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MUNICIPAL BOUNDARY DEMARCATION IN SOUTH AFRICA:  
PROCESSES AND EFFECTS ON GOVERNANCE IN TRADITIONAL  
RURAL AREAS



By

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## Declaration

I Cleotilda Nxumalo declare that

**Municipal Boundary Demarcation in South Africa: Processes and Effects on Governance in Traditional Rural Areas** is my own work. All the sources that I have used in this document have been acknowledged and referenced.

Cleotilda Nxumalo

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Signature

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Date

University of Cape Town

## Abstract

After democracy in 1994, South Africa underwent a period of reform in order to address racial inequalities and bring about broad social change. As part of this, the Municipal Demarcation Board (MDB) began demarcating local government (municipal) boundaries in 1998. There was insufficient public participation by rural communities, and traditional villages were often split by municipal boundaries which failed to follow complex social boundaries. Many of these rural communities objected to the demarcation process and in certain areas, these objections escalated to violence. Most recently, in January 2013, the violence and looting by citizens protesting against the merger of Sasolburg and Parys municipalities were given much publicity in the media. The democratic authority of the new local municipalities together with long-standing traditional leadership creates an unhelpful duality of authority among rural communities, diluting and confusing the responsibility of traditional leaders. Although government now recognises the authority of traditional leaders, their responsibilities regarding other community matters are not clearly defined and the municipalities remain mandated to accelerate service delivery and community development. This research adopts a case study approach to investigate disputes involving municipal boundaries in rural communities under traditional authority. Further, a multiple case study approach is used to expose in-depth understanding of these disputes. The causes of the disputes are investigated and the processes of municipal demarcation and boundary dispute resolution are analysed against a number of frameworks such as the goals of good governance in land administration, management paradigm, rights, restrictions and responsibilities, Kotter's eight stages of change management, and 7Es performance measurement frameworks. From this critique, conclusions are drawn about the municipal demarcation processes and improvements are recommended.

The study finds that the frameworks and tools applied are suitable for the analysis and evaluation of the municipal boundary demarcation process. The main findings indicate that several municipal demarcations negatively affected service delivery and threatened the role of traditional leaders. The study concludes that the processes of municipal demarcation are often disruptive and fail to meet the ideal of best practice in principles of good governance in land administration. In the recommendations section, improvements to the processes are suggested as a means of preventing boundary demarcation disputes.

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## List of Acronyms

<b>ANC</b>	<b>African National Congress</b>
<b>CD:NGI</b>	<b>Chief Directorate of National Geospatial Information</b>
<b>DA</b>	<b>Democratic Alliance</b>
<b>DCOGTA</b>	<b>Department of Co-operative Government and Traditional Affairs</b>
<b>FAO</b>	<b>World Food Programme</b>
<b>GIS</b>	<b>Geographic Information System</b>
<b>GG</b>	<b>Good Governance</b>
<b>LMP</b>	<b>Land Management Paradigm</b>
<b>MDB</b>	<b>Municipal Demarcation Board</b>
<b>RRRs</b>	<b>Rights, Restrictions and Responsibilities</b>
<b>SGO</b>	<b>Surveyor General Office</b>
<b>UN-Habitat</b>	<b>United Nation Human Settlement Programme</b>
<b>STATSSA</b>	<b>Statistics South Africa</b>

# 1 Chapter 1: Introduction and Historical Background

Municipal boundary demarcation in South Africa has created a degree of political discomfort in all nine provinces and has inevitably generated debate and dispute. The Municipal Demarcation Board's (MDB) main objective is to redress past imbalances by redefining boundaries and municipal categories and so stimulate social and economic development (Cameron, 1999). However, the redefining of municipal boundaries created disputes between rural communities and the local government. The role played by the traditional authority also became uncertain (Ntsebeza, 2003). Many rural communities became split over two municipalities, district municipalities or even two provinces. As a result, the standard of service delivery varied hugely between the different traditional rural areas. In some traditional rural areas it even deprived some communities of basic necessities such as water and other infrastructure (Mavungu, 2011).

During apartheid the boundary demarcation process was based racially biased (Maharaj, 2002). Although the new municipalities were intended to correct these imbalances, the municipal demarcation process bears much historical and cultural 'baggage' and requires much sensitivity, communication and consultation.

## 1.1 Traditional Authority

A traditional authority is a form of leadership mostly found in tribal societies. Traditional authority is based on customs and dictates the distribution of land as well as general administration of these societies. Ultimately, traditional authorities form the basis for traditional life (Khunou, 2009). Before the establishment of colonial governments, community boundaries were determined through the spoils of war or through negotiated occupation (Fourie, 2000). The colonial period in South Africa had a major influence on traditional leadership. The colonialists enforced changes in traditional life and introduced laws which legalised encroachment of traditional land, thereby robbing communities of their land (Mamndani, 1996). This had a major impact on the customary land tenure system of traditional communities. From 1910, the Union Government of South Africa regulated the institution of traditional authorities (Khunou, 2009).

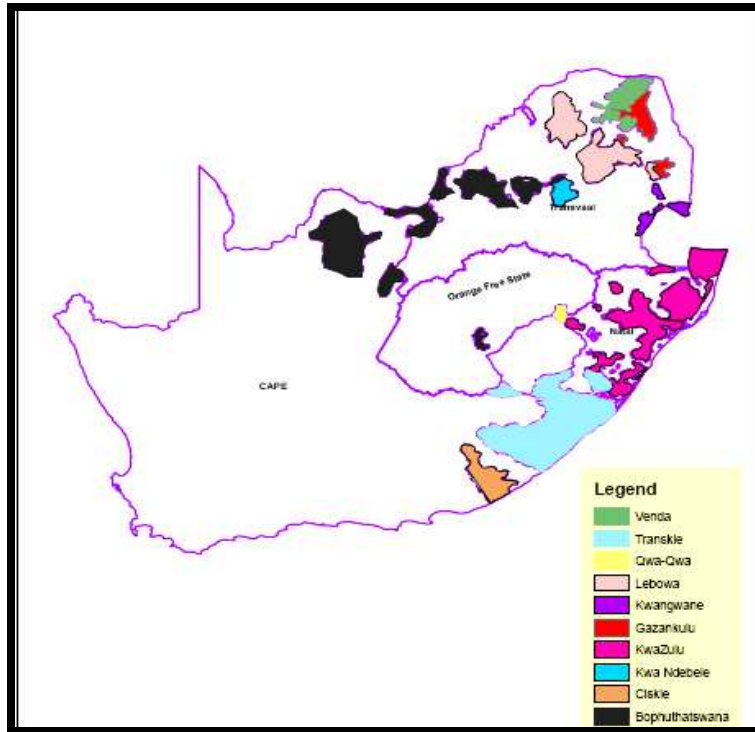
## 1.2 Legislated Racial Demarcation in South Africa

The two Acts that legalised the historical background of SA's land tenure were the Native Land Act No. 27 of 1913 and the Native Trust and Land Act No. 18 of 1936 (Fourie, 2000). These two acts were passed early in the twentieth century in response to constant pressure from white South Africans to prevent blacks from settling in white areas (Khunou, 2009). The legislation used large scale, racially based demarcation to segregate, divide, and dispossess non-white South African citizens of land (Davenport, 1991). Black South Africans, who then consisted of 75 percent of the country's population, were guaranteed only 13 percent of the country's land, which was held in the South African Development Trust and registered in the name of the Minister of Native Affairs on behalf of traditional communities (*ibid*). Traditional communities were permitted neither to live in places of their own choice /nor to live among other ethnic groups (Fourie, 2000). This was the first time that territorial segregation was constituted into law since the South African Union was created in 1910 (Native Land Act No. 27 of 1913).

The Black Administration Act No. 38 of 1927 attempted to incorporate traditional leaders into the colonial system of government (*ibid*). The government authorised the establishment of new tribes and division of existing tribes. The system also enabled the government to demarcate communal settlements for members of a specified tribe (Sultan, 2000). In 1936, the land that was not held in free hold by black people was vested in the South African Development Trust (Fourie, 2000).

## 1.3 Homelands of the Apartheid Government Pre 1994

Under apartheid, divisions were severe and racial segregation was enforced by the Group Areas Act No 41 of 1950. The land allocated to the black people of South Africa was further subdivided among different tribes and cultural backgrounds. Figure 1 shows how Xhosas could only live in Transkei; Zulus in Natal and Tswanas in Bophuthatswana, Sotho's in QwaQwa, etc.



**Figure 1.1 South African homelands during pre-democracy**

During the apartheid regime traditional leaders were given a controlled amount of freedom to govern the native homelands (Sultan, 2000). They had the freedom to decide on disputes and make decisions within their jurisdiction, although the extent of their authority was not specified. Traditional leaders also had the authority to divide and distribute land within their jurisdiction. However, the apartheid government had a strong hold on the traditional leaders and influenced their decision making authority over their communities. Traditional leaders were thus seen as “agents” of the apartheid government (*ibid*).

Though it seemed as if traditional leaders had authority over their people, they still reported to the “white supreme chief” (Apartheid Government). During this time, land boundaries and titles were largely un-documented and traditional authority decisions were based on the word of traditional leaders (*ibid*). Some homelands which had accepted “independence” from the Republic of South Africa changed their cadastral systems (Fourie, 2000).

## 1.4 Re-incorporation of the Homelands After 1994

After the election of a democratic government in 1994, the homelands were re-incorporated into the Republic of South Africa (RSA). Customary land in the homelands became part of the South African national cadastral system (Fourie, 2000). The new government initiated land reform projects in an attempt to return the land that was forcefully dispossessed after 1913. These projects are ongoing and are technically difficult, firstly because different land administrative systems needed to be amalgamated into a single acceptable cadastral system and secondly because the homelands had never been surveyed previously (Weideman, 2004).

Incorporation of the homelands was also difficult from a sociological point of view. Social boundaries were often not considered in the demarcation processes. The authorities did not see these boundaries as legitimate as they were not formally recorded (Fourie, 2000). In 2000, the democratic government implemented wall-to-wall municipalities to improve service delivery in rural areas. However, in many cases this led to conflict between the government and traditional authorities (Independent Project Trust, 2000). Figure 1.2 below displays some of the demarcation disputed areas in 2009, fifteen years after democracy.

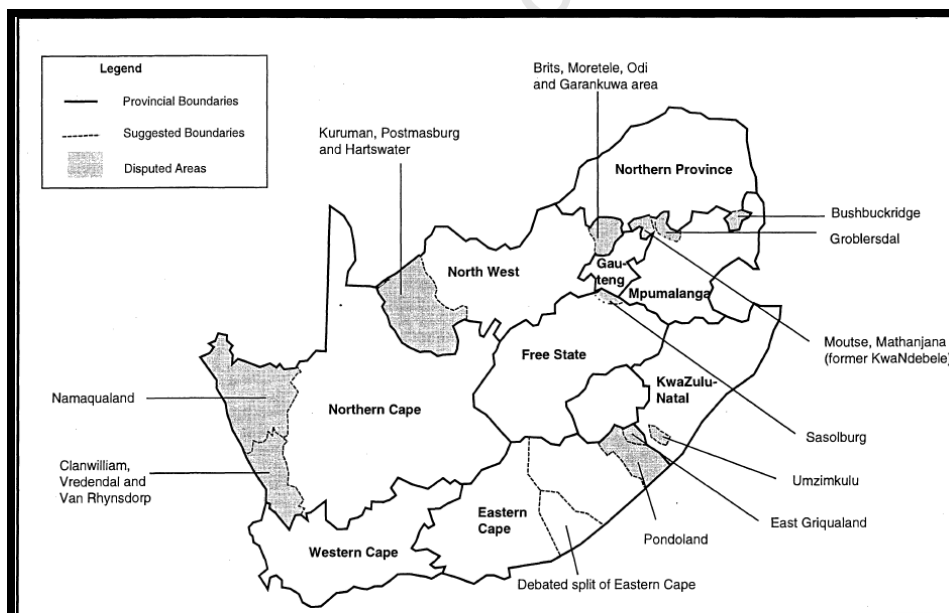


Figure 1.2 Municipal Demarcation Disputes (Nel *et al*, 2010: 5)

## 1.5 Cross Border Communities

As described previously in section 1.4, social boundaries are not constrained by imposed land demarcation and local communities often straddle and expand across municipal and provincial boundaries (De Villiers, 2009). These “split” communities are not unique to South Africa and can result in highly charged political conflict. Examples in other parts of the world of similar cross-border issues can be found in the United States of America, Mexico, Australia, Nigeria and parts of Europe (De Villiers, 2009). Service delivery from the government is usually inconsistent across the demarcation line for the same community. Examples of these cross border communities in South Africa are: Bushbuckridge, Moutse and Merafong.

## 1.6 Theses Problem Statement

The Demarcation Act No 27 of 1998 was implemented in South Africa to create municipalities with boundaries to define the spatial extent of their constitutional obligations and to provide services to different communities in a fair and equitable manner.

Public hearings regarding municipal demarcation were poorly advertised and did not effectively reach remote rural communities. Traditional leaders and rural communities were not allowed sufficient time to evaluate the probable impact on service delivery, land distribution, and authority structures in rural areas.

Demarcation of municipal boundaries was based on inaccurate spatial information resulting in unsuitable municipal boundaries. Further, the demarcations were externally imposed and presented in a way that was inaccessible to the affected communities. As a consequence many rural communities are split over two spatially differentiated municipalities, and receive haphazard service delivery.

These communities have expressed their grievances against the new demarcations, but they have largely been ignored across South Africa and the frustrations of rural communities are visible.

Although rural communities usually follow the authority of traditional leaders in political elections, after municipal demarcation, part of a community may fall under different traditional or political leaders. This results in inevitable conflict between municipal authorities and traditional authorities. Across the nine provinces, violence has broken out where this conflict could not be resolved.

## **1.7 Aim of This Study**

The purpose of this study is to describe an investigation into land disputes over municipal boundary demarcations. The study aims to understand the nature of the disputes, identify common issues, and propose mechanisms and processes which may lead to best practise in boundary demarcations. The study focuses specifically on the impact of current boundary demarcation on traditional rural communities and the land rights of traditional leaders and traditional rural communities.

## **1.8 The Objectives of This Research Are:**

- To investigate the causes of disputes, through a detailed analysis of case studies.
- To identify the forces that drives these disputes towards interventions or resolution and identifies areas for improvement.
- To identify how boundary disputes of this nature have restricted the rights, restrictions, and responsibilities of all the stakeholders; specifically including:
  - Traditional rural Communities
  - Traditional leaders
  - Municipalities
- To compare municipal demarcation processes to the goals of good governance in land administration.
- To compare dispute resolution processes against the 7Es performance framework and Kotter's eight stages of change management
- To propose improvements where they are required

## 1.9 Research Questions

1. What are the causes of the disputes, and what forces drive the disputes to a level that requires intervention?
2. From the case studies, what are the common driving forces that escalated the disputes?
3. How do boundary disputes of this nature affect the RRRs of the community, traditional leaders and local municipal government?
4. How do the dispute resolution processes compare against the goals for good governance in land administration (GGGLA)?
5. How do re-demarcation processes in the case studies compare against the 7Es framework and Kotter's 8 stages of change management?
6. What improvements in dispute resolution and boundary adjustment can be made to enhance sustainability and reduce further disputes?

## 1.10 Research Methodology

This study on municipal boundary demarcation across rural communal land uses the multiple case study research design to identify land administration tools and techniques in order to avoid and resolve disputes over land demarcation. Multiple cases allow for a broader perspective on the study and create a platform for comprehensive generalisation (Yin, 2003). Repeated evidence from multiple cases is better able to support generalised findings. To complement the multiple case study approach, a quantitative method in the form of field experiments, and qualitative methods in the form of observations, interviews, and questionnaires (Creswell, 2009) have been used.

Field exercises were carried out to ensure that the interpretations from the affected stakeholders are accumulated for the process of naturalistic generalisation. Interviews and questionnaires were conducted for the purpose of subjectivity and to avoid bias. Maps, cadastral data, spatial information, journals, reports, newspaper articles, and public books were used as secondary data sources to support the research findings (Denzin and Lincoln, 1998). Three case studies were employed to investigate municipal demarcation.

The three cases are similar in that they all address disputes from rural communities against the demarcation process. In each case study area, social boundary demarcation forms a distinct unit of analysis. To mitigate bias, the use of different land administration tools were employed for analysis and to propose improvements to the demarcation processes.

The criteria used for the assessment of dispute resolutions in land administration are the principles goals of good governance in land administration. The frameworks used as indicators are the 7Es framework and Kotter`s eight stages of change management adopted from Whittal (2008). These frameworks were adapted and modified for each case study as appropriate. The theoretical methodologies framework is underpinned by the philosophical approach of critical realism. It combines interpretivism and positivism as a measure of analysis for the purpose of knowledge creation.

### **1.11 Thesis Structure**

The study is structured around the elements of research for the purpose of effective problem solving (Pelto and Pelto, 1978). In order to address the study objectives and ensure that the research questions are answered in a structured manner, a rational progression approach is used. Below is a brief overview of the chapters to follow:

#### **Chapter One: Introduction and Historical Background**

This is a general overview on the approach and objectives of the research. The research questions are formulated, theoretical frameworks are utilised, the collection and analyses of data sources are described, the scope and constraints are systematically dealt with, and the structure and layout of the research is outlined.

#### **Chapter Two: Related Research**

The existing literature on land boundary demarcation is reviewed and analysed. Further, the goals of good governance, the 7 E`s performance framework and Kotter`s change management techniques are discussed as the framework for this research. Finally this chapter covers the restrictions, restrictions, and responsibilities of the stakeholders when land is demarcated against social boundaries.

Drawing on examples and experience from the literature review enriches the research and justifies the need for alternative frameworks in the administration of land, especially in rural demarcations in South Africa.

### **Chapter Three: Case Study Theory**

The general methodological and theoretical frameworks used in the research are evaluated in terms of their relevance to this research. This chapter discusses critical realism, multiple case studies, qualitative and quantitative methods, and explains what is gained from each approach.

### **Chapter Four: Theory Relating to Municipal Demarcation Disputes and Land Administration**

This chapter discusses research frameworks on rights, restrictions, and responsibilities (RRRs), and the goals of good governance. Dispute resolution frameworks such as the Land management paradigm, 7 Es performance measurement and Kotter's eight stages of change management are covered to offer support to the goals of good governance.

### **Chapter Five: Research Methodology**

This research was carried out using several tools, techniques, and methodologies. These include the mixed-methods approach, multiple sources of data, and analysis frameworks. The mixed methods approach also underpins the theoretical framework of chapter two and three.

### **Chapter Six: Boundaries and Governance in South Africa**

Chapter six consists of three parts. The first discusses the structures and processes of municipal demarcation and the effects they have on local governance. The second examines the effect of national land administration policies on municipal legislations. Lastly, it looks at the influences on and contributions to the current governmental structures regulating the administration of land.

## **Chapter Seven: Narrative of the Case Studies**

In this chapter, the stories of the three case studies are told. It allows for a holistic view of how the events of municipal demarcation and the proceedings resulted in disputes. The design, challenges, goals, execution, and performance measures are all part of the content of this chapter.

## **Chapter Eight: Analyses of Municipal Re-demarcation Processes**

Chapter Eight analyses the capacity of land administration systems for demarcation of municipal boundaries. The analysis is based on the indicators developed in chapter four. The process of land demarcation is assessed against the 7Es performance measurements and Kotter`s eight stages of change management. The demarcation processes in the selected case studies are cross-analysed and compared against the RRRs as well as the goals of good governance.

## **Chapter Nine: Conclusions and Recommendations**

In the final chapter, conclusions are drawn based on the findings and the analysis in chapter eight. The approach is based on the information acquired from the literature and is supported by the interviews and the field work carried out. The recommendations aim at finding possible solutions to the problems outlined in this thesis and developing ideal processes for municipal land demarcation.

## **1.12 Validity of the Research**

The trustworthiness of the research is related to validity and generalisation. The research is valid because of the range of case studies, with multiple data collection which are analysed using a common analytical framework (Robson, 1993).

## **1.13 Research Scope**

The scope of the study is limited to:

- Identifying the common courses of disputes against the rural municipal boundary demarcation.
- The analysis of cross border rural municipal boundary demarcation.
- Dispute resolution mechanisms that may mitigate boundary demarcation disputes.

## **1.14 Summary**

This research is intended to identify the nature of the problem against acceptable characteristics. It evaluates the mechanisms used in the land demarcation of each case study, paying close attention to boundaries that split rural communities. The aim is to identify suitable means and applications of frameworks to achieve sustainable development in the process of land demarcation in South Africa.

## 2 Chapter 2: Literature Review

### 2.1 Introduction

The previous chapter provided an overview on municipal demarcation. The challenges of municipal demarcation were recognised, questions were asked and possible goals were identified. This chapter discusses the literature that is relevant to the research questions. In chapter three and four, the theory of the specific adopted frameworks will be discussed. This literature review explores the impact of land boundary policies and legislations on the population and the efforts of the government to resolve the consequent disputes. It explores the findings of researchers who have used multiple case studies and mixed methods to acquire and analyse data in land management and cadastral reform. A range of frameworks are identified to measure performance, including change management and the goals of good governance in land administration. The land management paradigm is identified as an approach to viewing ownership in a way that includes the rights, restrictions and responsibilities (RRRs) framework in land management.

