 59, 2012). The D635/D634 (Figure 4) road links the villages not only to each other but also to Tswane and Brits (Informants 55 and 59, 2012). The working population of the area is thus dependent on this route for daily travel to and from work (*ibid*). However, the condition of the road has deteriorated so severely that taxis must now use alternative routes to travel between the villages and Tswane and Brits (*ibid*). During the rainy season, the road becomes a river and taxis are simply unable to collect people for work. The community requested for the rehabilitation of road D635/D634 (Figure 4). However this was met with several delays (Informants 59 and 60, 2012).

After municipal demarcation in 2000, the new boundaries were chosen to follow cadastral boundaries. The movement of citizens along the major transport route and issues of accessibility were not considered. The eight villages were split between the Moretele and Madibeng Municipalities. The villages of Jonathan, Garantlapane and MMakgabetloana fall in the Madibeng Municipality; Dikgopneng, Rabosula, Swartdam, Lagaaneng and Itsoseng Desteneng fall in the Moretele Municipality. The D635/D634 road runs through both municipalities, entering and exiting five times over a 4 km stretch. The two municipalities have different budgets and work plans for rehabilitating the road (Informants 55 and 60, 2012). This is clearly not workable or practical: the road upgrade clearly needs to be undertaken as one project. The communities lodged a grievance with the MDB requesting a new municipal boundary demarcation that will enable the eight villages to be in one municipality (Ubhlebezwe) so that the rehabilitation of the road can be undertaken.

The residents approached their respective kings to escalate the matter to the government (*ibid*). However, the status of the traditional leaders has been weakened by the introduction of democratic policies and they fear that the influence of traditional leaders in municipal matters will be insignificant (Informant 60, 2012). As a result, the kings encouraged the community representatives to use the Mmaleramodijo Peoples Forum (the Forum) as a platform to address these issues. This Forum was formed to address issues on the main roads (D634 and D635) (Informants 55 and 59, 2012).

