Understanding the Municipal Demarcation Process in South Africa: Should Ethnicity be used as a Factor in the Municipal Demarcation Process? The case of Malamulele and Vuwani in the Limpopo Province!

Tshehledi Isaac Mokgopo[1]

Abstract: The sphere of local government is considered as the government that is closest to people. Its establishment gave citizen upper voice on municipal services in their areas. This also brought serious tension between communities and government. Some communities not only did they protest against inadequate service delivery, others fought against municipal demarcation decisions taken by the MDB. This include the Vuwani community in the Limpopo province who fought against the decision to be moved from one municipality to another. While the Malamulele community demanded its own municipality away from other ethnic group. This raised a question in this article as to whether the municipal demarcation process provides for the use of ethnicity in determining municipal boundaries in South Africa or not. The main purpose of this article is to analyse the municipal demarcation process and critic section 25 of the Municipal Demarcation Act 27 of 1998. In doing so reference will be made to the case of Malamulele and Vuwani where ethnic tensions regarding municipal demarcation took place.

KEYWORDS: Municipal Demarcation; South Africa; Ethnicity; Traditional Authority; Provincial Boundaries; Local government; Limpopo Province; Vuwani and Malamulele.

Introduction

In 1994, South Africa became a democratic country after many decades of resistance against apartheid. In 1996, the Constitution which is the supreme law of the country was adopted and provides for three spheres of government namely national, provincial and local. The Constitution emphasise that South Africa is one, sovereign, democratic state founded on the values of human dignity, the achievement of equality and the advancement of human rights and freedoms, and non-racialism and non-sexism (Constitution of the Republic of South Africa, 1996).

With regard to the establishment of municipalities the Constitution requires an independent body to demarcate municipal boundaries. As a result, 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) *(Local Government: Municipal Demarcation Act 27 of 1998)*. Section 3 of the Act provides that the MDB is a juristic person, independent, impartial and must perform its function without prejudice, fear or favour *(Section 3, Municipal Demarcation Act)*.

[1] Research Associate; University of Limpopo; mokgopoisaac@gmail.com // Isaac.mokgopo@ul.ac.za

The most important function of the MDB is to determine municipal boundaries in accordance with the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998) and other appropriate legislation enacted in terms of Chapter 7 of the Constitution.

In 2000, the MDB demarcated 284 municipalities and the first full democratic local government elections took place on 5 December 2000 establishing the constitutionally designed system of local government. Not all citizens were happy with boundary determinations by the MDB (Cogta, 2016). In 2009, the MDB minimized the number of municipalities to 278 (Mashamaite, 2004:233).

The South African government has been at the receiving end of a wave of protests associated with lack of or poor service delivery around the country. On 21 September 2013, residents of the small town of Malamulele which falls under the Thulamela Local Municipality went on the rampage after a MDB meeting and torched municipal property. This was because the residents of Malamulele were demanding a separate municipality and their request was refused by the MDB (Baloi, 2016). Thulamela and Makhado Local Municipalities which falls under the Vhembe District Municipality have two different ethnic groups in their areas namely, Venda- and Tsonga-speakers. Currently, the Thulamela Local Municipality head office is situated in Thohoyandou which has mainly Venda-speaking people. The sitting arrangements of these two communities emanates from the spatial impact of land reform and the redrawing of internal boundaries on South Africa's former Bantustans (Ramutsindela, 2007:43-44).

In 2014, the MDB was taken to task as it experienced a serious challenge to its work as service delivery protests changed to protests about municipal boundary demarcation. This took place when the community of Malamulele in Limpopo went on the rampage and destroyed government buildings and barricaded the roads. The residents of Malamulele wanted their own separate municipality away from the Thulamela Local Municipality, which is located in a Venda-speaking community. The MDB took the resolution not to give the community its own municipality because it did not want to establish municipalities with ethnic boundaries (Makamu, 2015).

However, a new municipality was created which included parts of Makhado. In 2015, the MDB took the decision to move some of the communities from Vuwani who were Venda-speaking, so as to incorporate them into the new Malamulele Municipality. This decision led to serious protests which saw the community of Vuwani burning 29 schools in the community and nearby communities. As a result of an on-going protest in Vuwani many people's lives were affected, mainly the school learners as the schools in the area were burned down. The main reason for the burning of schools in Vuwani was because most of the community members alleged that they were not consulted when the decision to incorporate them within the new Malamulele municipality was taken (Tau, 2016).

Ethnicity proved to be a serious issue for the MDB in determining and re-determining municipal boundaries in South Africa. The recent Malamulele and Vuwani saga in Limpopo saw the MDB faced with a serious problem as to whether to consider ethnicity as a deciding factor in establishing municipalities in the country. The community of Malamulele wanted its own municipality away from the Thulamela

District Municipality whereas the Vuwani community on the other hand refused to be incorporated into the new Malamulele Municipality due to consultation issues, ethnic reasons and the fear of not receiving proper municipal services (Tshikudo, 2015). Ethnic diversity is of more concern as the community of Vuwani refused to be part of the new Malamulele Municipality by stating that they are comfortable with where they are currently situated which is in Vhembe District under the Makhado Municipality and that they did not want to be mixed with the Xitsonga-speaking people (Magubane, 2017).

The above discussions raise few questions that this article will seek to answer. The questions to be addressed in this article are as follows: Should ethnicity be used as a factor in demarcating municipalities in South Africa? If, so does the present Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998) allow for such accommodation?   If ethnicity is used as a deciding factor will it not divide the country bearing in mind the past apartheid experiences? Thus, what are the pros and cons of using ethnicity as a factor in determining municipal boundaries? In answering the latter question, reference will be made to the case of Malamulele and Vuwani. This is a conceptual paper and the main purpose is to analyse the process of demarcation in South Africa, the criteria used by the Municipal Demarcation Board and the process followed by the MDB when there are objections as well as to what happens when the MDB rejects objections and the remedies that are available. In doing so, section 25 of the municipal demarcation act will be analysed.

Literature review
Municipal demarcation
When the new democratic government of the Republic of South Africa came into power in 1994 it was faced with a major restructuring of government and the adoption of the new Constitution. This required total transformation of the three spheres of government because apartheid had left its mark on South African human settlements and municipal institutions. De Visser (2009:8) states that local government in South African has emerged from being an institution that was illegitimate, racist and subservient, to an institution with a democratically elected leadership which has a developmental agenda as well as a constitutional status. This means that transformation requires an understanding of the historical role of local government in creating and perpetuating local separation and inequity, and the impact of apartheid on municipal institutions (*The White Paper on Local Government 9 March 1998)*.