### 2.2 Research Methods

#### 2.2.1 Case Study Research in Land Administration

Case studies are an inquisition into a real life phenomenon when the extent of the phenomenon is not clearly manifested (Yin, 2003). Williamson and Fourie (1998) use case study research to investigate cadastral reform. Zevenbergen (2002) and Williamson *et al* (2010) note that case study research on land administration has shifted from being purely technical toward demonstrating social, political, institutional, and economic effects. It has become an erroneous trend to apply a concept that was successful under foreign conditions and to expect the same success in a jurisdiction of different origins (Zevenbergen, 2002). Williamson and Fourie (1998) argue that cadastral reform projects are most often embarked upon with insufficient understanding and sympathy toward the affected population.

For these reasons, cadastral reform projects should ideally be approached using case study methodology and be supported by the three stage structure i.e., social structure of the people, culture of the country and legislation (Williamson and Fourie, 1998). It is also vital to address legal, institutional, social, economic and political issues (*ibid*). Furthermore, the use of case studies is recommended to understand components such as the registration of customary land, weak cadastral systems, and the social, economic, political and cultural background (Williamson and Fourie, 1998). Iatau and Williamson (1997) successfully used case study methodology to study the application of cadastral systems reform in Papua New Guinea.

Case study research may consist of a single case or multiple cases (Yin, 2003). Several researchers (Ting, 2002, Park, 2003, Streudler, 2004) have used multiple case studies in cadastral research. Park (2003) focused on changes in land boundaries in the context of mixed land ownership types and laws, over different Australian jurisdictions. He selected three court cases on boundary discrepancies and applied the case history to individual jurisdictions to compare different laws in those jurisdictions. Valid conclusions may be drawn based upon differences and similarities among the multiple cases (Hunter, 2004). Rakai (2005) used a multiple case study approach to study aboriginal communities in the province of British Columbia, Canada. He used social and political frameworks of land tenure to devise alternative land tenure models that successfully address the local needs of aboriginal communities. For all of the above-mentioned researchers, multiple case studies were the favoured approach to cadastral systems research because they represent a deeper understanding of the research context.

On the other hand, the single case study approach has also been successful (Whittal, 2008). Whittal (2008) used a single case for the GV2000 project. Griffith-Charles (2004) performed analysis using quantitative methods to assess the impact of land titling and sustainable land registration. She stated that case study research is strengthened by qualitative and quantitative data, including documents, interviews, questionnaires, and observations (Silva and Stubkjaer, 2008). Whittal (2008) agrees that multiple sources of evidence improve the validity of research, following the theory of Yin (2003).

The studies above conclude that the rigorous case study is a suitable strategy in cadastral reform and land administration research. However, it is equally vital to design the case strategy for generalisability of conclusions where possible (*ibid*).

### 2.2.2 Qualitative and Quantitative Methods

Quantitative research strategy uses a statistical approach to produce quantifiable objectives that can be used for the generalisation of data from the sample to the larger population (Creswell, 1994). Alternatively, Griffith-Charles (2004) adds that qualitative research may also be appropriate for researchers who investigate the nature of a phenomenon. However, Lahman and Geist (2008) argue that both approaches may have weaknesses if used alone. A qualitative approach may be sensitive towards biases in the research while quantitative research does not offer sufficient depth in the description of phenomena. Williamson and Fourie (1998) integrate quantitative and qualitative results of a study on the design of effective cadastral systems. They conclude that a combination of qualitative and quantitative approaches in land administration significantly reduces the limitations of only one approach and provides more reliable results.

### 2.2.3 Critical Realism in Land Administration

Economics, ideological change, politics, and technology all use critical realism as an approach to philosophical analysis (Razin, 2000). Lawson (1997) expresses the usefulness of critical realism for economics, while Fleetwood and Ackroyd, (2004) recommend critical realism for management and organisational research. Several other researchers (Danermark *et al*, 2002, George and Bennet, 2005) also support the usefulness of critical realism as a theoretical framework in social sciences.

Critical realism combines the philosophy of science with the philosophy of social science to create an understanding of both the natural and social worlds (Archer *et al*, 1998). Whittal (2008) adopts critical realism from Minger (2006), where it is used for explanatory research along with “hermeneutics and phenomenology”. In 2008, Whittal concluded that critical realism is an appropriate theoretical framework for use in cadastral systems research.

Whittal (2008) for example, in the case study of the GV 2000 project, employs critical realism as a theoretical framework in fiscal cadastral system research in order to cross over between natural and social science traditions and to allow for multi-method approaches. Hunt (1991) also concluded that critical realism accommodates generalisation in case study findings by making use of a mix of methodologies. Critical realism will be explained further in chapter 3.

## **2.3 Land Disputes**

### **2.3.1 Concept of Land Disputes**

Land dispute is defined as the disagreement between two or more parties with different interests over the same piece of land with respect to rights to land, right to manage land, and the right to use land (Yoder, 2003). The root causes of disputes must be identified as they are fundamental to understanding the consequent complexities (*ibid*). Wehrmann (2008) is of the view that land litigants often experience economic setbacks leading to social instability. This may eventually lead to violent outbreaks (*ibid*). This violence may however be an engine for change, leading to positive changes in policies.

### **2.3.2 Boundary Concept in Rural Areas**

Boundaries on communal land are not usually physically identified, thus creating ambiguous boundary identification in rural areas (Pienaar, 1999). Land boundaries are defined as lines between village spaces which are viewed as a connection or opening instead of a restriction (Lima, 2003). Idelman (2009) explains that even though it may appear that land boundaries are not well-demarcated or recorded, they are nonetheless well-known by the villagers. Land boundaries in rural communities are also linked to historical alliances and social status (*ibid*). Lima (2003) concludes that a land boundary in a rural community is a balance between defining a community's identity in relation to land and the freedom to exercise the community's growth within their own boundaries.

### 2.3.3 Social Boundaries

Social boundaries are formed and maintained to reflect a communal space among people who live together (Maharaj, 2002). They create regional identity and social togetherness within a community. These social boundaries are often not tangible as they create a sense of belonging in the community within their boundaries (Khumalo, 2011). The village homesteads are not arranged in any systematic layout thus forming a dispersed pattern. This makes it difficult for outsiders to clearly identify the extent of their social boundaries (*ibid*).

Nel and Engelbrecht (2011), report that information on rural communities is generally obtained via remote sensing. This may result in numerous data gaps and uncertainties since spatial images cannot sense social fibre (*ibid*). In conclusion, Idelman (2009) expresses concern over the inconsistency between social and municipal boundaries.

### 2.3.4 Creating Municipal Boundaries in Rural Areas

If a government can successfully transform and decentralise, successful demarcation of traditional land should also be possible (Luquiou, 2002). Idelman (2009), postulate that consultation with rural authorities that hold traditional land rights is a required first step for effective demarcation of traditional rural areas.

When marking boundaries on the ground, it is important to maintain existing management systems and power relations by aligning political boundaries with social boundaries (Lima 2003). Lemmen (2012), comments that when communal land is inconsistent with the cadastral system, an amalgamation of the urban and rural areas can be difficult. However, physical markings will be accepted over time and form part of the land boundary system (*ibid*). Physical demarcation cannot happen without assistance from rural communities on the extent and position of its territorial boundaries (Lima, 2003). Idelman (2009) shows that an appropriate strategy to create boundaries is to draw them on a map instead of marking them on the actual ground as in the Department of Decentralisation and Institution Reform did for rural municipalities in Mali. The reason given is that disputes often arise when outsiders attempt to identify community boundaries (*ibid*).

### 2.3.5 Causes of Land Disputes

In Latin America, some boundary and territorial disputes have continued since the 19th Century and remain unresolved (Yoder 2003). Fierce boundary disputes currently affect ten of the nineteen independent countries of South and Central America (*ibid*). Although land is usually the central object of these disputes because it is a major source of livelihood and an economic asset (Griggs, 1998), the causes of land conflict do not always result from land or natural resource issues (Yoder, 2003). Land is also closely allied to local history, culture, and community identity. Attending to the range of land grievances is essential in developing a sustainable platform for peace (*ibid*).

Land disputes are also caused by political differences between neighbouring communities (Yoder, 2003). By not using the components of good land administration systems land conflicts may be caused (Wehrmann, 2008). Some researchers (De Villiers, 2009, Naidu and Narsiah, 2009), state that common causes of land conflict that lead to violence are closely related to processes of social discrimination, political exclusion, and economic marginalisation. However, De Villiers (2009) posits that in South Africa, violent disputes persist in some municipalities such as Matatiele, Merafong, and Moutse Municipalities because of a lack of consensus with government and a failure to reach mutual understanding. Government stubbornly defended their decision to incorporate the Merafong into the North West Province (Mavungu, 2011). However, the Merafong communities stood firm and were united in declaring their right to be part of the Gauteng Province (*ibid*).

In South Africa, many disputes arose with the policy turn-around by government amendments in the passing of legislation without consulting affected communities (Mavungu, 2011). Cases of provincial demarcation show that the government generally does not prioritise sustainable performance frameworks when implementing policy (Griggs, 1998). Judging from the cases in Matatiele, Merafong and Moutse it is likely that the notion of good governance will remain far-fetched as long as officials do not take the voices of the communities into consideration when they make decisions and pass legislation. Griggs (1998) adds that procedural shortcomings have now resulted in problematic demarcations that require interventions.

South African land disputes have gone as far as the highest court in the land, namely the Constitutional Court, to resolve the disputes (De Villiers, 2009). There have also been several outbreaks of sporadic violence (Mavungu, 2011). Apart from loss of life, the violence resulted in millions of Rands of damage to public and private properties, deterioration in service delivery, with a consequent decline in municipal service payments. Furthermore, the unrest had a heavy impact on local businesses, with consequent increase in unemployment. The scenes of riots were reminiscent of the apartheid era and were widely broadcasted by the media (Johnston and Bernstein, 2007). To avoid this unnecessary loss of life and property, boundary creation and boundary identification clearly require focused research.

## 2.4 Dispute Resolution Mechanisms

Conflict prevention structures are designed to anticipate and prevent conflicts before they escalate. An interest-based process approach is required to allow for the involvement of all affected parties and reduce the number of appeals and future conflicts (Ury *et al*, 1993). Lemmen and Van Oosterom (2006) developed the Social Tenure Domain Model (STDM) as a means of improving security of tenure. They believe that this model caters for all land titles and it is therefore regarded as a tool in dispute resolution processes. Those responsible for demarcation should be alert to the early warning signs of impending dispute (Jeong, 2000). Cloke's (2001) research confirms this conclusion and adds that it is best to avoid power-based and rights-based processes as these will result in a win-lose or even lose-lose situation.

Secure access to land is the basis for lasting solutions to poverty and hunger (Phann, 2005) but land use planning in rural areas is obviously impossible before land disputes are settled (*ibid*). In Cambodia Phann (2005), states that a Cadastral Commission was established in 2002 as a tool to address disputes over unregistered land. This process has created a fair and equitable means of resolving land conflict among the people of Cambodia. Modern Geographical Information System (GIS) were used in Tanzania to help resolve land boundary disputes (Wehrmann, 2008) The visualisation of boundaries and land features using GIS helps rural communities to understand and identify the land boundaries (*ibid*).

Wehrmann (2008) is in agreement with Paudal and Sharma (2006) as well as Yoder (2003) in that the process of land dispute resolutions requires the involvement of the communities affected in the disputes. Wehrmann (2008) adds that the district authorities together with the villagers develop management plans for economic and social development of the areas. To strive for sustainable economic and social development in rural areas, land administration is vital for dispute resolution (*ibid*).

## 2.5 Land Administration

Land administration is the process of determining, recording, and distributing information on land, including land ownership, rights, values, and the use thereof. Enemark (2005) explains that land administration needs to be carefully managed to maximise the social, economic, and environmental outcomes. Van der Molen (2002) emphasises that the activity of land administration is a facility for the achievement of land use goals.

Land management includes land tenure, regulation of land use, and the consequent creation of wealth (Dale and McLaughlin, 1999). Ting and Williamson (2000) argue that a paradigm shift in land administration will have an effect on the social, cultural, historical, economic and technical aspects of society. Land administration will evolve to play a social role in contributing to good governance and in turn enhance the quality of life for all citizens (Ting and Williamson, 2000). Williamson *et al* (2010) claim that internationally, land management has evolved from a focus on core land functions to an integrated land management paradigm devised to support sustainable development. Ideally, Land management systems should enhance the social, economic, and environmental interests of a population and be synchronised with the protection and development of land (*ibid*). To achieve this goal, Enemark (2005) declares that suitable frameworks (such as the Rights, Restrictions and Responsibilities framework) for land management need to be developed and implemented.

### 2.5.1 Restriction of Land Rights on Traditional Rural People

Ntsebeza (2003) declares that municipal demarcation can hamper the rights and responsibilities of traditional leaders. Transfer of power and authority occurs when national government transfers some responsibilities to local government (*ibid*).

In addition, Ntsebeza (2006) argues, this can result in local government being accountable to national government instead of the communities they serve. The municipal boundary demarcations can end up compromising the rights and responsibilities of traditional leaders with regards to land (*ibid*). Ntsebeza (2006) points out that there is a clear urban-rural divide in land administration.

### 2.5.2 Urban and Rural Land Administration Systems

Mamdani (1996) explains that the apartheid strategy of “divide and conquer” enforced division along the rural and urban divide and this has been inherited by the new democratic South Africa. Ntsebeza (2003) raises the question of how to effectively administer land in rural areas so it is at least as successful as land administration in urban areas. Ntsebeza (2006) concludes that the issue is whether rural communities should continue to be subjects under unelected traditional authorities or whether they should be part of a national community as equal citizens of a democratic state.

### 2.5.3 Duality of Systems

Cousins (2010) agree with Mamdani (1996) that the current land tenure system in South Africa is characterised by duality of authority. The formal land administration system is legislated and works well in the urban context, but in the rural areas, it needs to accommodate traditional values. Since democracy in 1994, all citizens have the right to select their leaders (Ntsebeza, 2003). Democratic decentralisation occurs when powers and rights, responsibilities, and restrictions are transferred downward to authorities who are accountable to local populations (Agrawal and Ribot, 1999). Although the election of local municipal officers underpins democracy, traditional authorities still exist in many rural areas of South Africa (Ntsebeza, 2006).

These traditional leaders are appointed by lineage rather than elected democratically (*ibid*). Consequent contradiction at local authority level has a negative impact on rural land administration (*ibid*). However, simply replacing traditional land tenure with registered forms of property ownership is usually not workable (Sjaastad and Cousins 2009). Recognising and securing communal land policies instead of the private tenure system is a more suitable means of policy change in land administration (Cousins, 2008).

Furthermore, Cousins (2008) emphasises that the core issues in the reform of land administration are the subject of authority in land matters, and finding apt frameworks for land administrations.

#### **2.5.4 Place for Customary Law in a Democratic State**

Rural communities are faced with the dilemma that their land is nominally owned and still controlled by the State. The representative traditional leader manages the land occupied by the rural people (Wicomb and Smith, 2011). Therefore different and sometimes opposing institutions of authority are mandated to control the administration and development of “state land”. The approval of the Minister of rural development and Land Reform is required any land development. However, Wicomb and Smith (2011) explains further that to deal with this rural land matters, the South African legal framework allows traditional leaders a certain degree of judicial, legislative, and administrative power over their communities. Wicomb and Smith (2011) conclude that this is an example of the duality of governance between customary and legal ownership. Although the South African government has attempted to acknowledge the existence of traditional leaders in a democratic government setup, the responsibilities, roles, and functions of traditional authorities are not clearly specified (Mamdini, 1996).

Municipalities also define limits to activities in urban areas. However the national control of communal land by the government is as much of an issue as the interventions of municipalities. There are therefore multiple parties that are overlapping to control the administration of communal land (Mamdini, 1996).

#### **2.5.5 Rights, Restrictions, and Responsibilities (RRRs) in Land Administration**

Land rights are defined as the activity that involves ownership and tenure (Enemark, 2007). Enemark (2007) and Bennet, (2006) agree that restrictions relate to the use, activities, and control over land, and responsibilities are concerned with social and ethical attitudes toward sustainability. Bennet *et al* (2005) and Kalantari *et al* (2008), mention that since land administration systems are often diverse, the RRRs framework is required for land subsystems to focus on land development, but is not an end solution to sustainable land management.

Land administration involves the processes for land distribution and can lead to improved systems of land rights, land restrictions, and responsibilities in communities (Williamson *et al*, 2010). Thus rights, restrictions, and responsibilities (RRRs) which relate to people, policies, and places should form the basis for a successful land administration system (*ibid*).

Bredden (2007) examines the spatial definition of the RRRs. A study carried out in Queensland has shown that an increase in government control has resulted in a decrease of traditional property rights (*ibid*). This investigation revealed inconsistent results when RRRs were applied across different environments. The increase in legislation creates a need for revised RRRs (Bennet, 2006). All land administration systems should be guided by RRRs however practical frameworks of RRRs need to be selected for individual cases (*ibid*). This implies that the RRRs framework is generic in nature but can be complex if it is not administered for a specified purpose (Bennet, 2006). Future focus using a RRRs framework in South Africa should include specifically designed administrative systems (*ibid*). Existing RRRs frameworks in turn require holistically integrated management systems for sustainable land administration development (ANZILIC, 2011).

#### **2.5.6 Alternative Frameworks for land Tenure Systems**

Western legal forms of property are not feasible for communal tenure systems (Hunt, 1991). Hunt adds that it would be prudent to promote legal recognition of communal land tenure in rural populations. Customary tenure systems are constantly evolving and vary from one community to another (Cousins, 2008). Cousins (2008) concludes that although social and political aspects of land rights often go unrecognised, a large part of the South African population` s relies on traditionally occupied land for their livelihood.

## 2.6 Good Governance in Land Administration

### 2.6.1 Concept of Good Governance

Governance is the procedure of how power is employed in managing countries economic and social resources (Gypong, 2009). Many researchers (Graham *et al*, 2003, Gypong, 2009) emphasise the phrase “power of control” to describe the role of governance over its citizens. Gypong (2009) describes the role of governance as the exercise of political, administrative, and economic management of a country`s affairs. It includes the institutions and processes that allow the citizens to express their legal rights and interests in a democratic state (*ibid*).

Punyaratabandu (2004) defines good governance as the mechanism by which power is applied to manage a country`s economic and social resources for the formulation and implementation of the country`s development. UN-Habitat (2007) states that to define good governance is to test the degree to which it delivers on promises of economic, political, social, cultural, civil, and human rights. Good governance is about transparency, equitability, participation, equality and effectiveness (Thomas, 2010, FAO, 2007). It can signify a paradigm shift when a government become democratic for the first time (Marc *et al*, 2002). Williamson *et al* (2010) claim that the mechanism of good governance should be applied to address effective land administration systems in rural areas.

### 2.6.2 Good Governance in Land Administration

Land administration systems globally are faced with developments that impact on the management and use of land (Williamson *et al*, 2010). The need therefore arises for the introduction of good governance in land administration systems (*ibid*). This requires participation of all the stakeholders involved (FOA, 2007). In addition, Zekout *et al* (2006), Bell (2007), and Pienaar (2009) hold that good governance in land tenure and land registration will assist economic development, benefit poor societies, increase service delivery, improve the protection of land and resources, and prevent land disputes. Williamson *et al* (2010) and Samsudin (2011) claim that good governance is vital in providing an effective land administration system and comprehensive land tenure, and that it is a mechanism that can avoid the development of weak governance.

### 2.6.3 Weak Governance

Weak or poor governance policies and frameworks are translated as unsuccessful governance (Ray, 1999). Public resources can be channelled into private benefit while neglecting priorities for development (the essence of corruption), and procedures become inconsistent (*ibid*). Weak government practices inevitably lead to unsustainable social development (social behaviour), strain on economic development, and environmental degradation (Sewornu, 2010). Williamson *et al* (2010) agree that unsuccessful land administration will result in the neglect of procedures, overlapping regulations, increase in conflict, and creation of weak rules and regulations. Samsudin (2011) explains that to ensure the qualities required for good governance in land administration, all stakeholders in government practices need to contribute their skills and competencies. To measure the extent to which this is happening, and to maintain consistency and accountability, there needs to be at least a qualitative indicator of good governance.

### 2.6.4 Indicators of Good Governance for Land Administration

Many authors (Zekout *et al*, 2006, Kaufmann *et al*, 2007, Denienger *et al*, 2010, Williamson *et al*, 2010, Whittal, 2011, Samsudin, 2011) have applied principles of good governance to address the performance of land administration systems and land management. Other researchers (Zekout *et al*, 2006, UNDP, 2006, UN-HABITAT, 2007, FAO, 2007) have developed frameworks to highlight the principles of good governance in land administration. The World Bank's Governance and Doing Business Index takes the principles a step further by developing one hundred indicators of six key aspects that relate to political stability, accountability, control of corruption, and the rule of law (World Bank, 2006). Some researchers (Kaufmann *et al*, 2007, Burns and Dalrymple, 2008, Denienger *et al*, 2011, and Whittal 2011) use the principles of governance to assess good governance in land administration. However there are more good governance indicators that may be applied depending on social and government standards (Denienger *et al*, 2011).

For example, Bell (2006) examines the principles of good governance in East Asia to improve governance in land administration. The study records that the application of transparency, responsiveness, and accountability is likely to provide high quality public services.