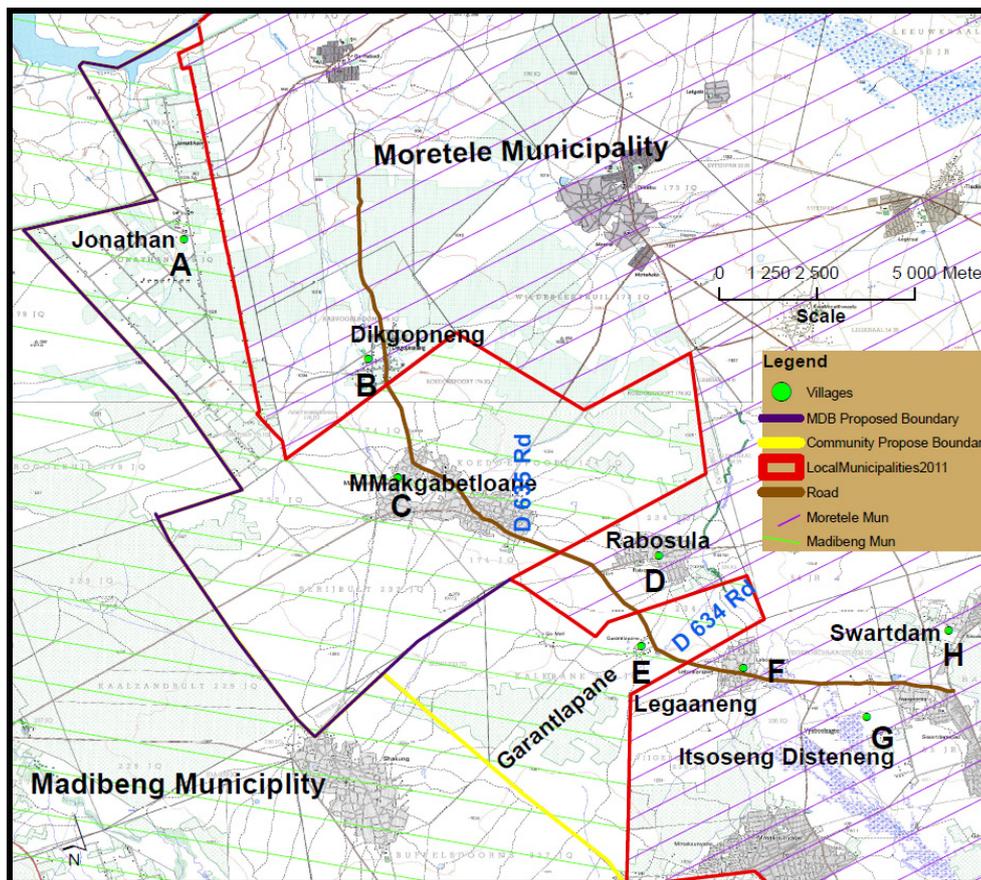


Figure 4. Case Three: Mmaleramodijo Peoples Forum

Post 2000, municipal boundary demarcation, the rehabilitation of road D634/D635 (see figure 4) has been met with many delays (Informants 60, 2012) and the development plans were put on hold indefinitely. Budgets and work plans for the rehabilitation of the road were designed to cover the sections within each municipality and the road works were not managed in an integrated manner (Informant 59, 2012). The communities decided to approach the issues with the road from a different perspective. Their approach is as follows: encourage for the municipal boundary to be re-aligned so that the D634/D635 road falls within Moretele Municipality then the rehabilitation of the road may resume (Informants 59 and 65, 2012). Further reasons for the re-demarcation of the municipal boundary are to unite certain villages lying in Madibeng with their traditional leaders and fellow communities situated in Moretele (*ibid*).

### 3.4.2. Causes of Disputes

The municipalities have shown disinterest in the grievance. They have not followed up on the request of the communities and invitations from the traditional leaders to meetings were not honoured by the respective municipalities (Informant 60, 2012).

On 2 November 2009, the Forum received a response via a joint letter from the Madibeng Municipality and the MDB. The municipality confirms that the re-determination is the competency of the MDB. However, they will liaise and give support to the MDB on this matter. The MDB also responded to the Forum separately, dated the 2 November 2009, stating that as per MDB circular

3/2009, the MDB is no longer dealing with the municipal boundary demarcation. Instead they are mandated to focus on municipal ward demarcation until December 2011.

At this stage the case went dormant. However, displaying their determination, the Forum rejuvenated the process in December 2011 (Informants 55 and 60, 2012). The Forum sent a request to the MDB for the re-demarcation of the municipal boundary between Madibeng and Moretele. Their reasons for the re-demarcation are stated as follows:

- The use of the road infrastructure will be better suited to all the affected villages if the municipal boundary is to be re-demarcated.
- The villages that require relocation from Madibeng to Moretele Municipality are associated with Tswane, and in their current municipality they fall under Brits. Most of the working class people of the affected villages work in Mabopane and Tswane.
- The closest fresh water supply within the municipal area is 15km away from the affected villages. However, if they are incorporated into Moretele Municipality then water supply will be only 4km away given new municipal boundaries.
- The affected villagers use the main roads within Moretele Municipality when commuting. Furthermore the pattern of human settlement of these villages is designed around Moretele main roads.

A response was received in the form of a joint letter via the two municipalities. The municipalities objected to the re-demarcation of the municipal boundary between the Moretele and Madibeng Municipalities on the basis of the following (Informant 52, 2012):

- No formal consultation was received from the community
- A Roman Catholic Church of heritage status will then be relocated from Madibeng to Moretele.
- The request should be declined based on economic reasons

### *3.4.3 Inaccurate interpretation of the proposed boundary demarcation*

In July 2011, the MDB finally issued a proposed municipal re-demarcation including a map illustrating the proposed boundary. However, as in the first case study described in this chapter, the MDB's proposal was not aligned with the one proposed by the community. The MDB only included two villages, Jonathan (A) and Mmakgabetloane (C), and excluded village Garantlapane (E) in figure 4. The community accused the MDB of siding with the municipalities and ignoring the community proposal (Informants 55 and 60, 2012). The Forum, determined to find a suitable settlement, again arranged to meet with the MDB and the two affected municipalities (Informant 60, 2012).