Tsatsire, Raga, Taylor and Nealer (2009:133) highlight that the influx control of Blacks in urban areas as well as racial segregation and disenfranchisement of certain racial groups characterised the history of local government during the apartheid era (1948-1993). They highlight further that the South African local government became the mechanism through which racial and cultural groups were divided and kept separate. This is the reason why racial transformation in local government structures was required in South Africa on the demise of apartheid.

Ramutsindela and Simon (1999:579) highlight that after the re-integrated of the Bantustans into South Africa, the restoration of South African citizenship to residents of the so-called TBVC states (Transkei,

Bophuthatswana, Venda and Ciskei) in 1992-1993, and the adoption of an interim constitution in 1993, a political environment was created in which the internal map of South Africa could be redrawn afresh in accordance with the envisaged principles of a non-racial democracy. As a result the process of demarcating regions and renaming them into provinces followed in 1994.

According to Ramutsindela (2007:49-50), this process of demarcating and renaming of regions meant that the areas of the former Bantustans were kept intact within the provinces into which they were incorporated. This is so because the intention to keep a particular language group together meant that language groups should continue to occupy the very same space within which they were confined under the apartheid government. In practice, the new provinces have accommodated and maintained the same linguistic and ethnic maps which existed during the apartheid era as the fundamental bases for spatial organization in a democratic South Africa. The demarcation of provinces/regions did not divide any of the former Bantustans into more than one province. Instead, it has strengthened the concentration of language groups into particular provinces, thereby keeping and maintaining the apartheid status quo of the distribution of those groups (Ramutsindela, 2007:49).

Therefore, the demarcation process which redrew municipal boundaries across the country, aimed at achieving uniformity in local government structures on the basis of cohesive physical and environmental areas, sustainable service delivery, financial viability within administrations and functional boundaries, as well as the potential for the redistribution of resources and functions. Although presented as a technical exercise, the demarcation process was also an intensely political one, concerned first and foremost with overcoming the legacies of apartheid government planning and racially-skewed resource distribution (Beall, 2004:7).

Thornhill (2008:43) writes that the newly elected democratic government of South Africa had to transform the system of local government to meet the demands of a non-racial society which was totally fragmented as a result of the former government's apartheid policy. As a result, a new system was established to comply with constitutional guidelines, the total system was restructured and replaced with a new system which is continuously being reviewed and amended: municipalities have been established and demarcated in such a way that it covers the total geographical area of the Republic of South Africa, not only the urban areas.

According to Mahlangu (2016:7), municipal boundaries could include amalgamating some municipalities and demarcating new areas depending on the inputs from municipalities, provinces and other stakeholders.

Pycroft (2000:66) writes that the point of departure in overcoming the structural limitations of the transitional form of local government in South Africa is to re-conceptualize and where necessary, redraw municipal boundaries. He further highlights that the MDB has to determine the optimum boundary of all municipalities in South Africa, guided by the criteria provided for in the White Paper on Local Government, 1998 and Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998).

111

Bangladesh e-Journal of Sociology. Volume 17, Number 2. July 2020.

Whittal and Nxumalo (2013:325) highlight that the MDB is mandated to demarcate municipal boundaries and dissolve the spatial layout of apartheid in creating new municipal areas of jurisdiction which are nor racially-based. The aim of municipal restructuring is to assist in redressing the imbalances of the past and the inequalities in public service. They write further that the new municipal areas should be structured to help in addressing the rural/urban divide and integrate economic and social development.

Accommodation of ethnicity`

Ethnic identity refers to nominal membership in an ascriptive category, including language race, religion or caste. This is consistent with the broad definition now taken as standard in the field of ethnic mobilization: "Ethnicity easily embraces groups differentiated by color, language, and religion; it covers nationalities, races, tribes, and castes" (Chandra, 2005:236). Gilley (2004:1158) highlights that ethnicity is usually defined as that part of a person's identity which is drawn from one or more 'markers' like religion, race, social symbols, region, shared history or language. It is distinct from that part of a person's identity that comes from, say, economic status, personal moral doctrine, civic affiliations or personal history.

Horowitz (1998) highlights that "ethnicity" is a powerful affiliation, both because similarity is valued and because genetic (or putatively genetic) origins and early socialization are potent sources of similarity or, in any case, of cues that signal similarity: customs, language, appearance, gestures, tastes, clothing, and habits. The assumption of similarity follows quickly once groups are formed, even in laboratories, and reinforces group identity. Even more powerful is the assumption of resemblance that evolve from birth or common experiences of childhood.

Horowitz (2014:5) writes that in societies severely divided by ethnicity, religion, language, race or any other form of ascriptive affiliation, ethnic differences or divisions make democracy difficult, because they tend to produce ethnic parties and ethnic voting. An ethnic party with a majority of votes and seats can dominate minority groups, seemingly in perpetuity. Some vision of this problem informs the politics of a great many severely divided societies. In severely divided societies with ethnically-based parties, ordinary majority rule in most cases results in ethnic domination.

Ethnic identities are dynamic both in their character and in their salience, even when an armed conflict has deepened divisions between groups and seen ethnicity rise to become an all-dominant social marker. Important opportunities for peace building may be lost if intervening actors fail to acknowledge the complexity nature of ethnicity and opt for policies that institutionalise ethnic differences (simonsen, 2005:297). Ethnic diversity has clear political, economic and social consequences (Gilley, 2004:1155). Easterly (2001:703) writes that ethnic differences and diversity has a more adverse effect on economic growth and the adoption of economic policy when institutions are poor. To put it another way, poor institutions have an even more adverse impact on growth and policy when ethnic diversity is high. Conversely, in countries with sufficiently good institutions, ethnic diversity does not lower growth or worsen economic policies. In other words, good institutions can also lower the risk of genocides and

wars that might otherwise result from ethnic fractionalisation. Therefore, ethnically diverse nations that wish to endure in prosperity and peace must build good institutions.

South Africa is a home to different ethnic groups. According to Portes (1984:383), ethnic awareness can be defined as the perception by members of a minority of the social distance separating them from the dominant group and the existence of discrimination based on racial or cultural differences. Awareness of social distance and of negative stereotypes has been said to be a decisive factor affecting the behaviour of minority-group members. The opposite of ethnic awareness is then the belief and a sense of equality that one can freely mingle and associated with anyone else in the society; such perceptions are said to characterise fully "assimilated" minorities.