Bell (2006) concludes that the commitment of government towards change in land administration is more effective than donor pressures. Whittal (2011) states that governmental regime changes have unfortunately left gaps in land administration structures. These gaps are evident in the registration of land parcels. To promote conformity in land title registration and maintain a reliable registration system, successful development of land administration should be guided by the principles of good governance. Indicators of good governance are equity, participation, protecting the environment, pluralism, accountability, transparency, eradication of poverty, gender equality, and the provision of sustainable livelihoods (Samsudin, 2011). Zekout *et al.*, (2006), UN-HABITAT (2007), FAO (2007), and Whittal, (2011) conclude that the principles of good governance which span a range of fields, namely social, personal, technical, and political, are ideals that can also guide and inform the development processes and initiatives of land administration.

#### **2.6.5 Lack of Community Involvement**

The absence of community involvement was prevalent from the outset of the boundary adjustment process in South Africa (Ramutsindela, 2006). The literature on cross-boundary demarcation highlights that lack of community involvement has been the main cause of disputes in South Africa (De Villiers, 2009). Mavungu (2011) states that the government needs to address the basic Constitutional Act No 106 of 1996 regarding community involvement and find the means to rigorously sustain government-community relationships. The issue of community participation has been researched in provincial and local governance (Ambert, 2002, Davids, 2001) and in development and planning (Innes and Booher, 2000) and many attempts have been made to assess integrated development plans (Rauch, 2003). However, there has been little focus on community participation especially on integrated development planning processes for municipal demarcation (*ibid*).

Mavungu (2011) argues that although government planned to consult with communities on decisions affecting them, it failed to hold effective public hearings (*ibid*). While this has led to much loss of trust, this trust may be repaired by simply adopting communication strategies that work (*ibid*). An evaluation of consultation and communication methods as components that make up good governance may be necessary.

Mavungu (2011) concludes that while it is clear that border dissenters are motivated by a desire to secure a better socio-economic future in the province/municipality of their preference, it has emerged that their clash with government reflects conflicting conceptions of regional planning, democracy, and public participation. Whether such clashes will be prevented or better managed in future depends largely on harmonising underlying conceptual antagonism. According to Ntsebeza (2006), the purpose of decentralisation, where the public participates in local decision making, will increase efficiency and equity in the utilisation of public resources.

### **2.6.6 Change Management Frameworks**

Appropriate tools or frameworks are required to analyze and manage change processes in cadastral systems (Barry, 1999). Barry uses Kotter's eight stages of change management framework to assess cadastral systems and finds that the framework allows for a holistic approach in managing change processes to achieve effective management results. Whittal (2008) also promotes the use of Kotter's eight stages as a tool for change management and a means of analysing change processes in cadastral reform. Assessment of performance in land management is required to measure the effect of change management (Whittal, 2008). The change management framework is well formulated for complex reform projects when it is structured to reduce the risk of failure (Whittal and Barry, 2005). Whittal (2008) finds this framework an effective tool for sustained results in reform projects, as used in the GV2000 project where she implemented Kotter's (1996) eight stages for change management. She categorises stages one to four as a means of creating a platform for change to commence. Stages five to seven involves the new systems and processes to be adopted by the organisation, and stage eight involves the work culture adopted by the organisation. Dolny (2001) uses Kotter's eight stages of change management and modifies it to address complex political and social conditions in South Africa. Whittal (2008) along with Whittal and Barry (2005) concur with Dolny (2001) that behavioural and systematic change is required for sustainable transformation. Kotter's eight stages framework is adopted and further discussed in Chapter Three.

## 3 Chapter 3: Theory of Research Methods

This chapter discusses the theories of research methods and theoretical frameworks. These theories include positivism, interpretivism, and critical realism. Possible research strategies, including single case study, multiple cases, mixed methods (qualitative and quantitative), and sources of evidence (data collection), are discussed to determine the most effective means of approaching this investigation.

### 3.1 Theoretical Framework

This research aims to gain knowledge of real world challenges in rural municipal boundary demarcations. In achieving this aim, the philosophical approaches of positivism, interpretivism, and critical realism are assessed and scrutinised to choose which are suitable for this investigation.

Whittal (2008), states that the aim of theoretical frameworks is to investigate a means of knowledge creation (epistemology), and to provide an overview and understanding of the research ontology (perception of reality). Municipal boundary demarcation has affected rural communities socially, economically, and politically and have been met with much discontent (Maharaj, 2002). This research therefore adopts these frameworks to better investigate and develop processes to the discussion of positivism, interpretivism, and critical realism. Explored below is the suitability of these philosophical frameworks to find ways of addressing and avoiding disputes over land demarcation.

#### 3.1.1 Positivism

Positivism declares that natural science is the exclusive source of true knowledge and rejects any philosophical studies (Kaboub, 2008). It is the methodological approach to understanding phenomena based on scientific methods. Since logical reasoning also identifies a link between multiple events happening concurrently (Hume, 1993), positivism is considered the best approach in knowledge (epistemology) about reality (Kaboub, 2008). However positivism is feeble in terms of understanding social relations as it does not attribute social meaning to the perceptions of people (*ibid*).

Positivism leans toward quantitative methodology (Denzin and Lincoln, 1998). The use of maps and spatial data to identify disputed areas or the extent of municipal boundaries rely heavily on geographic and cadastral data (Khumalo, 2011). Positivism advocates that there is an autonomous means of finding solutions and excludes speculation about the ultimate course (Kaboub, 2008). It is a logical approach that has a beginning and an end and places emphasis on the experimental research environment (*ibid*). However, the pure positive view (sometimes called the received view) is no longer suitable in the social sciences as it struggles to deal with focused case study research (Denzin and Lincoln, 1998).

Because the issues in this research include facts such as cadastral boundaries, community settlements, the extent of disputed areas, and the position of municipal boundaries, a positivist approach is necessary. However, this research is also localised around social issues of the real world. Positivism leans toward quantitative methodology (Denzin and Lincoln, 1998). Therefore the use of maps and spatial data to identify disputed areas or the extent of municipal boundaries rely heavily on geographic and cadastral data (Khumalo, 2011). Positivism advocates that there is an autonomous means of finding solutions and excludes speculation about the ultimate course (Kaboub, 2008). It is a logical approach that has a beginning and an end and place emphasis on the experimental research environment (*ibid*). However, the pure positive view (sometimes called the received view) is no longer suitable in the social sciences as it struggles to deal with focused case study research (Denzin and Lincoln, 1998). Because the issues in this research include facts such as cadastral boundaries, community settlements, the extent of disputed areas, and the position of municipal boundaries, a positivist approach is necessary. However, this research is also localised around social issues of the real world will be used together with other approaches as described below.

### 3.1.2 Interpretivism

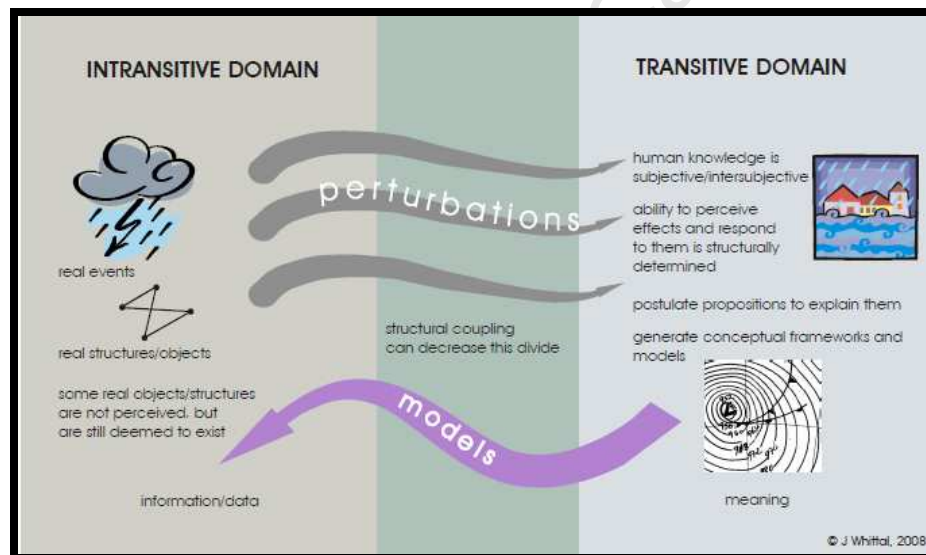
Interpretivism is a concept that centres on the various ways that one makes sense of reality. It maintains that all knowledge is socially constructed (Tones and Green, 2005). Interpretivism is based on three principles; namely consciousness (being aware of ourselves and our relationship to others and objects), action (the behaviour and choices made in different situations), and unpredictability (something is unexpected) (Livesey, 2006). Interpretivism does not find answers objectively but rather through subjective experiences (Johansson, 2003). It is a means of creating and recreating a social system. The interpretive approach relies on situation-specific input to guide the path of the research (*ibid*). This form of anti-positivist method works in an indefinable environment and leans towards adding meaning but depends on persons, surroundings, and time (Kasi, 2009).

The thoughts, behaviours, and actions of people or communities are unpredictable. People make choices regarding how to behave in various situations (Denzin and Lincoln, 1998). This type of sociology cannot be studied through positivism. Interpretivism is always relative and allows for facts about people's various behaviours in various situations to be interpreted (Johansson, 2003). It assumes that we as people act in a situation and make sense of what is happening based on our experiences of the situation and the expectations we have (Krauss, 2005). This means that reality is interpreted and understood differently by different individuals (*ibid*).

Interpretivism shows meaning in the minds of others and describes how they achieve those meanings (Krauss, 2005). This study reflects on peoples past experiences, i.e. apartheid segregation, and the expectation of rural initiatives as part of the de-centralisation policy and processes. Consequently, there is a lot of misapprehension between different stakeholders in the context of municipal boundary disputes (Mavungu, 2011). Interpretivism is useful for this research because it can find meaning in disputes and identify possible solutions.

### 3.1.3 Critical Realism

Critical realism allows both positivist and interpretivist methods (Archer, *et al*, 1998). It is observed as “value-free” in a positivist study and “value-laden” in interpretive research (Krauss, 2005). Critical realism is value-consciousness of the human system and the investigator (Bisman, 2002). Critical realism recognises that perceptions are flexible (Krauss, 2005). Therefore it can accommodate disparities between world reality and social perceptions of reality (Bisman, 2002). Critical realism hypothesises the world as consisting of two structurally coupled arrangements, namely transitive and intransitive domains (Minger, 2006). The transitive domain consists of observations, insight, connotations, conceptions, and the modelling of phenomena, while the intransitive domain consists of actual structures such as objects, structures, data and events (Figure 3.1). Observers in the transitive domain have no access to the real world of the intransitive domain, and may only postulate its existence through observation of perturbations in the transitive domain. These transitive and intransitive domains are illustrated in figure 3.1 below.



**Figure 3.1 Concept of Critical Realism (Whittal, 2008)**

Figure 3.1 also illustrates the relationships and interaction between the transitive and intransitive domains. Critical realism can thus be understood as a form of dualism in that there is no complete independence between the observer and the observed (Mingers, 2006).

With critical realism, findings are “value negotiated”, meaning that the biases and awareness of the inquirer influence the inquiry itself. In critical realism, this relationship between the investigator and the object has a major bearing on knowledge formulation. Critical realism maintains the reality of the world and acknowledges that the knowledge gained from observations is socially and historically influenced. Therefore critical realism is a suitable application in this research because the study of people and communities requires a multi-paradigm approach during the analysis of data (Mingers, 2006).

### 3.2 Case Study Strategy

Case study research strategy is described “as an empirical inquiry that investigates a contemporary phenomenon within its real-life context”. It is especially useful “when the boundaries between phenomenon and context are not clearly evident and where multiple sources of evidence are used” (Yin, 2009, p18). If the research is based on persons, processes, events, institutions, communities, and other phenomena, a holistic investigation is required, and a case study methodology may be most suitable (Whittal, 2008, Neale *et al*, 2006). Case study is a strategy for the provision of understanding and giving direction to solutions instead of offering perceived solutions to problems (Neale *et al*, 2006). In this way, case study research is designed to address “how” and “why” questions (Yin, 2003) which attempt to lead to understanding and also pursue reasons for the occurrence of certain events (*ibid*).

A case study can be reflected in a narrative about something special or interesting (Whittal, 2008). It tells the story behind the problem, and highlights the case’s complexities, challenges, difficulties and successes (*ibid*). This research study requires a multidimensional approach as information needs to be sourced from various informants with diverse backgrounds. Understanding will develop from the array of information, personal stories, and analysis. In this research the case study narrates a series of events and decisions made on behalf of rural communities. It relates to the events that occurred (Naele *et al*, 2006), the success or failure of outcomes, and also speaks to the origins of the factors that resulted in disputes. This case study allows for the development of processes that may contribute to finding resolutions to the disputes, as well as for possible solutions to the issue of municipal demarcation disputes in rural communities in the future.

### 3.3 Classes of Case Study

Yin (2003) identifies three specific types of case studies, namely exploration, explanatory, and descriptive. On the other hand, Stake (2000) classifies case studies as intrinsic, instrumental, and collective. These types of case studies are discussed below.

#### 3.3.1 Exploration

The exploration approach assists in preparing the framework of the research and the protocol adopted. In a research situation where there are no clear sets of outcomes the case study is designed to explore the situation (Yin, 2003). This exploratory approach is more suited to single case studies where there are no previous theoretical outcomes (Zainal, 2007). Exploration opens up the phenomenon and identifies points of interest (*ibid*). This facilitates further investigation into the phenomenon.

#### 3.3.2 Explanatory

An explanatory case study is sometimes considered a pilot study (Yin, 1984, McDonough and McDonough, 1997). Explanatory case studies may be used for more in-depth investigations (Yin, 2003). They carefully examine the data to extract details of the phenomenon (*ibid*). From an explanatory case study approach, the researcher may form theories about the phenomenon which can then be tested (McDonough and McDonough, 1997). However, an explanatory approach can also be deployed for causal studies. Pattern-matching can be used to investigate multivariate and complex cases (Zainal, 2007). In this research, specifically in the evaluation of disputes, the explanatory approach could link programme implementation to process (Yin, 2003).

#### 3.3.3 Descriptive

Descriptive case studies are used to describe the natural phenomena from the observed data. They describe different strategies used by the researcher and allow the reader to explore how they may be used (Zainal, 2007). When using a descriptive case study the researcher starts with a descriptive theory to support the actual description of the phenomenon. Replication and hypotheses comparison is advisable to expand the rigour of the descriptive theory (*ibid*).

### 3.3.4 Intrinsic

In an intrinsic case study, a researcher examines the case for its own reasons in order to understand the phenomenon for him/herself (Zainal, 2007). This method is not commonly utilised because it illustrates the sample case and not the study in question (Stake, 2000). It is not recommended for the activity of theory building.

### 3.3.5 Instrumental

An instrumental case study approach allows the researcher to examine certain behaviours and patterns by selecting and testing a small group of subjects (Zainal, 2007). This approach illustrates the issue in order to refine the theory (Yin, 2003). It facilitates and supports the main issue by using it to understand other issues. Instrumental case studies assist the researcher to pursue external interests by scrutinising the detail and ordinary activities of each case in-depth (Zainal, 2007). An example of applying this approach is for the researcher to examine certain behaviours and patterns by selecting and testing a small group of subjects (*ibid*).

## 3.4 Collective Case Study Approach

A collective case study approach is used for the generalisation of collected data. Data from several different sources are collected and co-ordinated, and then generalised hypotheses are formed (Zainal, 2007). Since this research involves similar multiple case studies in nature (Yin, 2003), collective case study will be appropriate.

All of the above case study classes may be either single case or multiple case studies (Zainal, 2007). In this research a descriptive and explanatory approach are appropriate. Case study strategy has been criticised for its lack of robustness, therefore it is vital that a thorough case design is carried out early in the study (Yin, 2003). Single case or multiple case studies can be adopted depending on the research. When the case is unique and there are no other cases available for replication, single case design can be adopted. However, multiple case studies yield more reliable conclusions (Yin, 2003).

To strengthen the validity and reliability of this research and since there are a variety of similar cases on municipal demarcation, this research adopts a multiple case study design

### 3.4.1 Single Case Study

In single case study design only one case is selected for investigation. Single case studies are suitable for criticising and evaluating well-formulated theories. The aim of using a single case study approach is to present a pure description for understanding the case and therefore contributing to knowledge. The case is either unique, or may provide a revelatory case for discovering aspects of issues previously inaccessible to investigation (Yin, 2003).

The single case study does not lend itself to generalisation and as already mentioned, it has been criticised on the grounds that it lacks rigour, however it leans toward naturalistic generalisation (Whittal, 2008). Single case studies are often used where phenomena are limited to a single event. The shortcomings of single case studies lie in its failure to provide generalisable conclusions, especially in rare events. Since there are opportunities for the study of multiple cases in this research, a single case study strategy will not be adopted.

### 3.4.2 Multiple Case Study

The evidence created from multiple case study research is considered reliable and robust (Yin, 2003). Multiple case studies allow for the replication of cases, employing the research data gained from cross-case analysis (Yin, 2003). When using multiple case studies, the approach is to provide a detailed narrative of each case, then to present the themes, and then followed by thematic cross-case analysis (Harling, 2002). After this interpretive stage the researcher records the lessons learned from the analysis (*ibid*). It is vital to decide the number of cases for the research in accordance with rigorous design criteria (Buabbas and Medjdoub, 2009).

Despite the compelling evidence, multiple case approaches can be difficult to implement. They require extensive time and resources, often beyond the means of the researcher. Furthermore, multiple cases may be difficult to find and this may restrict the effectiveness of cross-analysis (Yin, 2003).

On the other hand, multiple case study research is very effective for real-life events. Multiple sources of evidence allow for data triangulation, thorough replication, and more focused generalisation (*ibid*).

### 3.5 Qualitative and Quantitative Approaches

Qualitative and quantitative approaches to research studies are often used in social research (Buabbas and Medjdoub, 2009). Qualitative and quantitative research may also be employed for different strategies, such as in positivist, interpretive and critical research (Oates, 2006).

#### 3.5.1 Quantitative Approach

Quantitative research is the manipulation and representation of observations (Creswell, 1998). The aim is to explain and describe observations reflected from the phenomena (*ibid*). Quantitative research is used in a variety of fields such as the natural sciences, namely geology, biology, and physics. It may also be defined as social research, but using empirical methods and statements (Sukamolson, 2005). Empirical statements define the case “as it is” rather than how it “should” be. This simply means that empirical statements are expressed in numerical terms (*ibid*).

Quantitative research can be defined as a type of research approach that explains a phenomenon by the collection and analysis of numerical data (Creswell, 1994). It questions the quantities of the phenomena to establish the research numerically (Sakamolson, 2005). Since quantitative research processes require rigid data collection and analysis, they are more likely to lead to objective views of reality (Buabbas and Medjdoub, 2009).

A quantitative research approach to data collection depends mainly on surveys and questionnaires, and therefore the interaction between researcher and participant is often superficial (Denzin and Lincoln, 1998). A quantitative approach will be applied in part in this study.

### 3.5.2 Qualitative Inquiry Approach

Qualitative research may be defined as a type of methodical empirical inquest into meaning (Denzin and Lincoln, 1998). A systematic order of rules established by members of the qualitative research community needs to be followed by the researcher (Shank, 2002). Qualitative research is inclined to give more natural and holistic conclusions to the degree of an issue than in the case of quantitative research (Powell, 1991). The qualitative approach inquiry is grounded in the world of experience. It allows the researcher to try and comprehend how others make sense of an occurrence (Shank, 2002). The approach discloses people's experiences and is more interested in the human aspects of behaviour (Creswell, 1994). Qualitative researchers inquire into phenomena in their natural settings, attempting to interpret events in terms of the data collected from people's understanding and experiences (Denzin and Lincoln, 1998).

The qualitative research approach is an interpretive and naturalistic approach (Denzin and Lincoln, 2000). The researcher explores and understands a central phenomenon (Creswell, 1998) and poses an array of general questions in an attempt to gather a detailed impression from participants in the form of words or images. The researcher then analyses these impressions, resulting in the applicable themes and descriptions (*ibid*). Thereafter, the researcher construes the meanings of the information, drawing on personal expressions and past research (Denzin and Lincoln, 1998). The final report may be adjustable and displays the researcher's biases and judgments (Creswell, 2009). Qualitative research is open-ended, process-orientated and descriptive (*ibid*).

Qualitative research uses a narrative approach to case study research (Schall *et al*, 2002; Huxham and Vangen, 2000). Data is collected via interviews, group discussions, documents, observations, and audio visual recordings (Powell, 1991). This research requires the interpretations of communities, municipal employees, and public servants, and a qualitative approach will allow the researcher the opportunity to consider all the recorded data from the various sources. This study employs a mix of qualitative and quantitative research strategies.

### 3.6 Data Collection

Six primary sources of data are identified in the case study strategy, namely documents, archival records, interviews, direct observation, participant observation, and physical artefacts (Yin, 2003). Some of these sources may not be important to all case studies, however, multiple data sources are essential to a case study strategy because they enhance and improve reliability (Yin, 2003). In table 3.1 below six sources of data are discussed.