After yet another meeting between the three parties, held on 11 December 2011, the MDB agreed to re-demarcate the municipal boundary to the satisfaction of the community (Figure 4,

yellow line). However, the adjusted demarcation proposal of 11 December 2011 resulted in the dissatisfaction by the affected municipalities.

#### *3.4.4 Dispute Resolution*

The municipalities realised in a meeting with the community, on 5 December 2011, that they had not sufficiently and constructively consulted with the community (Informant 52, 2012). The municipalities created a working committee to deal with the community's issues (*ibid*). They discovered that, in the interim, the MDB had created a re-demarcation proposal and had put this to the municipalities.

#### *3.4.5 Current Status*

In December 2012, the case awaited a response from the MDB in order to facilitate progress on the matter (Informant 60, 2012). A disagreement between the municipalities and the communities over the proposed municipal boundary remained without any likely resolution (Informant 50, 2012). The MDB have come to a decision to carry out a private investigation to assess the situation in terms of Section 27 of the Municipal Demarcation Act No. 27 of 1998.

## **4. Comparison of Case Studies Against Analytical Frameworks**

The municipal re-demarcation processes and land administration systems in rural areas are analysed using frameworks discussed below, in order to provide an understanding of the processes of municipal demarcation and to propose dispute resolutions in order to align the systems to accepted principles.

### **4.1 Rights, Restrictions and Responsibilities**

Land administration systems that are in line with economic, social, and environmental development relating to people, places, and policies are the basis for conceptualising rights, restrictions, and responsibilities (RRRs) (Bennett *et al.*, 2006).

#### *4.1.1 RRRs of Municipal Government*

In the three case studies, the delivery of public services and community land development is the responsibility of the municipalities. However, there have been numerous requests by the community to address the contested municipal boundaries which they feel hinder rural development (Informants 22 and 23, 2012). Affected communities are too far from the municipal offices and this distance restricts the ability of the municipalities to deliver on their responsibilities.

#### *4.1.2 RRRs of Traditional Leaders*

The role of traditional leaders in a democratic South Africa is not clear. The rights in the traditional land administration system to make decisions over land development, service delivery and their responsibilities overlap with those of the municipal government land administration (Section 4.2, 4.3 and 4.4). A complex duality of authority now exists in these areas. In the three case studies, the traditional leaders were excluded when meetings were held between the MDB and the municipalities. Poor levels of service delivery and development by municipalities highlights the need to recognise the role played by traditional leaders as they are often approached first by the

community and have the ability to resolve disputes at local level without involving the formal courts.

#### *4.1.3 RRRs of Rural Communities*

Communities, supported by the Bill of Rights in the Constitution (Act 108 of 1996), have a right to voice their concerns and participate in rural development. However, in the three case studies these rights were ignored by the MDB. Public awareness regarding municipal demarcation was weak and public participation was basically non-existent. Communities have the responsibility to participate in and respond to rural development challenges. However, the rural communities claim that the MDB does not communicate effectively with them through a suitable medium (Informants 14, 15 and 16).

## **4.2 Principles of Good Governance**

Good governance can be defined as the degree to which government delivers on its promises of economic, political, social, cultural, and civil and human rights (UN Habitat, 2007). The principles of good governance are transparency, participation, accountability, and efficiency and effectiveness. The process of municipal re-demarcation is assessed as to whether these goals are met. This leads to suggestions for improvements in the process.

### *4.2.1 Transparency*

Of the informants, 80% were dissatisfied with the transparency of the re-demarcation processes. In order to achieve transparency, better communication between municipalities and the community is required. Through better transparency in all cases, the MDB and community members could have identified the problems earlier.