The accommodation of ethnic differences at the local government level is often viewed as a catalyst of ethnic tensions among communities and also contributing to national disintegration. However, Singiza and De Visser (2011:5) argue that neglecting the wishes of an identifiable ethnic and or cultural group may lead to demoralization and alienation. Where a group has been politically alienated at national level, pursuing political claims at the local level then becomes a logical option.

Fessha (2014) points out that the South African Constitution depicts a state that strive to build a common national identity; a state that emphasizes national unity. He further highlight that it does portray a state that aims to promote national unity at the expense of ethnic diversity because it rather acknowldge that subnational identities are an important part of the South African make-up.

Fessha (2010:241) writes that a multi-ethnic state that strive to suppress diversity and attempts to build a common national identity based on the core culture of a particular ethnic group is bound to provoke violent ethnic nationalist movements. Similarly, a state that ostensibly follows a policy of neutrality when it comes to ethnic relationships often end up identifying itself with a particular group, therefore a multi-ethnic state should seek to avoid an attempt to homogenize its ethnically diverse population and transform it into a nation-state or remain 'culturally neutral'.

De Visser, Steytler and Fessha (2012) highlight that the use of ethnicity to organise internal boundaries is also evident to a certain extent, in the internal territorial organisation of the subnational units in Ethiopia. The territorial organisation of local government which is determined by the regional legislatures, has taken ethnic lines in some of the states, particularly in states that are home to more than one ethnic group (Seyoum, 1997:11-17).

Ethnicity is a fact to reckon with and ethnic identity is simply a fact into which everyone, especially an African is born to, to obtain membership without any "recourse to application, papers and bureaucratic red-tape" (Alemayehu, 2004:16-17). Recognising rather than denying ethnicity may hold the key to democratizing the state and development in Africa. Unless ethnicity is taken seriously Africa's struggle to democratize the state and development will suffer no better a fate than that of an imagined nation state. This position of condoning ethnicity as a crucial factor in state building in Africa is quite relevant to the

Ethiopian case, where ethnicity has already become an 'official' state ideology and practice (Mashamaite, 2014:234).

Violent protests as a form of political participation

Due to the sensitivities around ethnic concerns, great care must be taken to consult communities that are affected by the municipal demarcation process. There should be a mechanism to ensure that consultation is enforced at a local government level so that members of the public can participate fully. This is because two decades into democracy, South Africa observed a serious wave of protests associated with poor or lack of service delivery around the country. It is further highlighted that poor service delivery elicited protests across the country which brought local government or municipalities under the spotlight. Since then local municipalities has been a subject of criticism for failing to implement their development mandate (Mashamaite, 2014:234).

In 2013, the MDB was under serious criticism after riots erupted in Zamdela. According to Mathekga (2006), it may seem that this protests originated from service delivery issues, however, these protests can be understood separately from issues of service delivery as alleged. This means that issues like ethnic tensions and mobilisation as well as lack of consultation might also contribute to dissatisfaction by community members expressed as rioting and looting of properties.

Mathoho (mathoho, 2016:1) attests that there are different kinds of protests that occur in the country time and again. However, those who are careless end up categorising these protests as service delivery protests while in reality they vary from one protest to another. They include service delivery, tribalism or ethnic, political and demarcation protests. That is why in most cases the majority of people always display their frustrations and impatience over poor, slow or lack of service delivery in the form of demonstrations, protests, boycotts, petitions and strikes which are characterized by looting, violence, bloodshed, vandalism and casualties (Mashamaite, 2014:231).

There is a clear indication that community members in the Limpopo Province and South Africa in general, do not agree with the system used by the government in providing them with municipal services and the municipal demarcation process followed. In the past years most communities engaged in serious protests and burned government buildings. Rasils (2015:67) points out that the protesters did not see anything wrong in damaging government properties meant for their use and for the creation of a better life. Community members also do not mind disrupting the education of their own children. Managa (2012) states that lack of public participation and accountability by the officials are the main factors aggravating service delivery protest in South Africa.

The use of ethnicity as a factor in determining municipal boundaries

Though many scholars have written on the determination and realignment of boundaries in South Africa focusing more on the provinces and on the demarcation of municipalities, there is no written work on the use of ethnicity as a factor in the demarcation process. This study adds to the current issues that the

MDB is faced with in establishing and merging the municipalities in South Africa. This study therefore contributes to understanding a new development in using ethnicity in determining municipal boundaries in South Africa. Ethnicity is a response to the problems and tensions that the Municipal Demarcation Board is faced with. The significant contribution of this study in the field of local government is to provide an insight on the use of ethnicity as a factor in the demarcation process.

The article contends that in as much as the Constitution recognises that South Africa is a unitary and non-racial country, ethnic diversity cannot be ignored in determining municipal boundaries as it is currently the burning issue in Limpopo. This article will also contribute to a new literature and help new researchers who want to continue their research in this field.

Demarcating provincial boundaries

For one to be able to understand the process of municipal demarcation in South Africa it will be best to first look at the demarcation process that was carried out when demarcating provincial boundaries in South Africa as it had to deal with the issue of ethnicity as a factor. This process was carried out by the Commission on the Demarcation/Delimitation of States, Provinces and Regions (CDDR).

The CDDR had to determine boundaries in lieu of the elections which were expected to take place on 27 April 1994 (Ramutsindela & Simon, 1999:484). However, the main question then was about the criteria to be used during this demarcation process. This was because the new and democratic South Africa was not expected to reflect the apartheid use of ethnic-based homelands. As a result, ethnicity was not listed as a criterion for demarcating boundaries. The criteria used by the CDDR in demarcating provincial boundaries includes amongst others: taking into account the availability of infrastructure and historical boundaries as well as existing government structures; demographics; service delivery; economic viability; potential for development; "cultural and language realities"; inconvenience to citizens and dislocations of service (Jackson & Makgetla, 2013). Consideration was given to economic and development potential, socio-cultural issues, and administrative and institutional capacity as well as erasing the boundaries of apartheid political entities to establish a unified territorial space for all South Africans. Other factors includes de-racialising the country so that people may start to think of themselves as South Africans holding diverse views and not as members of any racial, ethnic or linguistic group (Ramutsindela, 2007:49). The interpretation of the above criteria remained in the hands of the commissioners and they organised the criteria into four categories: economic aspects; institutional and administrative capacity; geographic coherence; socio-cultural issues and an agreement to evaluate each proposed boundary on its merits within each of the above four categories (Dlamini, 2012). The boundaries of the nine provinces so drawn did not create exclusive ethnic enclaves but in seven of the provinces there were linguistic majorities.