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**Table 3.1 Sources of Evidence**

Documents	Books, letters, newspapers, agendas, memoranda, study reports, or any item that can be included in the database are regarded as documents (Denzin and Lincoln, 1998, Yin, 2003). The validity of the documents must be assessed cautiously to avoid inaccurate data being included in the data base (Yin, 2003). A vital use of documents is to substantiate evidence collected from other sources. However it is advised not to solely depend on documents because some documents may not represent the absolute truth (Yin, 1994) and may negatively affect the study.
Archival records	Archival records include maps, charts, service records, client entry records, diaries, survey data, and personal records which may be useful in the research (Yin, 2003). However it is vital that the researcher identifies the authenticity, origin, and accuracy of the records ( <i>ibid</i> ).
Interviews	Interviews are one of the most important sources of case study information (Yin, 2003). There are different approaches to interviewing a participant ( <i>ibid</i> ). It could be open-ended, structured, or focused (Fontana & Frey, 2005). The open-ended interview records the participant's opinion of a phenomenon (Yin, 2003). This could serve to agree with earlier collected data. In a focused interview, the informant is interviewed for a relatively short period and the questions come directly from the case study protocol ( <i>ibid</i> ). The structured interview is most useful in studies of communities where a formal survey is essential. Tape recorders may be a tool to record data, however, consent from all parties is required ( <i>ibid</i> ) Interviews provide qualitative information and are deliberated in a way to address a broad range of research objectives (Denzin and Lincoln, 1998). Some answers from the interviewee may lead to further questions. Interviews often generate a relaxed environment for the interviewee and create freedom to provide personal perceptions and experiences relative to the case (Neuman, 2000). In an interview, the interviewer may likely divert from the original questions or objectives which may miss the goals set by the researcher. However, this is allowed in qualitative research ( <i>ibid</i> ). The interviewees should be encultured into understanding the phenomena and therefore allow the interviewer to be well versed in the subject matter. The informants should also be currently involved in, or influenced by the subject matter. Lastly, the interviewees must be willing to be interviewed.
Direct observation	Direct observation in a case study occurs when the researcher makes a field visit to collect data. The form of the site visit may be casual or formal, but the trustworthiness of the gathered data is most important. It is best to employ multiple observers to secure the credibility of data. Direct observation requires the involvement of the researcher in a social situation to observe people in the phenomenon (Yin, 2003).
Participant observation	Participant observation allows the researcher to actually participate in the phenomenon being studied. This approach could be used in studies of communities or organisations, and is often used in anthropological studies. Participatory action may result in biases and therefore the data requires extra scrutiny. The use of participant observation techniques will always pose questions on the validity, reliability, and biases of the observer, requiring checks and verification.
Artefacts	Physical artefacts are any physical evidence that was gathered during site visits. Physical artefacts may include a range of items such as artworks, tools, diaries, computer output, and other such physical evidence.

With reference to the sources of evidence in Table 3.1, interviews, direct observation, artefacts, and documents have been deemed appropriate for this study.

### **3.7 Generalisation in Case Study Research**

In case study research, results are either naturalistically, analytically, or statistically generalised (Yin, 2003).

#### **3.7.1 Naturalistic Generalisation**

Naturalistic generalisation in case study research presents a working hypothesis that may be appropriate for the next study if there are sufficient common elements with a previous case study (Gomm *et al*, 2000). The commonality between former and current case studies are judged by the researcher armed with detailed case study descriptions (Yin, 2003).

Generalisability of findings is dependent on similar findings in the other cases (*ibid*).

Identifying the relevance thus becomes common sense reasoning (Gomm *et al*, 2000).

Naturalistic generalisation depends on a comprehensive case study narrative through which the researcher develops an understanding of the case (Yin, 2003) and may allow for a degree of bias and error in the generalisation process (Gomm *et al*, 2000). Naturalistic generalisation is one of the approaches used in this study.

#### **3.7.2 Analytical Generalisation**

Analytical generalisation allows the researcher to expand on and generalise theories (Yin, 2003). Multiple cases are used to test an existing theory and hypothesis (Denzin and Lincoln, 1998). If the cases support the theory, replication may be claimed (Yin, 2003). If this rebuts alternative theories, generalisable conclusions can be drawn relating to the usefulness of the theory (Whittal, 2008). Results may be more persuasive if multiple cases support the same theory and equally reject opposing theories (Yin, 2003).

#### **3.7.3 Statistical Generalisation**

In statistical generalisation, conclusions are deduced from empirical data (Yin, 2003). This type of generalisation is often used when doing surveys or analysing archival data and is not always advisable during case study research (De Vaus, 2002).

### 3.8 Summary

This chapter summarises available methodologies and theories that may be adopted to research the effect of municipal demarcation in rural areas. Research strategies such as case study approaches and theoretical frameworks (positivism, interpretivism and critical realism) have been discussed. For this study, a combination of qualitative and quantitative research strategies was argued as being suitable. This multi-methodology strategy gives in-depth understanding of the case and increases the reliability and trustworthiness of the results. Rigorous design of case studies was discussed in the light of generalisation logic. The following chapter will address theory in land demarcation processes and land administration matters.

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## 4 Chapter 4: Municipal Demarcation Disputes and Land Administration

### 4.1 Introduction

Many rural areas in South Africa have been neglected due to complex historical and political reasons. In recent years, rural land disputes have increased, especially relating to issues of land distribution and land administration. The process of democratic decentralisation of government making local authorities responsible for addressing land issues was meant to improve service delivery. However this has been problematic in traditional areas (Maharaj, 2002) because it has created a duality of authority in land administration matters: Traditional leaders in rural areas expect this responsibility to lie with them, as it has been done historically (George and Binza, 2011).

To address these issues of rural land management, a dynamic and creative land administration system is needed. Land administration should promote sustainable development even during changing environments and its success in this regard must be assessed on an on-going basis. To gauge progress and ensure that the goals of service delivery and conflict resolution are achieved, suitable frameworks for performance assessment are required. These frameworks should involve change management, good governance and rights, restrictions and responsibilities (RRRs), and to ensure this chapter provides the background theory of municipal demarcation since it is linked to land disputes. Allied to this are theory and the practise of traditional leadership, dispute resolution mechanisms and land administration. This chapter also explains the relevant theory relating to assessment of good governance, change management and performance measurement theory which is relevant to the process of municipal demarcation.

### 4.2 Municipal Re-demarcation Disputes

In 2005, violent outbreaks broke out sporadically in Gauteng and the North West Province (Johnston and Bernstein, 2007). The unrest was a result of newly created municipal boundaries (Mavungu, 2011). Affected communities were dissatisfied with the position and extent of their boundaries and felt that their voices were not heard by government (*ibid*).

Disputes over municipal demarcation are not exclusive to these two provinces. Disputes against the Municipal Demarcation Board (MDB) still occur in all the provinces of South Africa. Most of these share the common grievance that the demarcation process has not considered the views of affected communities. The most recent incident of violence and looting was over the Sasolburg/Parys municipal boundary in January 2013 (Mthembu, 2013). This study aims to establish the reasons for disputes and find effective means of dispute resolution.

### **4.3 Land Dispute Resolution**

This research is focussed on municipal boundary disputes between the government and its citizens as constitutional principles such as public participation sometimes do not happen (UN-HABITAT, 2007). If unresolved, these disputes may lead to unrest and social breakdown (Mavungu, 2011). Once disputes reach a crisis point, swift resolution may be impossible as it would involve the legal and the institutional frameworks. However, if the dispute is approached and managed properly, it can lead to long term peace and co-operation (Kyem, 2006). There are several conflict resolution processes that may be applied to land dispute issues. Some are listed below in sections 4.3.1 to 4.3.4:

#### **4.3.1 Dispute Resolution by Land Adjudication**

When there is no land registration, land adjudication may be applied. This process is the formalisation of unrecorded proof of ownership into affirmed written statements to be legally recognised and documented as proof of ownership (FIG, 1995). Adjudication defines rights to a land parcel based on available information such as documentation and evidence. Co-operative committees are created to assist in solving boundary disputes by encouraging mutual understanding and agreement. Thereafter the right to the land is registered in a draft register and publicly advertised for public inspection to allow for any objections (UN-HABITAT, 2007). Land parcel adjudication has successfully resolved land disputes and uncertainties regarding land matters and land administration across the globe (Dale and McLaughlin, 1999). Often, land parcels on a map do not correlate with the parcel on the ground (Kyem, 2006).

It is fundamental that survey field officers from government or municipal institutions are available to identify the positions of agreed boundaries and the extent of land rights (*ibid*).

#### **4.3.2 Dialogue as a Dispute Resolution Process**

Mediation is one of the oldest forms of dispute resolution processes and exists in almost every culture (Moore, 2003). It is a structured process involving a third party who strives to be as neutral and impartial as possible leaving the argument to be expressed by the affected parties (*ibid*). Mediation aims to identify the nature of the dispute, assess the options, and assist the stakeholders to resolve the dispute (Loode *et al*, 2008). It is especially useful for matters that are complex or particularly lengthy (Sourdin, 2002). Mediation is interest-based as it includes the emotional content of the conflict and values confidentiality (Avruch, 1998).

#### **4.3.3 Dialogue as a Dispute Resolution Process**

Dialogue reduces intergroup conflict by offering a constructive alternative to confrontation, (Loode *et al*, 2008). It can provide insight into people's values thus improving intercultural sensitivity (LeBaron, 2003). If understanding and empathy can be achieved, there is potential for people to understand each other's differences.

Dialogue is mostly adopted in intergroup disputes and provides constructive communication between the groups in the dispute (Loode *et al*, 2008). They are most successful when they are formal and well organised (Loode *et al*, 2008). Capacity building on information is often achieved during dialogue (*ibid*). Workshops and awareness projects provide understanding of conflict dynamics and also improve communication and dialogue (LeBaron, 2003). At times, a judicial inquiry may be necessary to provide a platform for all voices to be heard (International Alert, 1996).

#### **4.3.4 Customary Local Dispute Resolution**

Customary local dispute resolution processes rely on the wisdom of traditional leaders in the affected communities attempting to resolve disputes at village level (Yoder, 2003).

Formal services such as legal and government interventions are seen as slow, expensive, and inconsistent in delivering favourable outcomes (McWilliams, 2007).

Customary arrangements reflect the values of the communities and offer effective avenues to redress grievances (Loode *et al*, 2008). Traditional leaders call upon land historians, land records, and personal and collective knowledge to address land matters and in many countries governments first encourage local traditional leaders to address conflicts before they are escalated to government institutions to resolve (Yoder, 2003). Even then, the services of traditional leaders are called upon since they are expert witnesses and advisors (*ibid*).

## **4.4 Technical Tools Available for Land Dispute Resolution Processes**

### **4.4.1 Satellite Imagery and Aerial Photography**

Rural maps are often not current or accurate. This may cause inconsistencies and inaccuracies when land management is addressed (UN-HABITAT, 2004). It is vital that strategies are developed to create up-to-date maps in order to address user needs, rapid planning, and land management (*ibid*). Up-to-date mapping information can be obtained from satellite or aerial photographs, participation geographical information systems (PGIS) and participation mapping (Pmapping) capture. These offer evidence of land boundaries and details of social patterns of land use (*ibid*). The imagery is also useful for land use planning. However, satellite images and aerial photography alone are insufficient to address issues of demarcation. Ground-based information provides information on boundaries that are not visible on such imagery.

### **4.4.2 Public Awareness of GPS as a Tool for Boundary Demarcation**

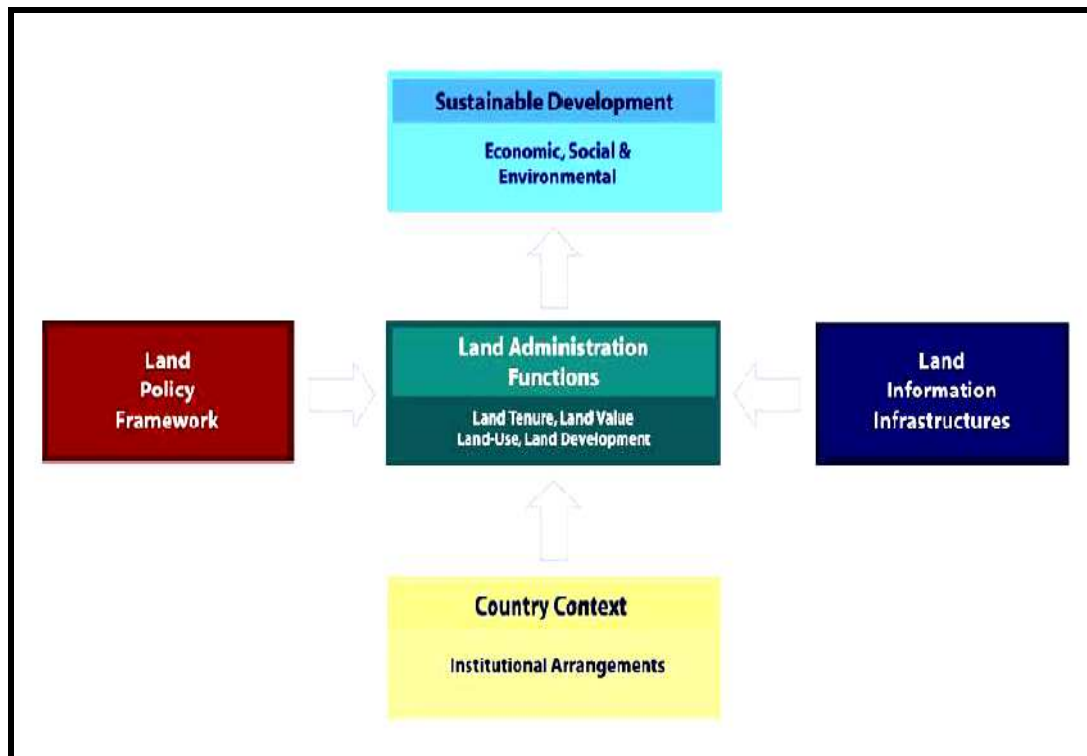
In rural areas many land boundaries are physically demarcated in traditional ways. A rock, a tree, or an artificial marker often signifies a boundary beacon (Owusu *et al*, 2010). When these physical beacons fall away, boundary disputes may arise, especially if there are no records to support their existence (*ibid*). Global positioning systems (GPS) have considerably advanced the means of boundary surveying. Although the survey data is technically accurate, it is important to have all the parties present during a survey process in order for them to identify beacons and agree on their positions (*ibid*). The cutting-edge technology builds a sense of confidence and acceptance by land rights holders and local land administrators (*ibid*).

#### **4.4.3 Using Participatory Geographical Information System (PGIS) to Find a Common Ground in Land Demarcation Disputes**

Disputes over land are a common challenge after government-led land reform (Loode *et al*, 2008). Land disputes are obviously best handled in an environment that minimises emotional pressures and brings down barriers to communication. Ideally, the relevant parties should collect data jointly and share resources and ideas (Kyme, 2006). Participatory Geographical Information Systems (PGIS) make it possible for participants to understand different perspectives leading to a mutually acceptable solution. PGIS is a community-based tool used to bring parties together to pursue common goals and reduce conflict. As the affected parties participate actively in this process, it becomes easier to find sustainable solutions (Kyme, 2006). The PGIS expert motivates parties to learn about the conflict and consider each other's opinions (*ibid*).

#### **4.5 The Land Management Paradigm**

Land management is the manner, in which land is planned, controlled, managed, and transacted (Mahubane, 1998). The land management paradigm is the interaction between land management and land access, recording of rights to land, the development of land, and how land is traded (Rubin, 2008). Figure 4.1 below shows how land management characteristics may be broken down into three activities: land information infrastructure, land policies, and land administration infrastructure.



**Figure 4.1 The Land Management Paradigm (Enemark *et al*, 2005: 52)**

The land policy framework, shown in Figure 4.1 is one part of a government's suite of policies aimed at achieving goals such as socio-economic development, social equality, and political stability (Kalf, 2006). The specific land policies are created to address issues of land use, sustainable land development, environmental responsibilities, land distribution, and the prevention of land disputes (Enemark *et al*, 2005). Information on land delivers the basic organisational infrastructure for running the processes interlinked within the land administration components (Enemark, 2005). The land information infrastructure, also shown in figure 4.1 should be structured in such a way that the relative spheres of land administration are combined to form an easily accessible system of land information (Enemark, 2004). The overall land management paradigm provides an integrated and interoperable role in which land-related data is modelled. This paradigm consists of four types of land administration systems: land tenure, land value, land use, and land development. The main purpose of the land management paradigm is to make land administration more sustainable (Enemark *et al*, 2005).

## 4.6 Land Administration

An important function of land administration is the resolution of conflict over the ownership, use and development of land (Dale and McLaughlin, 1999, Van Der Molen, 2002). It should also facilitate good governance to ultimately enhance quality of life (Enemark, 2005). Land administration is the process where strategies execute land policies within a broader land management system (Enemark *et al*, 2005). Land administration comprises four sub-systems each serving a core purpose, yet interlinked to achieve the same objectives (Enemark, 2005). The interactions between these components are illustrated in Figure 4.2 below.

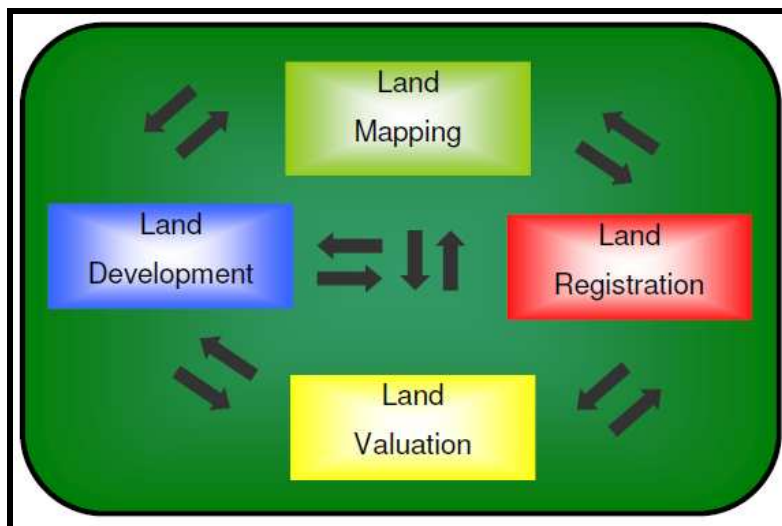


Figure 4.2 Land Administration Components (Enermark *et al*, 2005: 15)

### 4.6.1 Land Registration

Land registration is the legal recognition of land interests (McLaughlin and Nichols, 1989). It is a safe basis for land acquisition whereby the rights of the land are upheld in law (UNECE, 2005). This is known as land tenure security.

### 4.6.2 Land Valuation

Land holders are taxed according to the value of their land, providing an important income stream for local government (Whittal, 2008). Under effective and efficient land administration, this land value should reflect its reasonable market value (Williamson *et al*, 2010).

### 4.6.3 Land Mapping

Land mapping makes spatial information available to support land management functions. Detailed maps show the spatial extent and location of natural and artificial features (Williamson *et al*, 2010). Cadastral maps indicating parcel-based land information may also provide cross-references which can be linked to registered documents (Enemark, 2004).

### 4.6.4 Land Development

Often, the most complex component of land administration is land development and there are usually several role players, adding even more complexity. These role players include government organisations, private developers, and utilities each with specific functions and services (Ntsebeza, 2006). These functions all contribute to the way land data is modelled, accessed, and used. Components such as efficient and effective cadastral systems and good land demarcation are required to reach the goals of sustainable development. The study for this thesis is related to rural land development. This development goes further than agricultural and economic growth; it also involves social and economic change (George and Binza, 2011). Rural land development is itself associated with fair sharing, social structure, and economic benefits (Lele, 1975), but it is often side-lined compared to urban land development (George and Binza, 2011). Thus the on-going challenges of rural development are met with only limited successes.

## 4.7 Land Use Management in Rural Areas

As discussed in the literature review, South African legislation allows for the participation of traditional leaders. However their roles and responsibilities are unclear (Ntsebeza, 2006). While land use management systems can only operate within the legal frameworks, they must still be responsive to the needs of communities. Several pieces of legislation have been passed since 1994, intending to control the structures that regulate land management and land planning. These include the Demarcation Act No. 27 of 1998, the Land Use Management Bill of 2001, the Municipal Systems Act No. 32 of 2000, the Municipal Structures Act No. 117 of 1998 and the Municipal Systems Act No. 44 of 2003.

The Municipal Structures Act No. 117 of 1998 was also promulgated to provide traditional leaders with representation and participation in municipal councils. However, land use management systems have not been legalised to better manage and administer land.

## 4.8 Cadastral Surveying

Cadastral systems are one of the basic building blocks of any land administration system (Enemark, 2004). Cadastral surveying is the process of gathering and recording data about land parcels, whether for an existing cadastre or a new land parcel (Dale and McLaughlin, 1999). The primary function of cadastral surveying is to delineate land units on the ground and in the land register. A cadastral system should also include an up-to-date land information system showing all interests in land parcels (FIG, 1995). For these reasons, the cadastre is the main source of land boundary information used for municipal boundary demarcation because it indicates distinct and varying right in land and their interrelationship with adjoining rights.

## 4.9 The Rights, Restrictions and Responsibilities (RRRs) Framework

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) (Bennet *et al*, 2006). RRRs are a theoretical and administrative framework referring to:

- Rights of property ownership and tenure (Enemark, 2005).
- Restrictions, which regulate the use and activities on land (Williamson *et al*, 2010).
- Responsibilities, which relate to the social attitude and ethical commitment to sustainability and good husbandry (Bennett, 2006).