### *4.2.2 Accountability*

The majority of the informants (82%) were concerned that the MDB does not accept accountability for its actions and blames problems on the municipalities. 64% of the municipalities interviewed shift the blame to the MDB and expressed that the MDB should accept accountability as they are mandated by the Municipal Demarcation Act No 27 of 1998 to address municipal re-demarcation disputes. It is noticed that municipal officials need an appreciation of the social aspect of municipal boundary demarcation - workshops could assist this process while the MDB could address the importance of municipal involvement in the re-demarcation process. Performance indicators need to be in place for both MDB and municipal processes in order to hold them accountable for their actions.

### *4.2.3 Efficiency and Effectiveness*

The efficiency and effectiveness refer to delivery in accordance with client requirements utilising minimal resources and in a timely manner (Whittal, 2011). Referring to the MDB's annual report of 2012, the time-frame set out for re-determination of municipal boundaries has been exceeded. This process appears to be extended indefinitely. Reliable liaison officials are required to communicate with and extract information from the community. Mechanisms for identifying traditional (social) boundaries in rural areas need to be implemented. The technical expertise of the MDB and

municipal project teams needs to be assessed and addressed where necessary. It appears that the MDB has inadequate technical professionals (Nel and Engelbrecht, 2011) to address land matters especially in cadastral, topographic, land subdivision and land administration skills. Effectiveness plays a role at all stages of planning, change and delivery.

#### *4.2.4 Participation*

The majority (86%) of the interviewees agree that the lack of public participation is the most significant contributor to the failure of the demarcation processes. Participation could ensure that vital information is not overlooked. Participatory geographical information systems and participatory mapping should be investigated. Participation also encourages inter-governmental communication to avoid duplication of processes and contributes towards the realisation of democracy on the ground.

### **4.3 7Es Performance Measurements Framework**

Like every outcomes-based process, it is important to have performance measurement systems in place. These should measure both the performance of change processes as well as outcomes. The 7E's (effectiveness and efficiency, elegance, emancipation, empowerment, exception, and emotion) performance measurement framework is a social systems framework that may be applied holistically to measure performance of the reform of land administration and management processes (Whittal, 2008). The measures of effectiveness and efficiency were addressed under good governance and will therefore not be repeated here.

#### *4.3.1 Elegance - acceptability to stakeholders*

The three cases display that the involvement of municipal officers in a municipal demarcation resolution process is not favourable because municipal officers involved may have an alternative agenda compared to the objectives of municipal demarcation (Nxumalo, 2013). One of the roles of a facilitator is to ensure that all stakeholders find common ground during decision making so that solutions are acceptable to all involved. All views should be considered. In the demarcation process some role players were ignored and solutions were not acceptable to all stakeholders.

With many stakeholders, goals can be competing and compromise is sometimes required. From these case studies it is clear that Municipalities may not be in favour of community needs in terms of boundaries. This could be driven by fiscal (income from taxes and services) and political (voter base) reasons. As such, expecting the involved municipalities to play an intermediary role in resolving municipal boundary disputes is not likely to yield a solution acceptable to all.

#### *4.3.2 Emancipation - assisting the marginalized/disadvantaged*

The re-demarcation process is carried out in a manner that ignores the contributions of the community who can be considered marginalised by the process and disadvantaged due to poverty and poor education. The active inclusion of traditional leaders to represent the community during the re-demarcation processes may improve this measure of performance.

#### *4.3.3 Empowerment - contribution of stakeholders in decision-making and action*

All stakeholders should be actively included in the municipal demarcation process. It is essential that boundary demarcation identifies the traditional structures attached to land in rural areas and adopts a socially sensitive approach. There are many historians and elders willing to participate in the identification of historical land boundaries, land use patterns and land occupation. This is valuable data recommended to be utilised for the demarcation of land in rural areas. Traditional rural communities have knowledge of the history and cultural practices in the area, while municipalities and the MDB can contribute with expert knowledge and skills. Both are essential for successful processes of boundary demarcation. The lack of inclusion was a primary cause of failure in all cases investigated.