Demarcating local boundaries
Initial demarcation: pre-1995

115

Bangladesh e-Journal of Sociology. Volume 17, Number 2. July 2020.

It was during the negotiations stage that South Africa's constitutional makers decided in 1992/93 to divide the local government democratisation process into three phases (Cameron, 2002). The pre-interim phase: 1993-1995, the interim phase: 1995-1999 and the final phase after that known as the Democratic Local Government phase (Ovens W & Associates, 2015). The Local Government Transition Act, 1993 (Act No. 209 of 1993) provided for the establishment of a Local Government Demarcation Board in each of the nine provinces in South Africa *(Local Government Transition Act, 209 of 1993*); with a pre-interim local government stage to demarcate boundaries for the first local government elections in South Africa in 1995 (Cameron, 2016). The major political objective of these Provincial Boards was to eliminate apartheid boundaries into unified municipalities. This is because during the apartheid era, the sphere of local government in South Africa became the mechanism through which racial and cultural groups were divided and kept separate.

In performing its duties, the Provincial Boards managed to break down apartheid boundaries (Meligrana, 2004:221). This was however not always the case in smaller towns and rural areas (Cameron, 2016: 76-106). The main aim was to deracialise local government which led to a reduction of municipalities (Ndletyana & Muzondidya, 2009: 24); reducing them from more than 1000 prior to 1994 to 843 municipalities (Pillay, Tomlinson & Du Toit, 2006). According to Cameron (2016:79), the problems of the demarcation in the 1995 elections was unevenness because communities remained fragmented i.e. some communities were split by provincial boundaries.

Demarcation post-1995

Chapter 7 of the 1996 Constitution gives effect to the establishment of a local government sphere. Section 151 of the Constitution provides that the local sphere of government consists of municipalities which must be established for the whole territory of the Republic (*The Constitution of the Republic of South Africa, 1996*).

It is best to highlight that the major change brought by the Constitution of 1996 was that local government had to cover the whole of South Africa. The Constitution provides for the demarcation of municipalities in South Africa by an independent body known as the Municipal Demarcation Board (*S 155 (2)(b) Constitution*).

In 1998, the Municipal Demarcation Act, 1998 (Act No. 27 of 1998) was adopted and the Municipal Demarcation Board was established and began to determine the locations of local government boundaries in 1999. During this demarcation process traditional rural areas and rural communities were severely affected by the process of demarcating municipal boundaries (Whittal & Nxumalo, 2013). This saw rural communities being integrated to form part of a single municipality or being split apart between two municipalities.

As a result, the first redrawn municipal boundaries resulted in numerous disputes by community members against both the processes followed and boundary outcomes. In many cases rural

communities were split between two municipalities, while others were split over two district municipalities and even two provinces (Whittal & Nxumalo, 2013:326).

The Demarcation Board managed to reduce the number of municipalities from 843 to 284 (Municipal Demarcation Board, 2016). This saw communities that were poorly developed being combined with well-resourced communities under the same municipal boundaries (Ndletyana & Muzondidya, 2009:24). The main aim of municipal demarcations and restructuring of municipalities is to assist in redressing the imbalances created by the past apartheid government and those that were created by the provincial boards (Mathoho, 2015). As such, new municipal areas after demarcation are expected to help address the urban and rural division and integrate social and economic development. However, some of the redrawn municipal boundaries have resulted in numerous disputes ever since 2000.

After the demarcation process *some* traditional areas were split between two municipalities and in those cases traditional authorities who are recognised as the custodians of rural land have been greatly affected. Those who are mostly affected by the municipal demarcation process are those residing and heading small rural areas of two to three communities. However, traditional leaders who happen to be the leaders of these communities continue to have major control over most of the important rural survival strategies such as the allocation of land, natural resources, communal labour practices and in some instances law and order (Keulder, 2016).

Role players in the Demarcation Process

The Municipal Demarcation Board is an independent body that is responsible for the demarcation of municipal boundaries in South Africa. The members of the MDB represent various professional fields of expertise that is appropriate to the field of local government.[1] Even though there are other actors in the demarcation process the main actor is the independent MDB whose members are appointed by the president of the Republic of South Africa after a stringent and rigorous selection process. In addition to the MDB there are also a number of role players involved in the demarcation process. These are members of communities, traditional leaders, municipalities, political parties, NGOs and civil society.

Municipalities in their own capacity play an important role in subsequent re-demarcations. Municipalities are mainly tasked to provide the MDB with the necessary administration and facilities to enable it to fulfil its constitutional obligations. Municipalities should also take part in the demarcation process since the demarcation process affects their functionality. Pursuant to that, most municipalities are also in the best position to provide required information and guidance from the local communities as to where best boundaries should be demarcated for effectiveness. Furthermore, submissions and extensive inputs should be made by all municipalities to ensure not only participation but also a proper consideration before boundaries are drawn (Bekink, 2000: 325).

---

[1] Executive Council of the Province of the Western Cape v Minister for Provincial Affairs and Constitutional Development and Another, Executive Council of KwaZulu-Natal v President of the Republic of South Africa and Others 1999 (12) BCLR 1360 (CC).

Last but not least are the communities and local residents. The main reason for their inclusion in the demarcation process is that they are the ones who are most likely to be affected on the ground. To ensure that their voices are heard specific provision is made in the demarcation process for individuals and groups to submit written representations on municipal boundaries to the Demarcation Board *(The Municipal Demarcation Board Act, 27 of 1998).* They can also air their views at the public meetings and submit formal objections on the demarcation boundaries. The MDB in turn must consider and respond to all objections (*S 27 Municipal Demarcation Act*).