The rights, restrictions, and responsibilities (RRRs) of a land parcel are managed and distributed by the cadastral system (Bennett *et al*, 2005). In Figure 4.3, the RRRs are delivered through the administration of land tenure, value, use, and development, and therefore need to be undertaken holistically (Williamson *et al*, 2010).

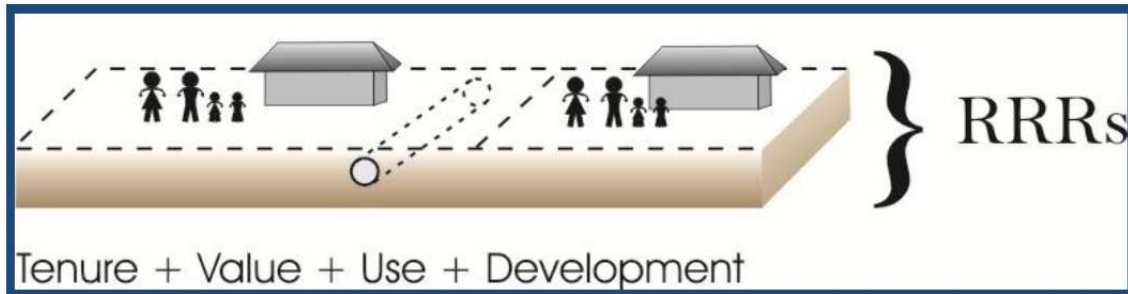


Figure 4.3 The Concept of RRRs in Land Management Paradigm (Mabesa and Whittal, 2011: 2)

Figure 4.3 illustrates the delivery of rights, restrictions, and responsibilities within the components of the land management paradigm. The holistic approach of this framework is intended to guide both developed and developing countries in sustainable development. It is appropriate to apply the RRRs framework to the research in this thesis to ensure the human aspects for sustainable development are achieved. Rights, restrictions, and responsibilities are individually discussed below.

#### 4.9.1 Rights

Rights to land have evolved into many different forms. Legalised land rights are common in many societies (Williamson *et al*, 2010). A right is an entitlement to own or do something and may be formal or informal. Customary rights, ownership rights, tenancy rights, and informal rights are all forms of rights relating to land parcels (Uitermark *et al*, 2010). Different examples are the right of usufruct, two grazing rights on one field. To prevent conflict, there is a need for registration of rights in accordance with the law (*ibid*).

#### 4.9.2 Restrictions

A restriction specifies that the holder refrains from doing something, and this restriction may be exercised in a formal or informal manner (Enemark, 2007). Rights to land are often accompanied by restrictions that regulate the current use of land as well as potential future developments (Uitermark *et al*, 2010). Land restrictions are becoming an important means of enforcing land-use management while providing services and infrastructure to communities (Bennet, 2006).

### 4.9.3 Responsibilities

A responsibility is an obligation to do something. Responsibilities over land relate to the social and ethical attitude of the holder towards others, as well as towards sustainability, and development (Bennet *et al*, 2005). In rural South Africa, cultural traditions encourage responsibility over land matters. Hofstede (2001) explains the preference of structured over unstructured forms of implementing responsibility. The cultural behaviours of people also determine the manner in which land is used (*ibid*). Land systems and land-use control differ throughout the world and is mostly based on social and cultural differences (Enemark, 2007).

A standardised form of responsibility is not always the best way to address shortfalls in land-use control (*ibid*). Apartheid attempted to formalise social boundaries between people, and this process is well-documented and understood. Currently, the democratic government is attempting to redress the effects of land demarcation everywhere, except on communal land (Maharaj, 2002). However, in redefining municipal boundaries on non-racial lines the link between these boundaries and existing social boundaries, particularly in rural areas where socio-spatial organisation is traditionally managed was not recognised. The responsibilities of local-level democratic government and those of traditional authorities are now confused.

### 4.10 Role of Traditional Leadership in South Africa

During post-colonial South Africa, traditional leaders enjoyed governing their communities and land (Ntsebeza, 2003). The king or chief was the custodian of the land and had the right to allocate land for agricultural and residential purposes (Khan and Lootvoet, 2001, George and Binza, 2011). He was also responsible for the planning and development of land (Ntsebeza, 2003, George and Binza, 2011). Any disputes arising from land matters were settled by traditional leaders. Disputes have escalated because the two systems of governance, namely the traditional authority and the democratic local government statutory authority are considered to be incompatible and the cause of many conflicts in rural areas. However, others have argued that the systems should be combined since traditional leaders are now recognised by the Constitution Act No. 108 of 1996 (Khan and Lootvoet, 2001, George and Binza, 2011). In spite of this constitutional recognition, the concessions made compromised the rights and responsibilities of traditional leaders (Ntsebeza, 2006).

Tensions in rural areas have been growing to the extent of suspending socio-economic progress (*ibid*) because the rights of traditional leaders are now severely limited. Conflict and ambiguity of authority is at a stale-mate and the ones most affected are the communities who desperately require service delivery and economic development (IDP, 2000). At this stage, there is no formal legislation processes (George and Binza, 2011). The Congress of Traditional Leaders of South Africa (CONTRELESA) is a body of traditional leaders fighting for acknowledgement, and has added to the complexities of the change processes (*ibid*).

Since democracy in 1994, elected representatives have been put to task to promote development and service delivery. In the rural areas these tasks historically have been the responsibility of traditional leaders (IPT, 2000). Traditional leaders still carry the responsibility rather than local government elected officials (George and Binza, 2011). Dual authorities have been created whereby traditional leaders and ward councillors have overlapping responsibilities (Ntsebeza, 2006). Friction is common between the two authorities and power issues are evident in their struggles. In previous years the rural local authority was centred on tribal leaders but now the balance of power is shifting toward elected representatives (*ibid*). Traditional leaders are concerned that their roles are not clearly identified under the democratic government structures (George and Binza, 2011). Traditional leaders in rural South Africa now have diminished responsibilities and the lack of government policies to support their rights and responsibilities is a cause for concern and a reason for conflict (*ibid*).

#### **4.11 Good Governance**

Governance is more than just government; it involves decision making, policy implementation, participation from stakeholders, and the relations between all the relevant stakeholders (Kironde, 2009). Governance is characterised by the way in which authority or “power is exercised” by the state in controlling a country’s economic, social and spatial resources (Williamson *et al*, 2010) (Section 2.6.1). The principles of land governance form the basis of decisions regarding the use of, and access to land (Williamson *et al*, 2010). It involves the way these decisions are employed and the way conflicting welfares are addressed (FAO, 2007).

Good governance in land matters can be procedural, technical, and political. Good governance may be defined as a participative means of governing in a transparent, responsible, and accountable way based on principles of legitimacy and efficiency in order to promote the rights of society (Munshi, 2004). Good governance ensures the material welfare of the governed citizens and ensures sustainable development and social justice (*ibid*). In conclusion, good governance is a political framework that stimulates economic action, maintains the rule of law, stabilises regimes, and creates efficient state administration systems to avoid disputes and sustain a strong civil society that is independent from the state (Punyaratabandhu, 2004).

#### **4.11.1 Good Governance in Land Administration**

Effective land administration systems need good governance (UNDP, 2007). Good governance in land administration can mitigate against disputes as well as promote sustainable economic development (*ibid*). It is also vital for protection of property rights, development of efficient land markets, management of natural resources and environmental concerns (FOA, 2007).

Good governance is expressed as a range of principles. These are: security, clarity and simplicity, timeliness, equity, accessibility, cost, sustainability, transparency, efficiency and effectiveness, completeness, empowerment, participation, capacity building and consistency with international standards (Whittal, 2011). These terms are defined in Table 4.1 page 54

**Table 4.1 Principles of Good Governance (Whittal, 2011: 169-171)**

<b>Sustainability</b>	Processes need to be in place to achieve current and future achievable goals.
<b>Subsidiary</b>	Efficient and cost effective services must be applied and supervised by authorities at the appropriate levels. In this manner corruption will be kept at a minimum and speedy deliveries will be encouraged.
<b>Equity of Access</b>	Processes must be objective and transparent to all.
<b>Efficiency and Effectiveness</b>	Services and local economic situations must be financially balanced to ensure cost effective processes.
<b>Transparency and Accountability</b>	Information on working together in decision making must be freely available and directly accessible to all.
<b>Civic Engagement</b>	During decision making processes, citizens must be invited and encouraged to actively participate.
<b>Security</b>	Sensitive information should be secure and protected.
<b>Clarity and Simplicity</b>	Principles and legislation should be understandable to the general public.
<b>Timeliness</b>	Information should be available in a timely manner and must be kept up-to-date.
<b>Accessibility</b>	The entity or system must be understandable and available to as many people as possible.
<b>Cost</b>	Cost effective solutions and accurate budget allocations.
<b>Completeness</b>	Information should be current and complete.
<b>Empowerment</b>	Empowerment is to give strength to the social, economic, political and spiritual upliftment of individuals or communities.
<b>Cutting Edge Technology</b>	Modern technologies and techniques.
<b>In Line with International Standards</b>	Internal controls adapted to changing external environments to stay effective.
<b>Capacity Building</b>	On-going staff training and recruitment.
<b>Local</b>	Local input for local benefit.

The principles of good governance (Table 4.1) span social, personal, technical, and political arenas, and are framed as ideals that guide and inform the development processes and initiatives of land administration (Whittal, 2011). Municipal demarcation processes must be assessed against the principles of good governance. However, systems of dispute resolution are already in place, and the process of transforming them to be more in line with the principles of good governance will take time and careful change management.

#### **4.12 Change Management**

Change management is the holistic process of modifying a system to meet change goals in a sustained manner (Kotter, 1996). Change management frameworks are designed to coordinate change interventions operating simultaneously on multiple components in organisations (Whittal, 2008). The emphasis is on behaviour, culture, organisational structures, and processes. The view of change management adopted here is that change is a continuous cycle that maintains a course rather than simply controlling the outcome (*ibid*). This cyclic process requires constant transformation of the organisation to produce optimal performance in a changing environment (Whittal, 2008). For the processes of land boundary demarcation in rural South Africa, change management frameworks are vitally important to address and avoid disputes over municipal boundaries.

The framework needs to blend the human process of consultation with the relevant legal structures. Within a change management framework, dispute resolution processes can be interrogated and recommendations provided. Such a framework should be able to accommodate dynamic and complex disputes about rural municipal demarcation so they can be resolved. Change processes most often follow a defined course (Whittal, 2008). A systematic approach to change is suitable for the study of the demarcation processes and has been found by Whittal (2008) to yield good results in cadastral systems. Kotter's eight stages of change management (Kotter, 1996) is a suitably holistic change management framework which is identified by Whittal (2008) to be applicable in cases of cadastral systems change, and will be adopted in this study.

#### 4.12.1 Kotter's Eight-Staged Processes of Change Management

As shown in figure 4.4 below, Kotter's eight stages of change management is divided into three phases (Whittal, 2008). Phase one groups the first four stages and creates an environment for the change process. The second phase groups the next three stages and effects change. The third phase includes Kotter's eighth stage to address social understanding and culture change which leads to sustainable change.

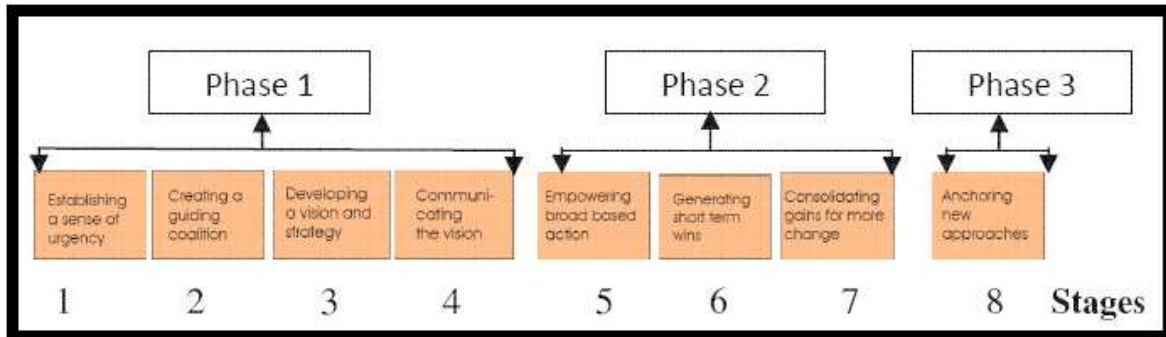


Figure 4.4 Kotter's Eight Stages (Whittal, 2008: 163)

Table 4.2 provides a checklist for each of Kotter's eight steps (Kotter, 1996). The steps are explained in sequence from step one to eight. It is anticipated that a comparison of the municipal demarcation processes using Kotter's framework will reveal some gaps which, if addressed, may reduce future disputes.

**Table 4.2 Change Management Stages (Kotter and Cohan, 2002: 3-6)**

STEP	CHECKLIST
<b>Establishing a sense of urgency</b>	<ul style="list-style-type: none"> <li>• Place the user in context of the phenomenon</li> <li>• Identify and discuss driving forces for change</li> </ul>
<b>Creating the guiding coalition</b>	<ul style="list-style-type: none"> <li>• Focus on the change of the agents of the phenomenon</li> </ul>
<b>Creating a vision and a strategy</b>	<ul style="list-style-type: none"> <li>• Create a vision in order to direct the course of change</li> <li>• Develop priorities for achieving the vision</li> </ul>
<b>Communicating the vision</b>	<ul style="list-style-type: none"> <li>• Clearly broadcast and communicate the new vision</li> </ul>
<b>Empowering broad-based action</b>	<ul style="list-style-type: none"> <li>• Remove all obstacles that may retard the progress of change</li> <li>• Change structures that challenge the vision</li> </ul>
<b>Planning and generating short-term wins</b>	<ul style="list-style-type: none"> <li>• Plan and achieve short term wins to sustain the progress of the vision</li> <li>• Communicate the achievements and reward individual achievements</li> </ul>
<b>Consolidating improvements and continuing with the change process</b>	<ul style="list-style-type: none"> <li>• Effect continuous change in systems and processes to ensure the vision is maintained</li> <li>• Promote individuals that implement and maintain the vision</li> <li>• Reinvigorate the change process by introducing new projects and themes</li> </ul>
<b>Establishing new approaches</b>	<ul style="list-style-type: none"> <li>• Maintain and articulate the results of change</li> <li>• Articulate new systems and processes</li> <li>• Develop systems to maintain leadership succession</li> </ul>

### 4.13 The 7Es of Performance Measurement of the Change Process

Like every outcomes-based process, it is important to have performance measurement systems in place. A performance measurement system should measure both the performance of processes as well as the change in the processes themselves.

Whittal (2008) developed the 7Es framework for performance measurement from a range of other performance measurement frameworks including the 3Es and 5Es performance measurement frameworks of Checkland (1999). The 7Es framework is a social systems framework that may be holistically applied to measure the performance of reform in land administration and management processes, and will be used in this research (Table 4.3). The feedback provides valuable data for repeat processes of change management (Section 2.8.1).

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**Table 4.3 Measures of Performance (Whittal, 2008: 166-167)**

<b>Effectiveness</b>	Effectiveness is a multidimensional means of measuring the capability of the change process, and whether the expectations have been achieved (Heffron, 1989 cited in Whittal, 2008). Faced with complexities and changing conditions, effectiveness is related to responsiveness to deliver outcomes.
<b>Efficiency</b>	Efficiency is the degree of input required relative to outcomes achieved (Heffron, 1989). Efficiency is guided by goals, and all the relevant resources should be included when obtaining data. Processes are measured against time and effort with minimal expenses and resources.
<b>Elegance</b>	This type of performance framework measures success on the basis of the acceptability of what stakeholders receive (Checkland, 1999). The goals of different stakeholders may be incompatible hence the acceptability of the change may also vary. Even though resolutions are reached they still need to be acceptable and favourable or else disputes will soon arise again.
<b>Emancipation</b>	Emancipation refers to the inclusion of all the groups of society in decision making during the change process including all minority groups such as the disadvantaged (women, race, disabled in the past) and the poor. Emancipation is a process of obtaining equality and liberation. In South Africa the imbalance of participation in land management is still evident and change management should aim to address and transform towards equality.
<b>Empowerment</b>	All groups should be empowered to participate in decision making and to enact the change. Empowerment is judged by how the whole change process is introduced, types of training offered, whether it accommodates a variety of learning styles and speeds, and how different behaviours are identified ( <i>ibid</i> ). Developing individual self-confidence and strength is vital in change processes.
<b>Exception</b>	Exception is a measure of the attitude of the core team (eg. experts, consultants, management structures and individuals), and their reactions towards both the public or stakeholders, and the change process itself.
<b>Emotion</b>	Difficulty exists in trying to identify the right things to do in a change process, as this measure of performance insists (Whittal, 2008). In identifying targets one should be sensitive or emotionally driven in pursuing solutions.

The 7Es measure of performance shown in table 4.3 above should not be implemented only at the end of a project. Rather, it is a framework of ongoing assessment and provides feedback as the changes take place.

It can also be used as an independent assessment tool by an impartial party, such as the researcher in this project.

#### **4.14 Summary**

While chapter three discusses the theoretical frameworks which will be implemented in pursuing the research objectives, this chapter offered a broad view of the theories which can be used to research land demarcation processes, generally land administration and management systems. The theoretical frameworks of the land management paradigm, change management, good governance, RRRs, and performance measurement were explained in this chapter. Central to these is the investigation, understanding, and explanation of boundary dispute resolution in the context of rural municipal demarcation.

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## **5 Chapter 5: Research Methodology**

### **5.1 Introduction**

Research methodology underpins the logic of data collection, analysis, and the way events are presented. This chapter presents the criteria and methodologies employed in pursuit of addressing the research questions. It describes how the study is undertaken and develops the logic of quality, reliability, and validity in the research design. The research is based on critical realism. Frameworks for good governance, change management, and performance measurement will be applied to understand the challenges of municipal re-demarcation and proposals, where possible, will be suggested for specific application.

### **5.2 Research Methodology and Critical Realism**

This research is based on a critical realist research paradigm. The aim of using a critical realism approach is to acquire in-depth understanding of the processes of municipal demarcation. To understand the reasons behind people's behaviours, direct interaction is required with the people concerned (Schwandt, 2000).

Critical realism assists in analysing the social situations throughout this research. The demarcation process did not allow sufficient public participation and the communities affected by municipal demarcation expressed their views about being isolated from the processes. A critical realist approach uncovers the perceptions of role-players, and combines this with the material facts of each case. It understands a social reality that includes social structures, processes, politics, and power. This case study research uses social system approaches to model and analyse the demarcation of municipal boundaries. Critical realism accommodates triangulation of results to improve the validity of the research objectives.

### 5.3 Case Study Strategy

Disputes on municipal demarcation have been on-going since the creation of municipal boundaries and many remain unresolved (Maharaj, 2002). Clearly, the disputes require alternative interventions. An investigation into the source of the issues is needed. The case study strategy allows for in-depth and holistic understanding of the subject matter and is adopted to explore and record the views and impressions of the affected members (communities, traditional leaders, demarcation board, and municipal representatives) in each case.

Gathering information from all these sources exposes the potential of empirical context and reveals a deep understanding of the circumstances than many other studies (Zainal, 2007). Furthermore, a case study approach is favoured because it holistically reflects the actual life events and social expressions of the affected stakeholders (Denzin and Lincoln, 1998). For these reasons, a case study research approach lets the researcher use processes and frameworks that will more easily identify suitable dispute resolution mechanisms.

#### 5.3.1 Suitability of Multiple Case Studies

This study is concerned with the implications of municipal demarcation on rural communities, land authority, and land administration. It explores the means of identifying dispute resolutions and improves the mechanisms for municipal demarcation processes. A multiple case study design is appropriate for investigating matters of land demarcation because it will yield a more general solution to ongoing and geographically dispersed cases of land demarcation disputes. It is an appropriate tool as rigorous, quality research data is obtained through robust design and the triangulation of evidence (Parkhe, 1993, Yin, 2003). A multiple case study focuses on the complex forces in the context of municipal demarcation that impact on rural communities (Johnston and Bernstein, 2007).

Multiple case studies yields detailed insights into the unfolding events, authority structures, and human interactions, and find commonality in selected cases. The depth of the contextual and personalised detail from multiple cases allows for an analysis of the complexities of the processes, skills, experience, traditions, relationships and influences in the context of municipal demarcation processes. A multiple case study approach will explore the research questions and identify commonality, patterns, replication, or contradictions in the findings. The approach is chosen to increase the generalisability and validity of the findings. Multiple case studies are presented in the form of a narrative and based on a critical realism paradigm.

### 5.3.2 Purposeful Sampling

Purposeful sampling is defined by Cohen *et al* (2000) as sampling for a specific purpose and selecting cases that will fit the research profile. In this research, cases where communities have lodged grievances against municipal demarcation were chosen. Purposeful sampling enables in-depth analysis to illustrate similarities and differences in the three cases.