#### *4.3.4 Exception - ability to hear and act on suppressed viewpoints/concerns*

In cases two and three the communities repeatedly have to address the effects of prior MDB decisions. Unequal power relations between stakeholders were part of the reason as to why the viewpoints of the communities were not heard. The municipalities should honour their role as facilitators by informing the community of progress and should not make decisions on behalf of a community without consultation.

#### *4.3.5 Emotion - doing what feels right*

Case three has displayed that municipalities have no consideration toward the affected rural traditional communities. The MDB personnel and municipal employees should be guided by high moral principles and use their intuition as fellow human beings when making decisions that affect the rural people. Interpersonal skills and respect for others would go a long way to improving the processes of municipal demarcation in South Africa.

### **4.4 Analysis using change management framework**

The process of municipal demarcation changed municipal boundaries and hence municipal organisation as well as changing the relationship between communities and local government. Change processes need to be effectively managed if they are to be successful and sustainable. A change process, such as that undertaken by the MDB, is not expected to be linear or predictable since it involves human beings and land and is therefore complex (Whittal, 2008).

The staged approach of Kotter (1996) has been used to good effect in assessing cadastral systems change processes (Whittal, 2008). The stages are grouped into three phases (1, 2, & 3) as discussed below.

#### *4.4.1 Phase 1: Establish a platform for change*

Phase 1 combines the first four stages of Kotter's framework and creates a platform for change. Stage one of Kotter's framework (Kotter, 1996) establishes the urgency of the situation and the need for change. In the three case studies, the urgency of the situation was to ensure that the community participate in identifying municipal boundaries such that protests could be avoided and peace restored.

Stage two determines the leadership team for change. The MDB ran with its legislated mandate and did not partner with affected municipalities, traditional leaders or the community. They should rather align themselves with those who believe in the business of the MDB and who want to find constructive solutions to the re-demarcation process.

Stages three and four are aimed at developing and communicating the vision. In the case studies, the vision for the MDB appears to be to conduct the business of demarcation as efficiently as possible, but this vision did not extend to effectiveness and sustainability of the outcomes. With effective participation from Stage 1, the vision of the MDB in each project will include good governance outcomes.

#### *4.4.2 Phase 2: Introduction of new practices*

Stage 5 of Kotter's framework focuses on capacity building – making sure that the structures, processes, materials and human resources are suitable to execute the vision and strategy for change. In the case studies, it was found that the lack of involvement of land professionals such as land surveyors and historians may have contributed to poor initial boundary demarcation and to the delays in dispute resolution. Stages 6 and 7 focus on generating short term successes and providing positive feedback to the stakeholders. Key to this is communication which was found to be problematic in all cases.

#### *4.4.3 Phase 3 – Maintaining Change*

Stage 8 involves anchoring the new approaches in order to enhance the sustainability of the change process. In the case studies, the lack of proper execution of the prior stages meant that anchoring change outcomes was impossible. On the contrary, in some cases disputes escalated since communities felt that their rights had been violated. In case three communities even went to the Union Buildings in Pretoria to voice their concerns regarding the municipal boundary that is depriving them of developments such as roads (See 7.2.). They were then promised the meeting with municipal officers who have been reluctant to meet the communities (Nxumalo, 2013). Again, participation from the earliest stages and adequate communication would provide the basis for new municipal boundaries which are agreed to by all and therefore sustainable. Such approaches should be part of legislation to amend the Municipal Demarcation Act No. 27 of 1998. Understanding the effects of social structures and capitalising on these in this stage may go a long way to ensuring that the work of the MDB is not dogged by dispute and repeated processes in the future.

## **5. Conclusions and Recommendations**

A multiple case study approach served this investigation well as it allowed for a detailed understanding of each case and cross-case comparison using a range of analytical tools. The common underlying problems faced in the process of municipal demarcation and re-demarcation was thus revealed.