The objectives of the MDB and demarcation criteria

When the Board determines a municipal boundary its main objective must be to establish an area that would enable the municipality of that area to fulfil its constitutional obligations, which includes among others: the provision of democratic and accountable government for the local communities; the provision of services to the communities in an equitable and sustainable manner; the promotion of social and economic development and the promotion of a safe and healthy environment *(S 24 Municipal Demarcation Act).* It must also enable effective local governance; integrated development and have a tax base as inclusive as possible of users of municipal services in the municipality (*S 24 Municipal Demarcation Act).*

Factors to be taken into consideration

Section 25 of the Municipal Demarcation Act provides the factors to be taken into consideration in meeting the objectives that are set out in the act. In terms of section 25, for the MB to attain these objectives, it must take into consideration:

> amongst others, communities, the interdependence of people, and economies as indicated by existing and expected patterns of human settlement and migration; employment; commuting and dominant transport movements; spending; the use of amenities, recreational facilities and infrastructure; and commercial and industrial linkages (*S 25(a)(i)-(vi) Municipal Demarcation Act).*

These include also the need for cohesive, integrated and unfragmented areas, including metropolitan areas; the financial viability and administrative capacity of the municipality to perform municipal functions efficiently and effectively; the need to share and redistribute financial and administrative resources; provincial and municipal boundaries; areas of traditional rural communities; magisterial districts, voting districts, including existing and proposed functional boundaries, transport, health, police and census enumerator boundaries; social, economic and transport planning as well as existing and expected land use *(S 25 (b)-(h) Municipal Demarcation Act).*

Furthermore there is a need for co-ordinated national, provincial and municipal programmes and services, including the needs of the administration of justice and health care; environmental and physical characteristics of the area; topographical, the administrative consequences of its boundary determination on municipal creditworthiness; existing municipalities, their council members and staff; and any other relevant matter; and 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, macro-economic stability and financial viability *(S 25 (i)-(l) Municipal Demarcation Act).*

Municipal Demarcation process

Public notification of determination of municipal boundaries

Before the MB can consider any determination of a municipal boundary it must follow a public notice procedure provided for in in terms of section 26 of the Municipal Demarcation Act. The notice should state the MDB's intention to consider the determination of municipal boundaries and invite written views and representations from the public. The time frame for such representation should not be shorter than 21 days *(S 26(1)(a)(b) Municipal Demarcation Act).*

Other methods of publication of such notice by the MDB may include communication or other appropriate means of communication within the area concerned *(S 26(2) Municipal Demarcation Act)*. This includes each municipality that will be affected by the Board's consideration of the matter as well as any magisterial district if affected and the Provincial House of Traditional Leaders concerned. The traditional leaders will be those established by provincial legislation in terms of section 212 (2) *(a)* of the Constitution only if the boundary of such a traditional authority is affected. If affected by such municipal boundary determination, then the affected traditional leaders may also be invited to submit their views as well as their written representations on the matter to the Board within the period determined in terms of section 26 of the Act *(S 26(3)(a)(b)(c)(d) Municipal Demarcation Act).*

Community/Public Participation and consideration by the MDB

The Municipal Demarcation Act provides that when the period for views and written representations has expired, the MDB must consider all views and written representations submitted to it and may take a decision on the determination or, before it takes such a decision hold a public meeting and conduct a formal investigation; or do both *(S 27 Municipal Demarcation Act).*

Thornhill highlights that community participation may take place through political structures, through other mechanisms such as an *imbizo* (informal gatherings where questions can be asked on any issues relating to the demarcation process), consultative sessions, public meetings and report back sessions with local communities (Thornhill, 2008:502). If the MDB decides to hold a public meeting, it must publish a notice in the newspaper circulating in the area concerned stating the time, date and place of the meeting or of each meeting; and inviting the public to attend the meeting or meetings *(S 28(1)(a)(b) Municipal Demarcation Act).* When the MDB publishes a notice, it must convey where appropriate, by radio or other appropriate means of communication the contents of the notice in the area concerned *(S 28(2) Municipal Demarcation Act).* At a public meeting a representative of the MDB must explain the issues it has to consider including: any options open to it; allow members of the public attending the meeting to air their views on these issues and answer relevant questions *(S 28(3)(a)(b)(c)(d) Municipal Demarcation Act).*

Formal investigation and the power to investigate by the committee

After receiving comments, the MDB should decide whether to embark on a formal investigation or not. Should it decide to conduct an investigation, the MDB may conduct such investigation itself or designate

any of its members. Such member/s or committee must report back and make recommendations to the MDB *(S 29(1)(2) Municipal Demarcation Act)*. Pursuant to that for the purposes of its investigation the MDB or an investigating committee may by written notice summon a person who in its opinion has information which is material to the investigation to appear before the MB or the committee to give evidence. The expectation of the MDB in calling such person is for that person to produce a document available to that person as specified in the summons *(S 30(a)(i)(ii) Municipal Demarcation Act)*. The MDB may also call a person to make presentation at its meeting or committee meeting, whether summoned or not to give evidence before the MDB or committee; or to produce a document in that person's custody *(S 30(b) Municipal Demarcation Act)*.

Objections against the MDB's decision and consideration of the objections by the MDB

Section 21 imposes an obligation on the MDB to publish its intentions to determine and re-determine municipal boundaries in the Provincial Gazette *(S 21 (3) Municipal Demarcation Act)*. This is to allow for the parties aggrieved by the MDB's decision to submit written objections within 30 days of that determination to the Board *(S 21 (4) Municipal Demarcation Act)*. It happens sometimes that members of the public may be aggrieved by the decision of the MDB to determine and re-determine municipal boundaries within their areas and objects to such a decision of re-determining municipal boundaries. The MDB must then consider any objections made by the parties, by either withdrawing, varying or confirming its determination and again publish its decision in the relevant *Provincial Gazette (S 21 (5) (a) (b) (c) Municipal Demarcation Act)*. As already stated above, the MDB must consider such objections and after it has considered such objections, or has decided to re-determine a boundary under the circumstances provided for, and then the MDB must without any delay send such particulars of the determination of municipal boundaries to the Electoral Commission *(S 23 (1) Municipal Demarcation Act)*.

The demarcation process: traditional leaders' response

Traditional leaders are the custodians of many rural communities in South Africa where they are supposed to make sure that the rights of community members are protected. In the case of Malamulele and Vuwani, these two communities are under different traditional leaders, depending on their language, culture and tradition. This means that one cannot talk about ethnicity without mentioning traditional leaders. It is very clear that if the Municipal Demarcation Board must consider traditional areas, then it must also indirectly consider ethnic boundaries in certain cases. This is due to the fact that traditional leaders as well as traditional rural communities are not excluded from the demarcation process. Section 25 of the Municipal Demarcation provides that the MDB when determining a municipal boundary must take into account the areas of traditional rural communities *(S 24 (f) Municipals Demarcation Act)*.

Since the demarcation of municipalities in South Africa includes the demarcation of rural areas it would be proper to include the response of traditional leaders to the demarcation process when demarcating rural communities. In Limpopo province traditional leaders lamented the process and the outcomes of the MDB (Holomisa, 2016). This is because after the demarcation process rural areas are split apart or integrated with other communities as observed in Malamulele and Vuwani. Traditional leaders are found

to be vocal against the demarcation process and members of the community listen to them more than any government officials or the government itself (SA Local Government Information Centre, 2016).