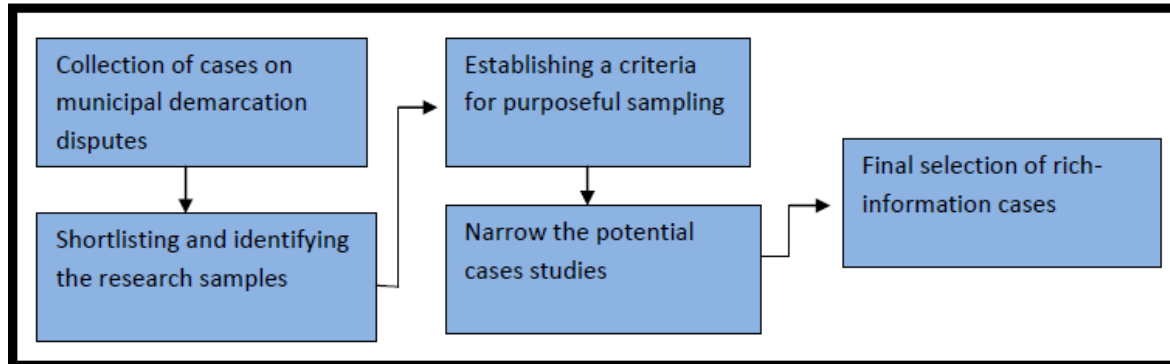
A critical realist chooses purposeful sampling to acquire information on the specific environments of the phenomena under study (Danermark *et al*, 2002). The three selected cases are from different provinces although they are all in rural areas and follow the authority of traditional leaders. The complainants in the three cases are aggrieved that the MDB have not addressed their concerns over the municipal demarcation process.

### 5.3.3 Selection of Cases

The following criteria (Patton, 2002) are used to identify useful cases:

- quantity of relevant information,
- Ability to provide the researcher with deep knowledge and understanding about the phenomenon, and
- Cases that is current and therefore accessible for further questioning.

The process of selecting cases is illustrated in figure 5.1 below. It commenced in June 2011 by gathering information about cases of municipal demarcation which led to disputes. This information was sourced from media circulars, governmental survey records, and formal grievances lodged with the MDB. The cases were selected through purposeful sampling to ensure that the cases met the sampling criteria of validity, accessibility, convenience, research strategy, and current information.



**Figure 5.1 Flow for Case Selection (Patton, 2002)**

This research focuses on communities from rural areas that have followed a traditional way of life for centuries. Many of them have invaluable information and appreciate outsiders showing an interest in their cause. Traditional leaders and members of the community are generally willing to explain the background as well as the effects of municipal demarcation.

The following three suitable cases were identified:

1. Ndengeza Village (Limpopo) - Municipal demarcation split the community over two municipalities. The municipal boundary follows an old cadastral line instead of the recommended river. The municipal demarcation also splits the community from the land that they lay claim to through land restitution processes.

2. Nhlangwini Village (Kwa-Zulu Natal) - The municipal demarcation split the community over two municipalities. It also resulted in splitting community members from their traditional leaders. The demarcation boundary followed a river, roads, and cadastral boundaries.

3. Mmaleramodijo People's Forum (North West) - Municipal demarcation split villages over two municipalities. The municipal demarcation boundary follows a cadastral boundary that zig-zags through the main road in the area. Maintenance of the road has been affected to such an extent that it (the route between Tswane and Brits) has become unusable in certain parts. A grievance was lodged against the municipal demarcation by the Mmaleramodijo People's Forum.

In case study one (Limpopo) and two (Kwazulu Natal), the researcher could liaise with the community and the elders via a common language. In case study three, located in the North West Province, there was a marginal communication gap between the researcher and the traditional leaders, however, younger members of the community offered to interpret any misunderstood information. Most community members have access to cell phones, which assisted in communication during later stages of the research.

## 5.4 Data Collection

Both quantitative (Section 3.7) and qualitative (Section 3.2.4.2) data was collected and evaluated within and across cases to maximise validity. Empirical data was collected using multiple methods to provide rich data and to enhance research designs. These multiple methods included interviews, questionnaires, documents, and physical artefacts. They involved physical interaction, interviews, group sessions, and telephonic and email communication.

### 5.4.1 Interviews

All stakeholders, including community members, traditional leaders, municipal and MDB representatives were interviewed. This allowed for greater coverage and a variety of interpretations (Kvale, 1996). The interview questions were designed to align the findings with the research questions and find common knowledge shared among the different interviewees (Singleton *et al*, 1993). Semi-structured interviews allow the interviewer freedom to build up conversations that can explore complex situations, thus revealing more in-depth and sensitive information (Creswell, 1998). After the interview, complex data analysis can give rise to patterns across the case studies (Yin, 2003).

The interviews were conducted face-to-face between the interviewer (researcher) and the interviewee (respondent). The interviewees were generally knowledgeable about municipal demarcation and willing to be recorded. Where permission was refused, the interviews were recorded in writing. The time frame for collecting the data was from September 2011 to March 2012. Sixty two informants in total were interviewed from the three case study areas. This is considered sufficient for the refinement of data collection and data saturation (Yin, 2003).

Interviewees in this research were categorised into five groups namely, traditional leaders or traditional council, community, municipal representative, demarcation board members, and representatives from the Department of Co-operative Government and Traditional Affairs. The interview questions were flexible enough so they could be adapted to suit interviewees from different backgrounds, e.g. the questions posed to community members were more socially sensitive than those posed to the demarcation board. The first set of interviews in this research was with representatives of the Municipal Demarcation Board. The duration of the interviews ranged between 15 and 90 minutes. The interviewees freely participated in the interview in environments of their choice and they were relaxed and unpressurised (Eisenhardt, 1989). The data collected from these interviews was referenced to keep the identity of the interviewee confidential. This confidentiality and protection of informants is in accordance with research ethics (UCT, 2012).

#### **5.4.2 Direct Observation**

Direct observation allows the researcher to capture events as they occur (Denzin and Lincoln, 1998). Events were directly observed in the following situations:

- Communication with affected parties via attendance at meetings of municipal managers on the grievances lodged against municipal demarcation.
- Interactions between the Municipal Demarcation Board members and rural communities
- Dispute resolution processes followed by the MDB.

The opportunities for direct observation were mostly coincidental with the data collection programme and were a passive form of direct observation.

### 5.4.3 Questionnaire

A questionnaire is a series of questions in a document form listed to solicit information about the research study (Powell, 1997, Yin, 2003). During the site visits and meetings held for the purpose of this study, semi-structured (open-ended and closed) questionnaires were posed in the interviews. Structured questionnaires were too rigid and formal for the interviewees while open ended semi-structured questionnaires made the interviewees less nervous. Seventeen questions (Appendix 1) were posed to the informants. Open-ended semi-structured questionnaires are much more accommodating when mixed languages (as in the selected cases) are used in answering the questions. It also allows the researcher to translate the data at a later stage.

### 5.4.4 Collection of Documents and Artefacts

Documents and artefacts have been recognised as a source of data by many researchers (Powell, 1997). Documentary and artefact data collected during the period of empirical data collection include:

- Demarcation board circulars and publications
- Boundary demarcation grievances
- Land records
- Electronic mail
- Meeting agendas
- Minutes of meetings

Attention is now drawn to the data analysis approach used in this study.

## 5.5 Analysing Case Study Data

A huge amount of data was acquired from the three case studies. The data was mostly on audio recordings or notes made during the interviews. The audio recordings were particularly useful as some valuable information emerged only during the second and third playback.

The data was summarised and analysed to check for consistency and look for relationships among the data sets, especially those relationships that would help address the research questions in line with the themes of this study (Lacey and Luff, 2001). The following steps were used during the analysis:

- Data reduction - is the process of selecting, simplifying, and summarising the collected data. The data is sorted into categories and themes that are in accordance with the research questions.
- Data display - the reduced data is organised in an understandable form to allow the researcher to reach conclusions that can be presented to an audience. Tables, flow charts and other graphical representations are used to systematically assemble the information relating to effects of land demarcation and land dispute issues.
- Conclusion verification - this step makes sense of the analysed information and may also be called the interpretation phase. Within-case and cross-case analysis are the two stages of this phase, illustrated in table 5.1 below (Yin, 2003).

**Table 5.1 Within-Case and Cross-Case Analysis**

<b>Within-case Analysis</b>	<b>Cross-case Analysis</b>
Qualitative and quantitative data from each of the three cases is analysed individually. Conclusions are drawn from the findings of each. This research approach uses the pattern matching technique of comparing empirically-based patterns with the predicted one, as adopted by Yin (2003).	Cross-case analysis searches for patterns across the cases. The three cases are analysed for similarities and differences under the same theme in the study (Eisenhardt, 1989).

This research identifies a pattern in the inability to resolve disputes of municipal demarcation and compares the pattern-matching of the current research with patterns derived from the literature review as an analytical strategy to find consistencies and similarities.

## **5.6 Reliability and Validity of the Case Study**

The validity of data in qualitative research (based in the research design) relates to the authenticity and trustworthiness of the findings. It allows for meaning and perspectives to be drawn from the interviewees. The data, recorded from all the stakeholders affected by municipal demarcation, needs to be credible and dependable to be reliable.

In this research reliability is the consequence of validity (Patton, 2002). The process of assessing reliability and validity in qualitative research challenges the researcher against any biases (Kirk and Miller, 1986). In the current study, data was collected from various stakeholders, each with their own understanding of the phenomena, and often with contradicting biases. The interviews were first conducted in a group session to confirm mutual understanding of the topic. Thereafter individual interviews were carried out so that the interviewees were free to express themselves without fear of being judged. These procedures were aimed at maximising the reliability and validity of the interviews and nullifying any misunderstanding or biases in the interpretation of the research questions.

## **5.7 Generalisation of a Case Study Research**

The purpose of the study is to understand the views and interpretations expressed by the community and traditional leaders in various provinces and then to generalise the data. Once the data is understood by the researcher, a critical analysis can be deduced for knowledge creation. Analytic generalisation is used to analyse the frameworks employed in addressing municipal re-demarcation such as the goals of good governance, and LMP. The result of the analytical aspect adds to the understanding of these frameworks in the land demarcation process. Naturalistic generalisation is suitable for this research as it uncovers judgement and other commonalities. The three selected cases on the demarcation disputes were individually narrated and then a cross analysis was done to find similarities among the cases. The narrative in Chapter 6 permits future researchers to analyse the generalised data and apply the findings to case similarities.

## 5.8 Analytical Frameworks

### 5.8.1 Analysis Using Land Management Paradigm (LMP) and Rights, Restrictions and Responsibilities (RRRs) Frameworks

Rights, restrictions, and responsibilities cover a diverse range of land matters. Municipal demarcation is evaluated according to whether RRRs are being adequately facilitated. The government has recently introduced many new and revised rights, restrictions, and responsibilities over a short period of time, with social sustainability issues driving policy changes.

Delivery of RRRs (Section 4.12) in land management was investigated and analysed in accordance with the land management paradigm (Section 4.9). All the stakeholders should understand their RRR's regarding land demarcation matters and be empowered to apply them to effectively ensure sustainable development. However, to achieve a successful and comprehensive land regulation in the interest of the rural population, a holistic treatment of land administration is essential (Bennett *et al*, 2006). Efficient land information systems are also required to provide access to land extent, land values, and land tenure (UNECE, 2005). It is thus feasible to use the frameworks of RRRs and LMP in the approach to municipal demarcation processes and dispute resolution processes.

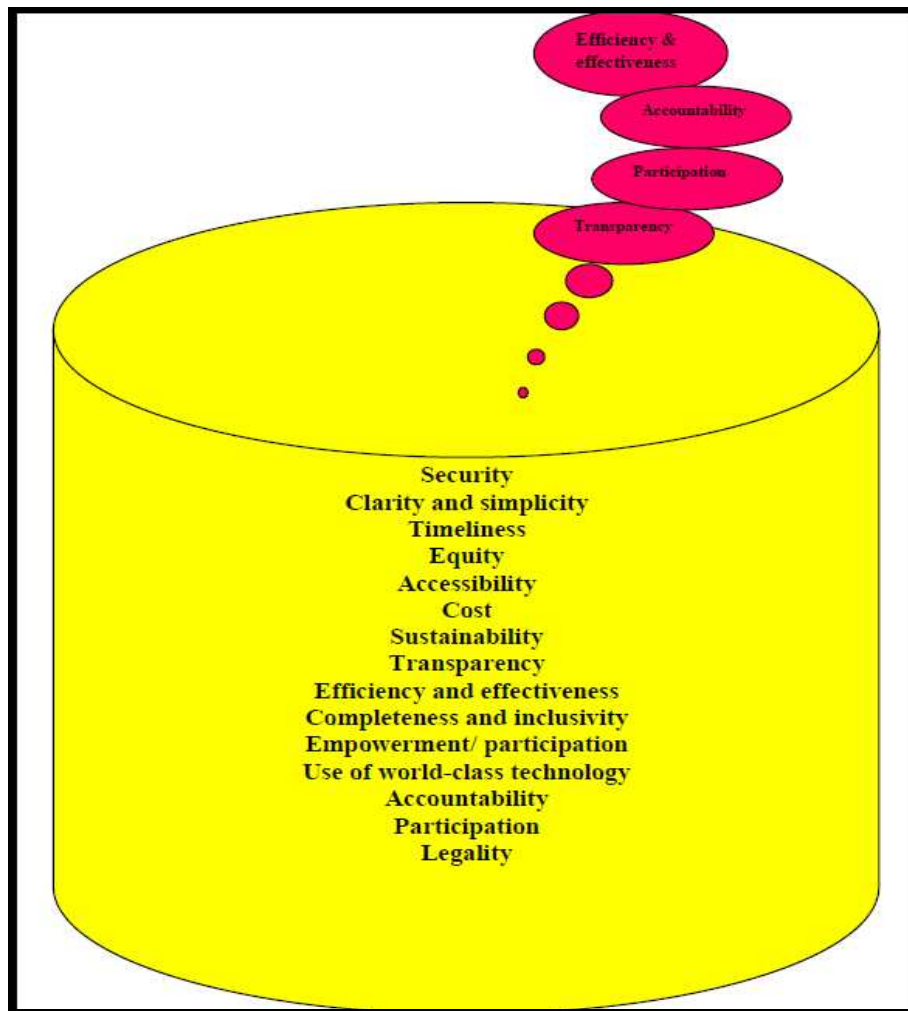
### 5.8.2 Analysis Using Good Governance

The principles of good governance (Section 4.14.3) have been internationally accepted as a framework for measuring governance in land administration (FAO, 2007). The principles of good governance are used to evaluate the processes and results of municipal demarcation. As in the case of the Asian Development Bank (2004) the principles of participation, efficiency and effectiveness, transparency and accountability are suitable measurements of success and failures of municipal systems and processes (Manasana, 1999). These principles are addressed in the grievances lodged against municipal demarcation: Transparency promotes accountability, which addresses the concerns of the community on the effectiveness of government processes.

The disputes lodged against municipal re-demarcation are an indication of the failures of the process, especially the effect it has on the rural population. The four principles are applied against the current processes of demarcation so they can be improved. In this thesis, the municipal demarcation processes in the case studies were evaluated against the principles of good governance to help improve them in the interests of long-term dispute resolution. This evaluation also allows for in-depth and general understanding of land demarcation from the perspective of good governance.

Many principles of good governance have been mentioned and adopted from Whittal (2011) in Chapter 4, however, only a selected few are employed in this study (Figure 5.2) as a means of improving the governance on land demarcation. The processes of municipal demarcation may be analysed based on selected principles of good governance as illustrated in figure 5.2.

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**Figure 5.2 Selected Principles of Good Governance**

From Figure 5.2 the principles of good governance, modified from Whittal (2008), are shown inside the cylinder, and the selected principles adopted in this study are shown in pink.

### **5.8.3 Analysis Using Kotter's Change Management Framework**

In order for change to be successful, the processes of change need to be effectively managed and administered. Kotter's eight stages framework for change management is used in this research to correlate success in change management with land management systems in rural areas. These change management tools can achieve better project design and project implementation, better sustainable outcomes on land demarcation, and a reduction in land disputes (Whittal, 2008).

The adopted framework for managing change processes by Kotter (1996) is tailored with reference to Whittal (2008), to provide a uniquely South African adaptation of change. It is a framework appropriate and adaptable for managing and analysing change in this context of complex social phenomena in land management, especially land demarcation (Whittal, 2008). More often than not the objectives themselves change because of dynamic developments in land matters. The implementation of a modified framework for performance measurement is needed to monitor the rate and success of change. In this, Kotter's framework was used to address the municipal resolution process and propose changes where required. It attempts to answer the research questions in Section 6.5. Kotter's eight stages were categorised into three phases. The first phase comprises stages 1 to 4 which is the time-consuming introduction to change in organisations and processes. The second phase combines stages 5 to 7 in the implementation of change. The stakeholders need to be involved to realise change and to ensure that the targets are achieved. The final phase uses stage 8 to ensure that change is successfully maintained and managed. The drivers of change have to identify forces that may deter the process of change management and take control of the situation in a timely manner.

#### **5.8.4 Analysis Using 7Es Framework Performance Measurement**

Performance measurement tools are mostly action-oriented and with limited reflection. Silva and Stubkjær (2002), mention that the methods of evaluating change in land matters are in the process of development. Since Checkland's 5Es (efficacy, efficiency, effectiveness, ethicality, and elegance) framework for performance measurement does not holistically identify the social systems in land matters, the 7Es framework (efficiency, effectiveness, elegance, empowerment, emancipation, exception, and emotion) by Whittal (2008), which is an extended 5Es framework in accordance with systems thinking, is more inclusive of the social aspects and is better suited to this research. With the many recent policy changes in land administration, the 7Es framework is employed to measure whether the process and the changes are effective or not, so that the techniques can be improved.

## 5.9 Conclusion

This research follows a multiple case study design to explore the issues that have created discontent about the municipal demarcation processes in rural South Africa (Maharaj, 2002). The research data was collected from qualitative data and quantitative strategies, offering rich descriptions of the land demarcation processes and events that resulted in disputes. The municipal demarcation processes are weighed against internationally favoured principles of good governance. The rights, restrictions, and responsibilities over land will be assessed in Chapter 8.

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## 6 Chapter 6: Boundaries and Governance in South Africa

### 6.1 Introduction

This chapter focuses on how the structures and processes of municipal demarcation in South Africa have affected local governance and the relationship between these processes and national land administration policies, structures, and processes. The chapter explores the political context to these situations, the causes of disputes, the responses from affected stakeholders and how these disputes can escalate to violence. Even though the selected case studies deal with non-violent disputes in rural areas, lessons can be learned from cases where disputes result in violence. However, there is not sufficient literature on violent disputes over municipal boundaries in the rural areas.

### 6.2 South African Politics and the Need for Municipal Demarcation

South Africa is a multi-party democracy (Glasser, 2001). Fourteen parties are represented in the National Assembly of Parliament. The African National Congress (ANC) is the majority party, holding more than 60% of the parliamentary seats (Global Security, 2011). The Democratic Alliance is currently the only competition against the ANC's stronghold (Glaser, 2001). Although the rest of the political parties account for only a small percentage of seats, they are all robust and vocal. During the apartheid era, the ANC was banned from political activity. However, they went underground and were a major contributor to the fight against apartheid (*ibid*). The National Party government kept the white minority in a position of privilege regarding all aspects of life, while the majority black population were discriminated against (*ibid*). Black South Africans were not allowed to own land and many of them were forcefully removed from their occupied land (Fourie, 1998). However there were small pockets of black owned in some parts of the country, example the township of Clemont outside Durban and farm Anna near Dundee. In the 1950s and 1960s, Nelson Mandela led the resistance by taking up arms in the struggle, and by 1990, the pressure on the government, both local and from abroad, forced them to change their policies and pursue a democratic solution (Global Security, 2011). In 1994, South Africa held its first democratic elections (Glaser, 2001).

The ANC received overwhelming support and won the majority. In 1995, the South African government created 843 municipalities focused on redressing apartheid-era imbalances in service delivery (Goodenough, 2004). However, there was tension within the municipal structures between the existing white and newly-employed black employees (Stanton, 2009). The implementation of employment equity and black economic empowerment in municipalities was not progressive enough (*ibid*). The need to redress employment equity and representation within the municipal structures became imperative.

### 6.3 The Municipal Demarcation Board Structure

In 1998, the Municipal Demarcation Board (MDB) was created to address spatial re-organisation of the local government system (Griggs, 1998). The MDB is regulated by the Demarcation Act No. 27 of 1998 and is an independent authority responsible for the determination of municipal boundaries, under the protection of Section 3 of the Demarcation Act No 27 of 1998 and various Constitutional Court judgements (Steytler, 2010). In addition, the MDB is responsible for:

- changing or re-demarcating municipal boundaries,
- declaring district management areas and local wards,
- advising the Member of Executive Council (MEC) on the adjustment of municipal functions,
- assessing the capacity and performance functions of municipalities (*ibid*).

The MDB structure consists of nine board members, appointed by the president of South Africa for a five-year term (Goodenough, 2004). The MDB is supported by an administration cluster comprising of finance, administration, human resource, GIS, and research teams. MDB funding is sourced by Parliament on an annual basis (Nel and Engelbrecht, 2011).

#### 6.3.1 Early Task of MDB

The first fully democratic municipal elections were held in 1995 (Goodenough, 2004). However, the apartheid structures had not been entirely eradicated as evident in the racially-based municipal boundaries (Steytler, 2010).

The municipal boundaries were, to a large extent, inherited from the apartheid period and for most rural communities access to voting stations was still restricted (Atkinson, 2003). Consequently, many of the rural people did not bother to vote in the municipal elections (*ibid*). The MDB was responsible for rationalising the structures through a process of municipal amalgamation (Maharaj, 2002). The resulting structures were intended to be more representative of the diversity of the population and were to be implemented in time for the 2000 municipal elections (Stanton, 2009). However, the MDB was criticised for still creating too many municipalities, many of which were not financially sustainable (Atkinson, 2003). This was not a demarcation problem but rather an inevitable consequence of the structural fragmentation of apartheid policies (*ibid*). The MDB had succeeded in its primary goals of eradicating racially determined apartheid boundaries and amalgamating homelands into an integrated municipal system (Stanton, 2009). By 2000, 843 municipalities had been reduced to 284 structures (Goodenough, 2004).