This study shows that the tensions between local municipal and traditional authorities in traditional rural areas in South Africa are caused by the duality of authority and conflicting rights,

restrictions and responsibilities. Poor communication between stakeholders and lack of public participation are evident in the municipal demarcation processes.

The MDB processes are shown to need improvement. A review of processes should be informed by the principles of good governance and the more social aspects of the 7Es performance measurement framework. The tried and tested principles of change management will further contribute to the sustainability of the MDB's work.

The tensions between traditional authorities and the elected municipal leadership in rural areas are highlighted in this research. This aspect of local governance is beyond the scope of this study and requires further research.

At a central level of governance, there is a need for a land policy framework that focuses on rural development. The poor land information infrastructure in rural areas has negatively impacted on the demarcation process and it is highly recommended that the drivers of spatial information in South Africa assess its status and adopt a pro-poor/pro-rural approach and a progressive development of spatial information in these marginalised areas. This will, in turn, extend to improvements in land administration in rural South Africa.

## **6. References**

- Bennett, R. M., Wallace, J., Williamson, I. (2006), "Managing Rights, Restrictions and Responsibilities Affecting Land", Combined 5th Trans-Tasman Survey Conference and 2nd Queensland Spatial Industry Conference, 18-23 September 2006, Cairns. Constitution of the Republic of South Africa, Act No 108 of 1996
- Danermark, B., Ekstron, M., Jokobsen, L., Karlsson, J.C. 2002, *Explaining Society: Critical Realism in the Social Sciences*, Routledge, London
- Denzin, N., Lincoln, Y. (Eds.) 1998, *The Landscape of Qualitative Research*. Sage Publications, London.
- George, K., Binza, M. 2011, The Role of Traditional Leadership in Promoting Governance and Development in Rural South Africa: A Case Study of the Mngwalana Traditional Authority, *Journal of Public Administration*, vol. 46, no. 2, pp.947-961.
- Griggs, R. 1998. The Security Costs of Party Political Boundary Demarcations: the Case of South Africa, *African Security Review*, vol. 7, no. 2, pp. 22-32.
- Khumalo, B. 2011. The Dwelling Frame Project as a Tool of Achieving Socially Friendly Enumeration Area's Boundaries for Census 2011, Proceedings of AfricaGeo Conference, 28-31 May, Cape Town.
- Kotter, J.P. 1996. *Leading Change*, Harvard Business School Press.
- Local Government: Municipal Demarcation Act No 27 of 1998
- Local Government: Municipal Structures Act No 117 of 1998 (Amended Act 22 of 2002)
- Nel, L., and Engelbrecht, J. 2011. Municipal Information System: finding the Dream in Reality, Proceedings of the AfricaGEO Conference, 28-31 May, Cape Town.
- Nxumalo, C. 2013. *Municipal Boundary Demarcation in South Africa: Processes and Effects on Governance in Traditional Rural Areas*, Masters thesis, University of Cape Town.
- Restitution of Land Rights Act No 22 of 1994
- UN Habitat, 2007. Transparency in Land Administration: Capacity Building Agenda for Africa, Expert Group Meeting on Transparency in Land Administration, Nairobi
- Whittal, J. 2008, *Fiscal Cadastral System Reform, A Case Study of the General Valuation Project in the City of Cape Town*, PhD Thesis, Calgary, Alberta.

Whittal, J. 2011, The potential use of cellular phone technology in maintaining an up-to-date register of land transactions for the urban poor. *Potchefstroom Electronic Law Journal (PER)*, 14(3), 162-194.

Yin, R.K. 2002, *Case Study Research: Design and Methods*, Third Edition, Applied Social Research Methods Series Volume 5, Sage Publications.

### **Interviews**

Sources are protected for reasons of confidentiality. In a number of cases more than one reference number is associated with one interview or confidential correspondence to prevent revelation of sources. A list of informants cross-referenced to these codes is retained in the possession of the principal researcher.