In 1998, the Ndengeza community which is of Tsonga origin lodged a claim for a part of the Crystalfontein Farm 57 with the Restitution and Land Claims Commission and waited for the outcome of the restitution of land. However, after the completion of the municipal demarcation in the year 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. The Ndengeza traditional leaders expressed their concern over the decision taken by the MDB and that they were not consulted during the demarcation process (Whittal & Nxumalo, 2013:327). In 2008, the traditional authority lodged its grievance with the Municipal Demarcation Board over the boundary and requested that the area be re-demarcated. The re-demarcation process was refused and the Makhado Municipality stated that they would lose government grants if their area were to be decreased during the demarcation process (Whittal & Nxumalo, 2013:328).

The traditional leaders in the area rejected both the demarcation process as well as the demarcation outcomes by the MDB. Such resistance led to serious tensions between the MDB, the municipality and the traditional leaders. This saw chiefs and political parties joining hands to try to bring closure on the splitting of traditional communities by the municipal demarcation process. The reason being that in many instances, new municipality boundaries cut across traditional tribal land and the introduction of local government on their lands would also diminish their own authority. Lehman highlights that prior to 1994 and the creation of local municipalities, traditional leaders exercised local government powers, yet the final constitution did not resolve the tension between recognition of the institution of traditional leadership and commitment to democracy in as afar as demarcation is concerned (Whittal & Nxumalo 2013:328). The only way to resolve this will be to demarcate municipalities using ethnicity in areas where traditional leaders and traditional communities speak different languages. This means that ethnicity should be considered in a few cases: only if there is an overlapping between traditional leaders and ethnicity. In a province such as KwaZulu-Natal, all traditional leaders are Zulu-Speakers. As a result, traditional areas of a Zulu chief speaker should not be split between two municipalities as there are no ethnic differences. Only in Limpopo and Mpumalanga do traditional leaders belong to different ethnic groups. This means in such places ethnic differences (ethnicity) and the language spoken by traditional communities should be considered as a factor in demarcating municipal boundaries.

Critical analysis of whether ethnicity could be considered as a factor in terms of section 25

One of the issues which contributed to the Malamulele and Vuwani protests is ethnic differences between the Venda- and Xitsonga-speakers (Mukwevho, 2016). This therefore raised questions as to whether the use of ethnicity in demarcating municipal boundaries in South Africa could be considered as a factor? After considering the factors listed in terms of section 25 of the Municipal Demarcation Act, it will be best to analyse whether these factors include the consideration of ethnicity in determining municipal boundaries in South Africa either directly or indirectly. Only one factor provides for the use of ethnicity indirectly in demarcating municipal boundaries in South Africa. Section 25(f) provides explicitly that the Board must, when determining a municipal boundary, take into account areas of traditional rural

communities and allow for public participation to ensure that traditional communities also participate in the municipal demarcation process.

Most traditional communities are home to certain ethnic groups and are being led by different traditional leaders. This therefore open a room for the issue of language to be considered as another factor which differentiate the areas of traditional communities. Besides other factors such as culture and religion, language plays a major role in as far as ethnical differences is concerned. It is the language that is spoken by people in these traditional areas which makes them ethnically different from each other. Section 25(f) covered the use of ethnicity in demarcating boundaries and by considering traditional communities as a factor, linguistic differences will automatically become a factor in demarcating a municipality. This is because one cannot speak of traditional areas without including the language spoken in that area (Aligwekwe, 2008).

Section 25(f) therefore provides for the indirect use of ethnicity as a factor in determining municipal boundaries in South Africa. One of the reasons why ethnicity was not provided for directly in this section was due to apartheid experiences. The explicit use of ethnicity in demarcating municipal boundaries was perceived as a return to the apartheid era. This therefore led to the silent use of ethnicity in demarcating municipal boundaries in South Africa.

Although it was not acknowledged in writing after the decision was taken to give the community of Malamulele its own municipality away from the Thulamela Local Municipality, one does not need a microscopic eye to see that ethnicity was used as a factor in giving the community of Malamulele its own municipality in as far as this study is concerned. This is because the Malamulele community raised ethnic issues against Thulamela Local Municipality, which is a Venda-speaking dominated municipality while the community of Malamulele is a Xitsonga-speaking comunity (Mukwevho, 2016).

The case of Malamulele and Vuwani explicitly shows that ethnicity is or was considered as a factor when providing the Malamulele community with a separate municipality away from the Thulamela Local Municipality. This is the decision that led to ethnic tensions and riots between the two communities when the community members from Vuwani fought against their incorporation in the new Malamulele Municipality. It is therefore worth noting that the silence of the Constitution and the Local Government: Municipal Demarcation, 1998 (Act No. 27 of 1998) on the use of ethnicity in demarcating municipal boundaries in South Africa does not necessarily exclude ethnic tension between communities when municipal boundaries are being demarcated in South Africa.

Argument
Though the South African Constitution does not recognise the use of ethnicity as a factor for determining municipal boundaries, the recent protests by members of the community shows that ethnicity is starting to play a role in determining boundaries in South Africa. This means that the use of ethnicity in determining and re-determining municipalities must be treated equally to other factors that must be observed in the demarcation process.

122

Bangladesh e-Journal of Sociology. Volume 17, Number 2. July 2020.

There is a fear that if ethnicity is recognised in determining municipal boundaries that that recognition will result in ethnic conflicts by the members of the community because no boundary is totally inclusive of one ethnic group. The question of what will happen to internal minorities is also running through the minds of many people. But by looking at how the communities in Limpopo Province are situated, language speaks volume in differentiating between the three ethnic groups which are situated in the province. There is always a particular ethnic group which is dominating in a particular place, such as in Venda where Venda-speaking people are the majority, in Giyani, Tsonga-speaking people are in the majority and in Polokwane with Sepedi-speaking people being in the majority (Masondo, 2015).

Therefore, the recognition of ethnicity in the demarcation process will not prejudice minorities as they will be incorporated within the boundaries of that particular ethnic group that they find themselves in, for example, if a certain minority group happens to find itself within the territory of another dominating ethnic group then such minority will form part of the majority and be served by the same municipality which is serving the dominating ethnic group. This is to say for example, due to work opportunities in Polokwane, there is always a large number of Venda- and Tsonga-speaking people leaving their communities to come to Polokwane and some end up building or buying houses there and as a result they end up forming part of the Polokwane Local Municipality and even today as observed there is no ethnic conflict, which means that people are satisfied with the boundaries in which they find themselves in.