## 6.4 Structure of Municipalities during the 1990's

### 6.4.1 Municipal Categories

By 2000, the new municipalities were of three types: metropolitan, district, and local (Goodenough, 2004).

- Metropolitan municipalities (category A) have an exclusive legislative authority and a municipal executive (Steytler, 2010). They are characterised as having a complex and diverse economy with interdependent social and economic units.
- District municipalities (category C) have a municipal executive and include more than one local municipality (*ibid*).
- Local municipalities (category B) fall within the district municipality and share the district municipal executive and legislative authority (*ibid*).

Figure 6.1 illustrates the distribution of category A (alphabetical) and category C municipalities (numerical).

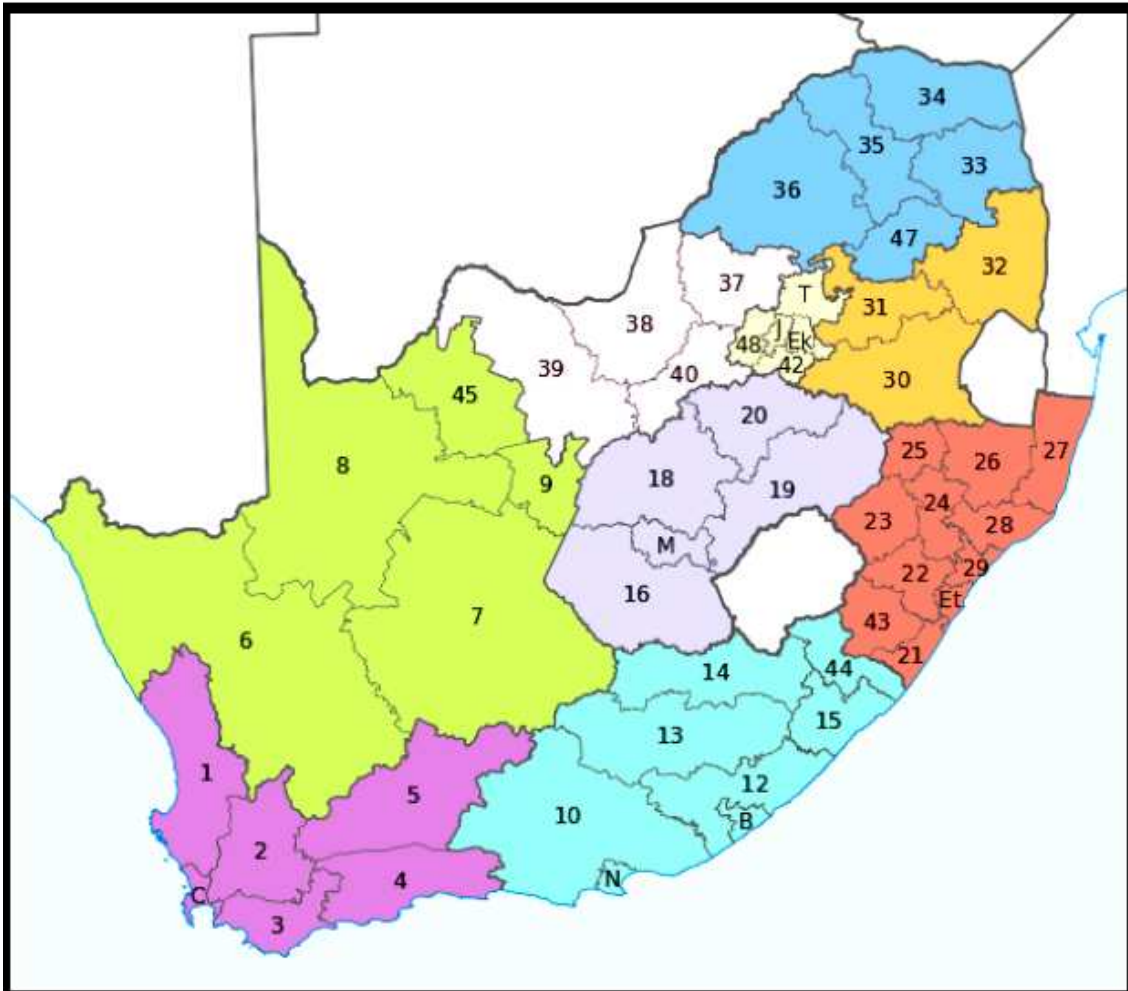


Figure 6.1 South African Municipalities (MDB, 2011: 11)

#### 6.4.2 Municipal Wards

Most municipalities are subdivided into municipal wards (Stanton, 2009). Each ward elects a councillor who represents a political party or is an independent representative of the voters in the ward (*ibid*). In the rural areas, which follow traditional forms of authority, the municipal ward councillor works together with the traditional leaders regarding community matters (*ibid*).

### 6.4.3 Urban and Rural Municipalities

Not only has the demarcation of municipal boundaries led to the transformation of local government (Atkinson, 2003), it has also abolished the administrative distinction between rural and urban areas thus linking the countryside with towns (*ibid*). However, this process has complicated the identity of rural municipalities. Rural areas as defined by the Rural Development Framework of 1997 (National Treasurer, 2011) have the following characteristics (Table 6.1 and Figure 6.2):

- Low density areas where people depend on farming and natural resources. These include the towns and villages scattered in these areas.
- Areas of former homelands where most of the people depend on migratory labour and government social grants with traditional land tenure systems.

In contrast to the Rural Development Framework described above, the classification of municipalities does not differentiate between urban and rural municipalities. A distinction is made from the characteristics of the municipality such as the ratio of households with basic services, number of poor households, municipal operating budgets, etc (National Treasurer, 2011).

**Table 6.1 Classification of Municipalities (National Treasurer, 2011: 193)**

<b>Classification of municipalities</b>			
<b>Descriptions</b>	<b>Class</b>	<b>Characteristics</b>	<b>Number</b>
<b>Metropolitans</b>	A	Large urban cities with one or more CBDs.	6
<b>Secondary Cities</b>	B1	Local municipalities referred to as secondary cities.	21
<b>Large Towns</b>	B2	Local municipalities with an urban core. This class shows variation in population numbers and may have large urban dwellings.	29
<b>Small Towns B3</b>	B3	No large towns or core urban centres. Smaller towns prevalent. Agriculturally based with commercial farms.	112
<b>Mostly Rural</b>	B4	Characterised at most by one or two small towns. Communal land, villages, scattered groups of dwellings.	70
<b>Districts</b>	C1	District Municipal Municipalities that do not provide water services.	25
<b>Districts</b>	C2	District municipalities that provide water services.	21

Small Towns (B3) and Mostly Rural (B4) as shown in Figure 6.2 can be regarded as rural municipalities. Rural municipalities are concentrated in the Eastern Cape, KwaZulu Natal, Limpopo, Mpumalanga, and North West Provinces (National Treasurer, 2011). The graph below depicts the ratio of B3 and B4 municipalities within each province.

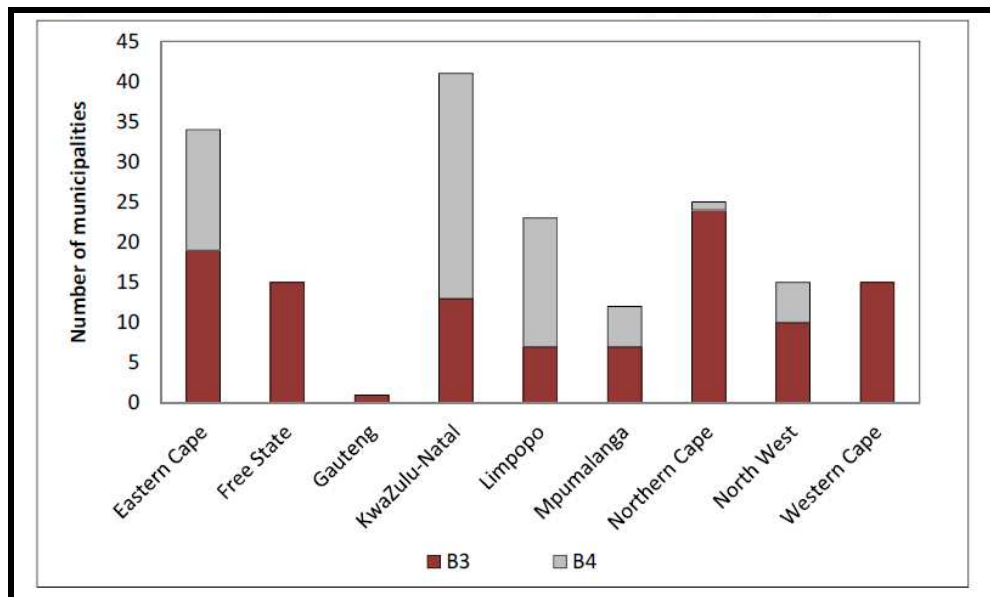


Figure 6.2 2 Number of Rural Municipalities per province (National Treasurer, 2011: 193)

As shown in figure 6.2, the predominantly rural provinces are those in which the homelands of the apartheid era fell.

### 6.5 State of Rural Municipalities

Of the total number of South Africans living in poverty, 69% reside in rural municipal areas (National Treasurer, 2011). Many rural households are dependent on subsistence agriculture, remittances from social grants, or family members working in mines or in cities (Atkinson, 2003).

The intention of creating local municipalities was to relieve the effects of poverty and facilitate local development by creating local jobs, providing basic services, and managing municipal spending (National Treasurer, 2011). However, poverty and unemployment are often aggravated by inadequacies of basic municipal services such as water, electricity, sanitation, social services, and infrastructure (*ibid*).

## 6.6 Legislative Frameworks of the Municipal Demarcation Processes.

The demarcation of municipal boundaries is regulated by the Constitution of the Republic of South Africa Act No 108 of 1996, the Municipal Demarcation Act No. 27 of 1998, and the Municipal Structures Act No. 118 of 1998 (Table 6.2 below).

**Table 6.2 Municipal Demarcation Legislative Frameworks**

<p><b>Constitution of the Republic of South Africa Act No 108 of 1996</b></p> <p>Chapter 7 of the Constitution Act No 108 of 1996 deals exclusively with issues of local government and section 155 (3) (b) defines criteria for the determination of municipal boundaries (Constitution of Republic of South Africa Act No 108 of 1996).</p>
<p><b>Municipal Demarcation Act No. 27 of 1998</b></p> <p>This act establishes and regulates the independent authority of the MDB. It allows the MDB to confirm or change municipal boundaries in the interests of a representative democracy. It also defines criteria for the determination of municipal boundaries.</p>
<p><b>Municipal structures act No. 118 of 1998</b></p> <p>This act provides for the establishment of municipalities and regulates the internal structures of municipalities.</p>

## 6.7 The Process of Municipal Demarcation

Although municipal boundaries may not be visible, they affect the practices of rural communities. Boundaries create a sense of belonging and identity between people and the places they inhabit (Newman, 2006). The objectives of municipal demarcation as stated in section 24 and 25 of the Demarcation Act No 27 of 1998 are:

- to provide a democratic and accountable government for local communities,
- to provide sustainable basic services,
- to promote economic and social development (Goodenough, 2004).

These processes are, in turn, dependant on factors such as the interdependence of people, infrastructures, and commercial and industrial linkages (*ibid*).

For a demarcation to be considered, the MDB must communicate the contents of the process to all the affected MECs for local government, the affected municipalities, the magistrates concerned and the provincial Houses of Traditional Leaders in areas in which traditional structures exist (Demarcation Act No 27 1998). Furthermore, the MDB must publish, in local newspapers, a Section 26 Notice in accordance with the Demarcation Act No. 27 of 1998 (Steytler, 2010). The notice needs to state the MDB's intention to adjust demarcations and invite written responses and representations from the public within the affected area. A period of 30 days is required to allow for responses (*ibid*). If there is a grievance then an objection is required to be submitted to the MDB in writing within 30 days of publication (*ibid*). The MDB must consider any objections and decide on the appropriate actions to settle the matter. If the MDB decides on re-demarcation of boundaries, confirmation of this decision must be published in the Provincial Gazette. Any re-determination of municipal boundaries shall be in accordance with Section 24 and 25 of the Demarcation Act No 27 of 1998.

## **6.8 Boundary Disputes Resulting from the MDB Municipal Boundaries**

The Demarcation Act No.27 of 1998 permits the MDB to confirm or adjust municipal boundaries at the request of the municipality, the MEC for local government, the Minister of Local Government and Traditional Affairs, any stakeholders, members of the public, or by the initiative of the MDB (Section 22 of Demarcation Act No. 27 of 1998).

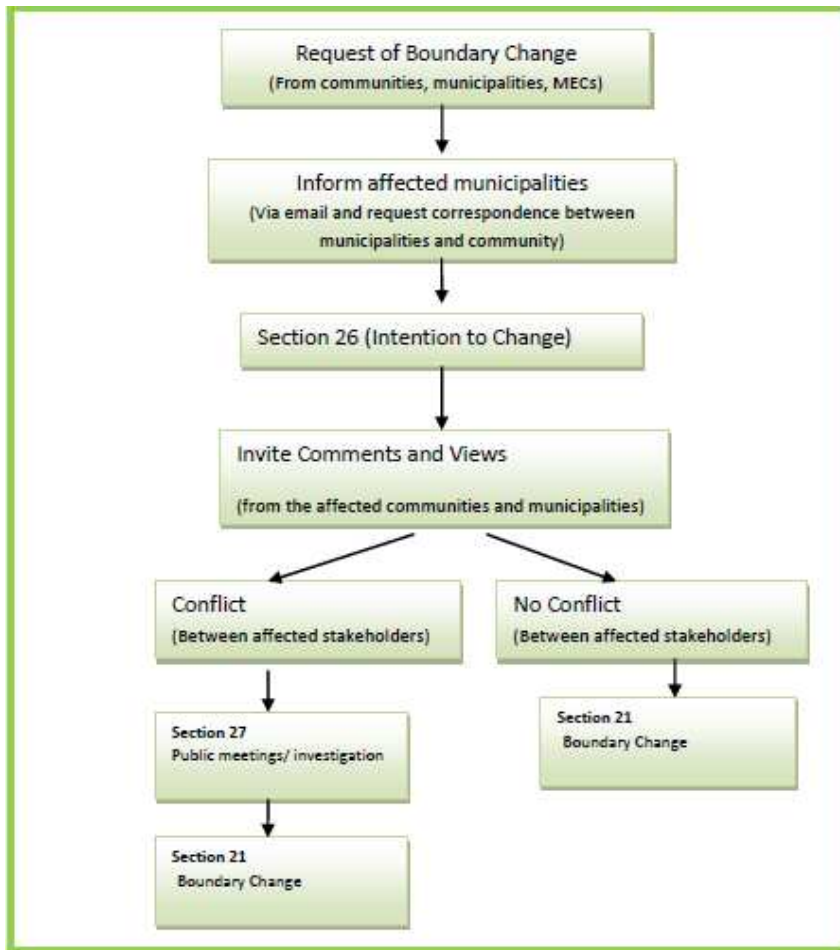
### **6.8.1 Boundary Disputes Resulting from the MDB Municipal Boundaries Demarcations of 1998**

After the first round of municipal demarcations completed for the 2000 elections, the MDB was widely criticised (Stanton, 2009). Farmers complained that their farms were governed by multiple municipalities and that basic municipal services had therefore become restricted (Khumalo, 2011). Rural communities were split over two or more municipalities and faced similar issues. Traditional leaders were aggrieved that their people fell into separate municipalities (Mushuwana, 2011). The demarcation in some municipalities created a situation whereby more than one king led in one municipality. This caused clashes in community traditions and disputes over services to the communities (Khumalo, 2011).

The MBD defended their actions by explaining that they were only given 18 months to complete municipal demarcations for the entire country (Maharaj, 2002). In addition, the data used for the demarcation processes was received from Stats SA, the Surveyor-General's Office and the Department of the Rural Development and Land Reform (Khumalo, 2011). It was later discovered that some of the data was outdated (*ibid*).

### **6.8.2 The Re-demarcation Phase**

The MDB has since improved public participation in the affected municipalities (Steytler, 2010). Any individual or organisation may lodge a grievance against the most recent municipal demarcations. The complaints will be individually addressed by the MDB to verify the validity of the complaint. A demarcation number (DEM) will be created and the affected municipality will be notified of the grievance (*ibid*). The municipality is expected to review the grievance and understand the substance of the complaint in order to find possible solutions. Thereafter, the findings are forwarded to the MDB who will make a decision about the re-demarcation (*ibid*). A flow chart of the process of boundary change is presented in the figure below.



**Figure 6.3 Process of Resolving Demarcation Disputes**

Even though the flow chart above displays that the process for boundary change seems well structured, not all the phases are dependable (as discussed in Chapter 8) and certain steps may easily be left out. However, all the above processes involving the provincial and local government are overseen by the Department of Co-operative Government and Traditional Affairs. The components of the re-demarcation process are limited by time frames laid out by the MDB. Figure 6.4 below is an example of typical time frames.

20 April 2012	• Municipalities confirm venues for the dates as per the visits programme.
26 April 2012	• Logistics in place for MDB teams to visit municipalities as per the visits programme.
May - June 2012	• Visits to municipalities.
July - Aug 2012	• Prepare for the legal process. • Publish all section 26 notices to invite views and representation on cases that will be taken forward.
Aug/Sept 2012	• Closing date for the submission of written views and representations in terms of section 26.
Sept 2012	• Analyses of section 26 inputs, and review of maps.
Sept – Oct 2012	• Determine the need for formal public hearings, and further investigations, and public notices in this regard.
Nov – Dec 2012	• Formal section 28 public hearings, where necessary. • Prepare section 21 notices for objections.
Dec 2012 - Jan 2013	• Publish section 21 notices for objections.
Jan - Feb 2013	• Closing date for section 21 objections.
Feb - March 2013	• Consider objections and decide which boundary changes should be confirmed, varied or withdrawn.
April - May 2013	• Publish Board decisions in terms of section 21(5).
June – Oct 2013	• IEC and MECs gazette section 23 notices.

**Figure 6.4 Typical time frame for Re-determination of Municipal Boundaries (MDB, 2012: 16)**

## 6.9 Department of Co-operative Governance and Traditional Affairs

The Department of Co-operative Governance and Traditional Affairs (DCOGTA) is responsible for overseeing the relationships between the traditional authority and the provincial and local governments of South Africa (South African Government, 2009). The Department was previously named the Department of Provincial and Local Government, and was later renamed to re-align with national imperatives (*ibid*). Most provinces have a combination of both municipal and traditional authorities. DCOGTA is expected to monitor and support both institutions in order for them to fulfil their mandates and responsibilities. The Department aims to ensure that government functions in a more efficient and integrated manner by using the role of traditional leaders to partner with government and speed up development in rural areas (*ibid*).

### **6.9.1 Criticism from the Minister of Co-operative Governance and Traditional Affairs**

On 25 May 2012, the Minister of Co-operative Governance and Traditional Affairs, Richard Baloyi, criticised the MDB for isolating itself from government and also for not allowing public participation during the demarcation processes (SABC News, 2012). Baloyi called the MDB the “independent republic of the demarcation board” (*ibid*). His statements angered the MDB and the next day the MDB responded by stating that their very existence is dependent on the government and that they did not appreciate his remarks (*ibid*). The incident has drawn the attention of opposition political parties. As a result, they have accused the ANC of attempting to redraw municipal boundaries to win votes (*ibid*).

### **6.10 Land Administration**

Even though rural land is merely managed by traditional leaders in accordance with social norms and sanctions (Cau, 2004), from a cultural point of view the communities and their leaders perceive that they own the land. Legally, land ownership in traditional rural communities is based on shared tenure (Adam *et al*, 1999) and members of the community only have tenure through occupancy (Ntsebeza, 2004). Once an occupant leaves, rights to the land are forfeited. Only a traditional leader may have powers to allocate the land occupation/use rights to another member of the community (Campbell and Meer, 2007).

### **6.11 Conflicting Authority**

During the apartheid regime, isolated pockets of land were primarily created by colonial powers. Only in some instances were white-owned farms bought out to resettle black people. Reserved areas allowed the indigenous population to uphold their cultures and practise a traditional way of life (Campbell and Meer, 2007). The king of a region had the limited authority to make decisions on behalf of his people and had indunas (chiefs) to ensure that his word was carried out. One of the roles that these kings still play is the distribution of land to the community (*ibid*). After 1994, the democratic government allowed for the recognition of traditional authority and leadership (Ntsebeza, 2003). The Department of Co-operative Governance and Traditional Affairs recognises and supports the existence of traditional authorities (COGTA, 2010).

Notwithstanding this traditional leadership in rural areas, South Africa is now a democratic state with constitutionally protected equal opportunities for all and emphasises non-discrimination (Republic of South Africa Constitution Act No 108 of 1996). Theoretically, this means that any autonomous means of rule should not be supported (Ntsebeza, 2003).