It should be noted that the only disadvantage of using ethnicity in determining municipal boundaries, which could result in ethnic conflict will be where communities are not provided with proper municipal services by the dominating ethnic group as it was alleged by members of Malamulele community. However, on the other hand, the use of ethnicity in determining municipal boundaries will provide many communities with their own municipalities and ensures that municipal services are provided equally to all communities including rural communities in South Africa. Pursuant to that the use of ethnicity in demarcating municipal boundaries will result in different ethnic communities having direct access to municipal services in their areas and this will limit service delivery protests as observed in the Malamulele community. Ethnicity will then be used as a yardstick for assessing the ability of the municipality in taking care of the communities and it will reduce the pointing of fingers by other ethnic groups as they will have their own municipal offices within their boundaries.

The recognition of ethnicity should not be viewed as a step closer to dividing the country but it should be seen as a response to the problems and tensions faced by the MDB when carrying out its demarcation functions due to the fact that some provinces in South Africa have different ethnic groups that are situated according to their cultures and language in one province e.g. Limpopo and Mpumalanga. By recognising and using ethnicity as a factor in demarcating municipalities this should assist the MDB as communities shall be satisfied and people would reside according to their ethnic groups. This is because people of the same language and cultural background tend to understand each other more and live in peace than in a mixed ethnic diversity which eventually results in ethnic conflict (Eller, 1997).

Conclusion

This article concludes that the legal framework set out the criteria to be used when demarcating municipal boundaries in South Africa. Through the MDB, the municipal demarcation process in South Africa transformed and shaped the system of local government. As a result, many communities including rural communities were demarcated to form part of municipal areas. This meant that rural communities would now be provided with municipal services within the municipality in which they fall. However, not all communities were happy with the demarcation process because they fought against their amalgamation with other communities; some communities alleged lack of consultation by the DMB while others raised ethnic issues. In the Limpopo province, the demarcation process raised ethnic tensions as seen in the Malamulele and Vuwani communities (Tiva, 2016).

Section 25 of the Municipal Demarcation Act explicitly provides that the Board must, when determining a municipal boundary, take into account areas of traditional rural communities. This means indirectly giving consideration to ethnic differences because many rural communities are under the leadership of different traditional leaders who speak different languages. Ethnicity can be considered in determining municipal boundaries if what is provided for in terms of section 25, is adhered to. This is because one cannot speak of traditional areas and exclude the language spoken in that area. In other words, by considering traditional communities as a factor, then the issue of language must also be considered. In a province such as Limpopo, there are three different ethnic groups sharing the province. Those ethnic groups are led by different traditional leaders and the language spoken is different, i.e. Sepedi, Tshivenda and Xitsonga. This means that when the demarcation process is undertaken in a province such as Limpopo, the traditional communities must be considered as a factor as provided for in the Municipal Demarcation Act, as well as the language spoken by that particular area. By looking at the provisions provided for in section 25, ethnicity can be considered indirectly as a factor in certain areas such as Limpopo.

Reference

Alemayehu A N,2004. *Ethnic Federalism in Ethiopia: Challenges and Opportunities* (unpublished LLM thesis, University of Lund, 2004) 16-17.

Aligwekwe P E,2008. *The Continuity of Traditional Values in the African Society: The Igb of Nigeria*.

Baloi J, 2015. 'Malamulele calm after rampage' SABC News 31 January 2015 Available at http://www.sabc.co.za/news (accessed 19 July 2016).

Bekink B, 2000. 'South African Local Government Demarcation 2000: Some Points of Interest' No.33 *De Jure* 319-326.

Beall J,2004. 'Decentralisation and Engendering Democracy: Lessons from Local Government Reform in South Africa' No.54 *Development Destin Studies Institute* 7.

Cameron R, 2002. 'Central-Local Financial Relations in South Africa' available at https://open.uct.ac.za/handle/11427/22281 (accessed 28 November 2016).
Cameron R 'Local Government reorganisation' available www.hsrcpress.ac.za (accessed 05 November 2016).

Chandra K, 2005. 'Ethnic Parties and Democratic Stability' No.3 *perspectives of politics* 236.

Cogta,2016. '15 Year Review of Democratic and Developmental local Government in Gauteng: Reflecting on Local Government Performance in Gauteng for the period of 2000-2016' Available at http://www.cogta.gpg.gov.za (accessed 27 July 2016).

De Visser J, 2009. 'Developmental Local Government in South Africa: Institutional fault Lines' *Commonwealth Journal of Local Governance,* Issue 2 pp.8.

De Visser J, Steytler N & Fessha Y, 2012. 'The role of ethnicity in the demarcation of internal boundaries in South Africa and Ethopia'.

Dlamini K, 2012. 'Drawing the line border disputes and electoral politics' 15 No 3 *Indicators SA* 29.

Easterly W, 2001. 'Can Institutions Resolve Ethnic Conflict' No 49 Economic *Development and Cultural Change* 703.
Executive Council of the Province of the Western Cape v Minister for Provincial Affairs and Constitutional Development and Another, Executive Council of KwaZulu-Natal v President of the Republic of South Africa and Others 1999 (12) BCLR 1360 (CC).

Eller JD,1997. 'Ethnicity, Culture, and "The Past"' No.37 available at
http://hdl.handle.net/2027/spo.act2080.0036.411 (accessed 23 July 2016).

Fessha Y 'The politics of ethnicity and the post-apartheid constitutional dispensation' (2014). http://www.nylslawreview.com/wp-content/uploads/sites/16/2014/11/Fessha1

Fessha Y T, 2010. 'Ethnic Diversity and Federalism: Constitution Making in South Africa and Ethiopia' 241.

Gilley B, 2004. 'Against the concept of ethnic conflict' No.25 *Third World Quarterly* 1158.
Holomisa B 'Who has the final say between the Demarcation Board and citizens in municipal borders?' available at https://www.dailymaverick.co.za/opinionista/2016-05-06-who-has-the-final-say-between-the-demarcation-board-and-citizens-in-municipal-borders/#.WKwXlE27odU (accessed 24 January 2017).

Horowitz D L, 1998. 'Structure and Strategy in Ethnic Conflict'
http://siteresources.worldbank.org/DEC/Resources/84797-1251813753820/6415739-1251813951236/horowitz.

Horowitz D L, 2014. 'Ethnic Power Sharing: Three Big Problems' No.25 *Journal of Democracy No.2* pp. 5.

Jackson R & Makgetla T 'Redrawing the Map for Democracy: How South Africa's post-apartheid government tried to do away with the territorial legacy of racial segregation' Available at http://foreignpolicy.com/2013/10/11/redrawing-the-map-for-democracy/ (accessed 13 February 2017).

Keulder C, 2016. 'State, Society and Democracy: Traditional Leaders' available at http://www.kas.de/upload/auslandshomepages/namibia/State_Society_Democracy/chapter5 (accessed 07 November 2016).

Lehman H P,2007. 'Deepening Democracy? Demarcation, Traditional Authorities, and Municipal Elections in South Africa' (2007) 44 *The Social Science Journal* 301–317.

Magubane K,2017. 'We don't want tribalism in Vuwani,says minister' Sowetan 11 May 2017 Available at http://www.sowetanlive.co.za/news/2017/05/11/we-don-t-want-tribalism-in-vuwani-says-minister (accessed 15 May 2017).

Makamu N,2015. 'Malamulele Municipality: Tribalism or Administrative Justice?' City Press 14 January 2015 available at http://www.news24.com/mynews24/malamulele-municipality-tribalism-or-administrative-justice (accessed 13 August 2016).

Mashamaite K,2004. 'Public Service Protests in a Democratic South Africa: A Dilemma for Local Municipalities' N0.5 *Mediterranean Journal of Social Sciences* 233.

Masondo D, 2015. 'Tribalism, language and the national question in post-apartheid SA' Politicsweb 25 March 2015 Available http://www.politicsweb.co.za/news-and-analysis/tribalism-language-and-the-national-question-in-po at (accessed 17 July 2017).

Mahlangu L 'Municipal Demarcation Board Reviews: Municipal boundaries for the 2016 local elections' (2011) 13(4) *Local Government Bulletin* 15.

Managa A, 2012. 'Unfulfilled promises and their consequences: A Reflection on Local Government Performance and the Critical issue of Poor Service Delivery in South Africa' Africa Institute of South Africa: Policy Brief No.76. Pretoria: AISA.

Mathekga R, 2006. 'The challenge of local government structures in South Africa: securing community participation' http://www.clearcontent.co.za/storage/files/prev_Challenge_of_local_govt_structures_in_SA.

Mathoho M, 2015.'Examining the Politics of Municipal Demarcation' 9 April, 2015, available at http://www.ngopulse.org/article/2015/04/09/examining-politics-municipal-demarcation (accessed on 28 September 2016).

Meligrana J, 2004. *Redrawing Local Government Boundaries: An International Study of Politics, Procedures and Decisions* 221.

Mukwevho N, 2016. 'Tribal tension between the Venda and Tsonga groups fuel conflict in Vuwani' Sowetan 9 May 2016, available at http://www.sowetanlive.co.za/news/2016/05/09/tribal-tension-between-the-venda-and-tsonga-groups-fuel-conflict-in-vuwani (Accessed 12 January 2017).

Municipal Demarcation Board, available at http://www.demarcation.org.za/index.php/municipal-boundaries (accessed 28 November 2016).

Ndletyana M & Muzondidya J, 2009. 'Reviewing municipal capacity in the context of local government reform: 1994-2009' *HRSC* 24.

Ovens W & Associates, 2015. '15 of Developmental and Democratic Local Government: Celebrating achievements whilst acknowledging challenges' *SALGA* 12, available at www.SALGA.org.za (accessed 28 November 2016).

Pillay U, Tomlinson R & Du Toit J, 2006. *Democracy and Delivery: Urban Policy in South Africa*.

Pycroft, C, 2000. 'Democracy and delivery: the rationalization of local government in South Africa' No.66 *International Review of Administrative Sciences* 151.

Portes A,1984, 'the Rise of Ethnicity: Determinants of Ethnic Perceptions among Cuban Exiles in Miami' No.49 *American Sociological Review Journal* 383.

Rasila B N, 2015. 'South African Government and its communities at war: The legacy of the struggle for democracy' No 3 *Journal of Education, Psychology and Social Sciences* 67.

Ramutsindela M R & Simon D, 1999. 'The Politics of Territory and Place in Post-apartheid South Africa: the Disputed Area of Bushbuckridge' 25 No. 3 *Journal of Southern African Studies* 484.

Ramutsindela M, 2007. 'Resilient geographies: land, boundaries and the consolidation of the former bantustans in post-1994 South Africa' No 173 *The Geographical Journal* 43-44.

Simonsen S G, 2005. 'Addressing Ethnic Divisions in Post-CONFLICT institution-BUILDING: Lessons from Recent Cases' No 36 *SAGE* Journals 297.

Singiza D K & De Visser J, 2011. 'Chewing more than one can swallow: the creation of new districts in Uganda' No 15 Law, Democracy& Development 5.

Seyoum H, 1997. *Ethnicity in Africa towards a Positive Approach* (1997).

SA Local Government Information Centre, 2016. 'Vuwani residents vow to block elections despite traditional leaders signing agreements to allow voting' No.11 *The SA Local Government Briefing* 27.

Tau P. 2016. 'More schools on fire in Vuwani as police try to control growing crowds' City Press 05 May 2016 Available at http://city-press.news24.com/News/more-schools-on-fire-in-vuwani-as-police-try-to-control-growing-crowds-20160505 (accessed 23 August 2016).

Tshikudo E. 2015. 'We are not part of Malamulele!' Limpopo Mirror 27 July 2015 Available at https://limpopomirror.co.za/articles/news/32225/2015-07-27/awe-are-not-part-of-malamulelea (accessed 27 August 2016).

Tsatsire I, Raga K, Taylor J D, & Nealer E. 2009. 'Historical overview of specific local government transformatory developments in South Africa' *New Contree* 133.

The South African White Paper on Local Government 9 March 1998.

The South African Local Government Transition Act, 209 of 1993.

The Constitution of the Republic of South Africa, 1996.

The South African Municipal Demarcation Act, 27 0f 1998.

Tiva W,2016. 'Limpopo govt condemns tribalism in Vuwani; SABC News 5 May 2016 Available at http://www.sabc.co.za/news/a/c2f0fc004ca68007b8c0f9c8166c74bf/Limpopo-govt-condemns-tribalism-in-Vuwani-20160505 (accessed 15 December 2016).

Thornill C,2008. 'The Transformed Local Government System: Some Lessons' No 43 *Journal of Public Administration* 492-510.

Whittal J & Nxumalo C,2013. 'Municipal Boundary Demarcation in South Africa: Processes and Effects on Governance in Traditional Rural Areas' No 2 *South African Journal of Geomatics* 325-341.