The demarcation of municipalities was initiated in 1998, in an attempt to decentralise government and speed up service delivery (Griggs, 1998). Ideally, an informal process of constant mutual decisions made by both the municipality and the traditional authority on community matters would have been undertaken. This would have allowed municipalities to speed up service delivery (*ibid*). However, this planned co-operative leadership is not always the case in practice, and has had severe implications on the roles of traditional leaders as the authority of the municipalities began encroaching on the authority of the traditional leaders (Ntsebeza, 2006). Despite municipal structures, official land management systems are unreliable in rural areas, requiring mediation between all authoritative structures to reach consensus on a system that will be appropriate and acceptable to all stakeholders (George, 2011).

### **6.12 Post-apartheid Land Management**

Since the change of government in South Africa eighteen years ago, there have been many changes to land management, land planning legislation, and national policies (Ovens *et al*, 2007). These policies (such as the Demarcation Act No 27 of 1998) were initially aimed at ridding urban areas of the segregation ideals of the apartheid regime (*ibid*). However, the policies have had little support in land management processes and practices (Ovens *et al*, 2007). As urban and rural South Africa continues to develop, poor land management processes are being followed. As a consequence, the quality of life in rural South Africa has changed little since the democratic government has come into power. Municipalities are not adequately equipped or supported to address the issues of rural communities (Berrisford, 2006). Their municipal land planning departments are limited in time, personnel, and logistics to address on-going land matters in rural communities (*ibid*).

In 2003, the National Spatial Information Framework Act No 54 was created to facilitate data sharing and to develop a national spatial information infrastructure. At the time there was a need for integrated spatial information on land management (Sutherland, 2012). The National Spatial Information Framework initiative is intended to:

- Gather spatial information data capture through the co-operation of all the organs of state,
- Promote the use and sharing of this spatial information in support of socio-economic development, and
- Promote access to such information (NSIF Act No. 54, 2003).

Even though the spatial information committee was formed in 2010 to address these NSIF goals, a reliable spatial information infrastructure is yet to be realised (Sutherland, 2012).

## **6.13 Administrative Boundary Problems**

### **6.13.1 Impact of Municipal Boundary Demarcation on the Cadastre**

The South African cadastral system is widely considered to be world class (Fourie 1994). Cadastral records are systematically documented and registered and the land parcels are available at the Deeds Registry and the Offices of the Surveyors-General (*ibid*). However, the MDB has located several inaccuracies in a number of regions and in recent times cadastral irregularities have been found in farm lands (Khumalo, 2011). These irregularities have their origin in the quality of the input data: the MDB acquire data sets from various different sources. For example, cadastral data is received from the Surveyor-General's Office, and imagery from the Chief Directorate: National Geospatial Information (CD: NGI). These data sets are usually reliable and enable the MDB to demarcate municipal boundaries accurately (Khumalo, 2011). However, many rural areas across South Africa have outdated and inaccurate geospatial information (Makgololo, 2011). Furthermore, the MDB had very limited guidance from professionals in the cadastral and survey fields (Nel and Engelbrecht, 2011). Very few cadastral professionals were involved in the municipal demarcation process and so there was little or no consultation regarding the validity and accuracy of the spatial data sets. These flawed data sets were used in the process of boundary demarcation resulting in numerous boundary demarcation disputes (*ibid*). An example is shown in Figure 6.5 where a farm is split in two by a new municipal boundary.

The MDB has since contracted the services of independent cadastral consultants to address the validity of data sets, especially in areas of re-demarcation (*ibid*).



**Figure 6.5 The Hoek Farm 512, split by proposed municipal boundary (MDB, 2009)**

In contrast with the split farm boundary as shown above (figure 6.5), social boundaries are somewhat intangible and communal land boundaries are not always consistent with cadastral boundaries (Khumalo, 2011). Although spatial information in rural areas is captured very accurately using satellite or aerial imagery, it remains difficult to clearly identify the extent of social boundaries and this result in numerous gaps and uncertainties (Nel and Engelbrecht, 2001).

In the case of the Thafamasi Municipality (in KwaZulu Natal Province), the municipal boundaries were aligned with cadastral boundaries (Mushawana, 2011) with the unintended consequence of splitting some traditional boundaries. One of the contributing errors was that the digitally uploaded spatial data was inconsistent with the layout on the ground (Khumalo, 2011). These problems have still not been resolved (Mokgokolo, 2011) and the situation has escalated to unrest. The MDB are consequently under considerable pressure to accurately represent what appears on the ground.

### 6.13.2 Violent Boundary Disputes

Some municipalities have been demarcated in such a way as to straddle provincial boundaries. Adjacent provinces were then forced into a geopolitical arrangement to settle local government projects (Khumalo, 2011). This has led to time-consuming and labour-intensive bureaucratic consultations between local and district municipalities concerned, and the provincial departments (Mavungo, 2010). Examples of this kind of demarcation problem are the Merafong, Matatiele, and Moutse communities.

In the Merafong Municipality, a small portion of the southern area of the Municipality fell into the North West Province, and the rest of Merafong fell in Gauteng (Mavungo, 2011). Faced with the challenges of living in cross-border municipalities, the Merafong took their grievances to court in 2005 (Mavungo, 2011). The Merafong community's argument was that the Gauteng provincial legislature failed to comply with section 118 of the Constitution of 1996 in its obligation to facilitate public involvement in the processes of approving the Twelfth Amendment Bill. The standoff between Gauteng Province and the community of Merafong highlighted complex constitutional arguments which prompted constant action from the court (Mavungo, 2011). When their request was refused, the community of Khutsong engaged in violent protests as shown in Figure 6.6.



Figure 6.6 Khutsong Protest (SABC, 2006)

For similar reasons, sporadic violence, as shown in Figure 6.7, also broke out in Moutse and Matatiele.



**Figure 6.7 Moutse Protest (Mabuza, 2011)**

The unrest in Moutse and Matatiele were not as intense as in Khutsong. The residential community of Moutse believed they had been placed in a dysfunctional province (Mabuza, 2011) and took their grievance to the Constitutional Court (Mabuza, 2011). The Court ruled that proper procedures were followed and the case was dismissed (Mabuza, 2011). It is important to note that although only a few disputes escalated to violence, these examples serve to highlight the importance of prevention.

The unrest described above has heavily affected the socio-economic fibre of these communities (Johnston and Bernstein, 2007). The violence resulted in millions of Rands of damage to public and private properties, drastic decline in municipal service payments, poor service delivery, and a negative impact on local businesses (Mavungu, 2011). In some instances police shot rubber bullets at residents in an attempt to curb the unrest. These scenarios were reminiscent of the apartheid era and were frequently broadcasted by the media (Johnston and Bernstein, 2007).

Certain government officials stubbornly defended their demarcation processes (Mavungu, 2011). However, the people stood firm, determined to grind forward with their right to be heard (*ibid*).

These situations are examples of government ignoring the association between people and their land. Mavungu (2011) observes that academic literature on provincial demarcation implies that the government has no definite sustainable performance frameworks on policy implementations. Violent outbreaks should be recognised as an inevitable process for groups of people to protest and enforce change (Kyem, 2006).

### **6.14 Summary**

This chapter discussed the historical background of governance over land in South Africa and explained the need for the transformation of municipal structures. It laid out the structures of the MDB and municipalities and explained the role played by both in municipal boundary demarcations as well as the policies and legislations that govern their actions. This chapter also explained the role of national government as represented by the Department of Co-operative Government and Traditional Affairs, and their responses to the demarcation process. Lastly, the causes of municipal demarcation disputes were discussed. The discussion touched on examples of violent protest and government responses to this violence.

## 7 Chapter 7: Narrative of the Case Studies

In this chapter, a case study protocol is used to investigate three municipal boundary disputes. The three narratives reveal that their challenges were similar but played out differently. An analysis of the processes of dispute resolution is undertaken in Chapter 8.

### 7.1 Data Collection

Data on the effect of municipal demarcation was collected using questionnaires, interviews, documents, and media information. The interviews were designed to record the views and perspectives of all stakeholders, thus reflecting the interviewee's reality. Because the three case studies follow a similar format, similarities and differences can be clearly seen.

Each case study narrative begins with a background and then describes the events experienced by the communities affected by the municipal demarcation process. The data recorded during the research gives some understanding into the various perspectives of the community, traditional leaders, the MDB, and the affected municipality/ies. Cases were selected from three different provinces, each with its own geographical location, cultural background, and traditions. The map in Figure 7.1 shows where these case studies are located. Despite the diversity of context, the three communities face similar difficulties.

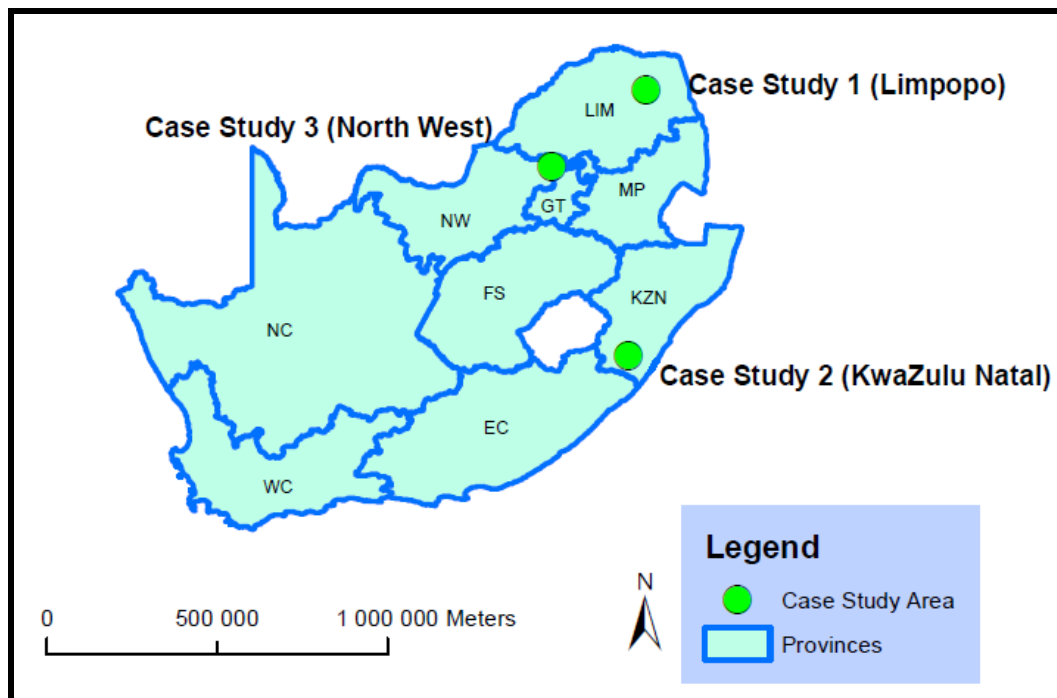
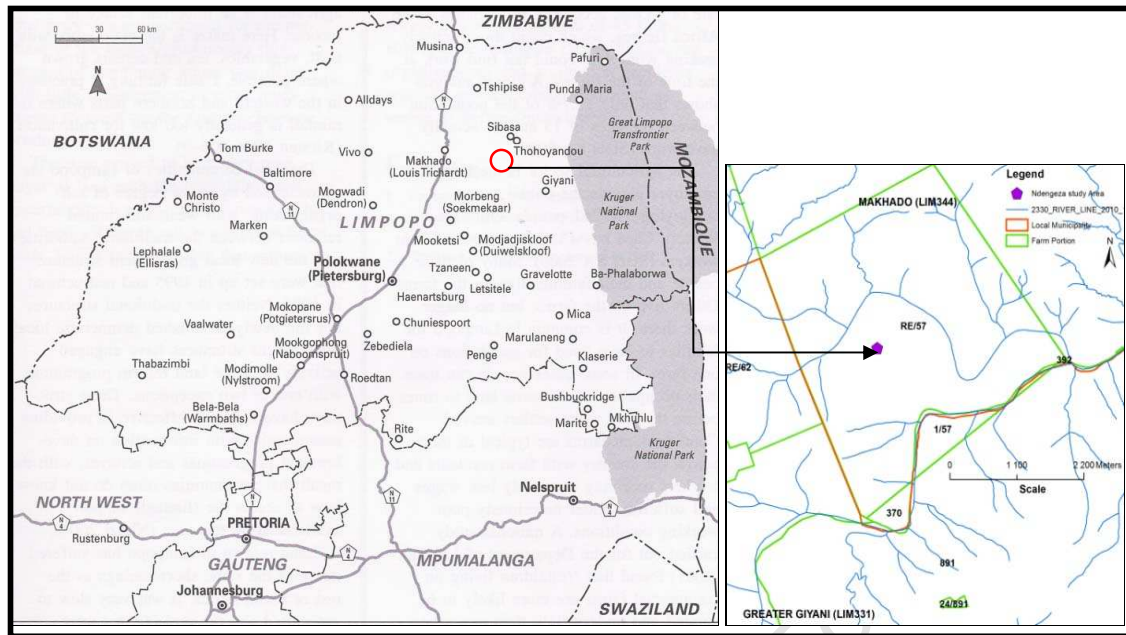


Figure 7.1 Location of the 3 Case Studies

## 7.2 Case One: Ndengeza (Limpopo Province)

### 7.2.1 Geographical Description

The Limpopo Province, as shown in Figure 7.2, is one of South Africa's most productive agricultural areas and is known as the bread basket of South Africa (Limpopo Tourism, 2011). It produces more than half of all of South Africa's fruit, vegetables, and cotton (Maliwichi and Chauk, 2010). The soil is especially fertile in the Giyani and Makhado regions (Figure 7.2) where crops such as maize, tea, fruit, vegetables, and cereals are cultivated commercially (Interviewees 4 and 5, 2012).



**Figure 7.2 Limpopo towns and cities and position of Ndengeza**

Agriculture, both commercial and subsistence provide the largest source of family income, followed by government employment (Limpopo Tourism, 2011). Most of the commercial farms are white-owned while the indigenous people practise subsistence farming (*ibid*). The Limpopo Province is the northern-most province of South Africa and is bordered by three neighbouring African countries namely, Mozambique, Zimbabwe, and Botswana. For this reason, there are rich and varied ethnic influences: The villages in the Greater Giyani Municipality are mainly Tsonga-speaking while the villages in the Makhado municipality (Figure 7.2) are mainly descendants from Zimbabwean tribes (interviewee 4, 2012) and is generally Venda speaking (Interviewees 4, 5, 6, 7 and 8, 2012).

### 7.2.2 Background

The Ndengeza people are descendants from Mozambiquean tribes. In the 1880's, the Ndengeza people migrated from areas that are now in Mozambique, to Vhembe in the Limpopo Province (Interviewee 4, 2012). In the early 1930s, this Ndengeza community was removed from their land that lay between the Middle Letaba and Klein Letaba Rivers, Vhembe (Interviewees 4, 6, 7 and 8, 2012). The Gazankulu homeland was created for the Ndengeza people and the Venda people were given a homeland called "Venda" with Thohoyandou as the capital (*ibid*).

Similar to most rural communities during apartheid, they were forced to reside in these areas based on their ethnicity, ultimately ensuring separate development (Interviewee 3, 2012). Backed by the government, the Banks family (white farmers) took occupation of the land and the land became part of Crystalfontein Farm 57. Interviewees 4 and 5 explained that in the 1960's, the water in the Klein Letaba River dried up and Crystalfontein Farm 57 was abandoned.

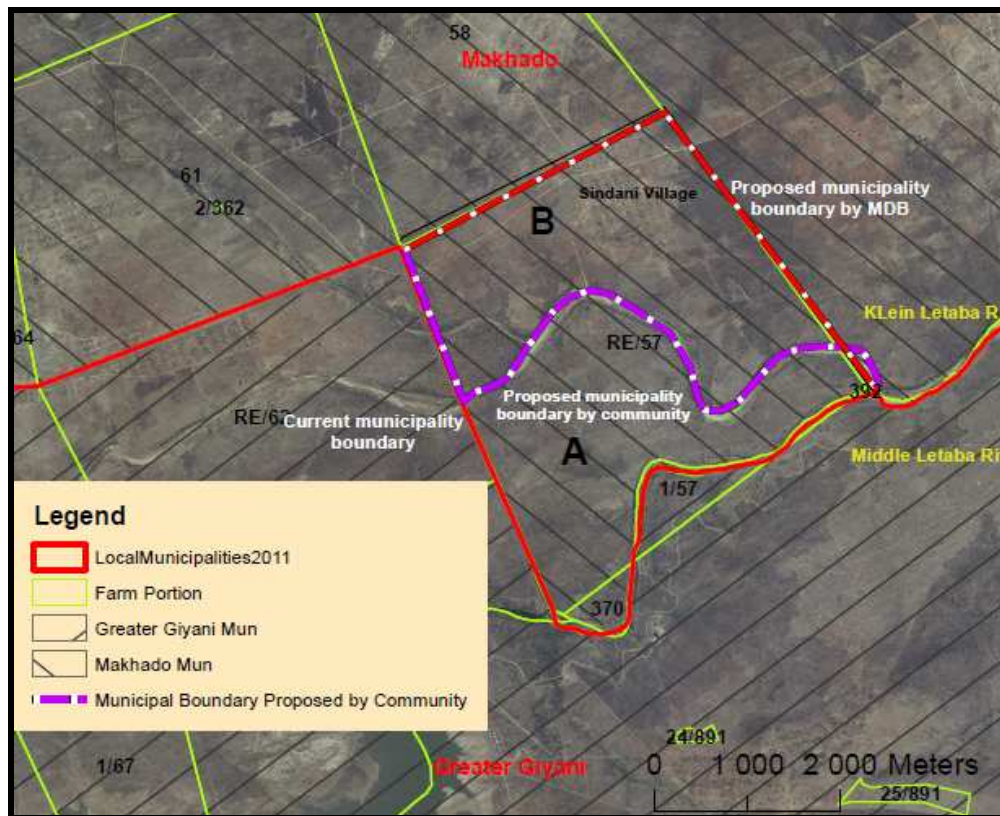
After democracy, these Ndengeza and Venda communities are still upholding their traditions and would likely refuse to settle in mixed-culture locations and also refuse to be ruled by a foreign king (Interviewee 1, 2012). Shortly before the first democratic election, the Interim Constitution Act No. 200 of 1993 was signed into law. The Interim Constitution provided for restitution of land rights to those dispossessed under apartheid. This process was to be supported by an independent commission (Restitution and Land Claim Commission) and a Land Claims Court in order to adjudicate land claim matters. From the information gathered from interviewees 1, 4 and 5, it was apparent that the Ndengeza community, located in the south of Crystalfontein, and the neighbouring Sundani people (of Venda origin), from the north, gradually expanded towards the abandoned land of Crystalfontein Farm 57. In 1998, the Ndengeza traditional authority lodged a land claim with the Restitution Land Claims Commission (RLCC), under the Restitution of Land Rights Act No 22 of 1994, for part of the Crystalfontein Farm 57 (Figure 7.3, area A), Vhembe.

### 7.2.3 Causes of Disputes

After municipal demarcation in 2000, the land claimed by the Ndengeza (Figure 7.3, area A) was split over two municipalities, namely the Great Giyani Municipality in the south and the Makhado Municipality in the north (Interviewees 1, 4 and 5, 2012). The traditional leaders of the Ndengeza community were not consulted during the demarcation process (Interviewees 1, 2, 3 and 5, 2012). If they had been consulted, they would have ensured that their community was unified in the same municipality (*ibid*). Currently, the land under claim is unoccupied. However, the Ndengeza people are concerned that the land between the two rivers (area A in Figure 7.3) will be occupied by the Sundani people from the north (Interviewee 1, 2012). Interviewee 1 (2012) explained that the two communities have different cultures, authority structures, and different ways of life.

Because each community feels the need to maintain their traditions and to protect themselves from outside influences (*ibid*), the two communities require separate locations. The Ndengeza community want to fully occupy the land between the two rivers immediately (Interviewees, 13, 14, 15 and 16, 2012). However, this will mean that the village will span the municipal demarcation (*ibid*). A portion of the Ndengeza community (between the two rivers) may then be under Sundani (Interviewees 7, 8 and 14, 2012). Consequently, the primary objective of the Ndengeza people is to have the municipal boundary re-demarcated so that the area between the two rivers falls within the Greater Giyani municipality (Interviewees 9 and 10, 2012). Interviewees 1, 4 and 5 (2012) explained that removing the municipal demarcation from the land between the two rivers should be simple and non-controversial because there are currently no inhabitants, except for a few ancestral graves.

In 2008, the Ndengeza Traditional Authority sent a grievance (Appendix 2) to the MDB requesting the re-demarcation of the municipal boundary (Interviewee 4, 2012). This boundary was to incorporate the land (Figure 7.3, area A) between the Klein Letaba and Middle Letaba River into the Greater Giyani Municipality (*ibid*). The Ndengeza community felt that this land is their ancestral home - evident from the many graves in the area. Their short-term aim is to re-instate the land as grazing land (Interviewees 11 and 12, 2012) through ancestral rights. Some of the Ndengeza people living in the Makhado Municipality have been allocated houses via government housing schemes (Interviewee 4, 2012) and say that even though they are from the community of King Ndengeza, their affiliation and allegiance to the king has been lost over time (Interviewees 18 and 19, 2012) and they now depend on the Makhado municipality for the delivery of public services (*ibid*).



**Figure 7.3 Municipal Boundary Proposed by MDB**

This case was only reviewed by the MDB three years later, in April 2011 (Interviewees 19, 20, 21, 22 and 23, 2012). The delay was owing to priorities being given to ward boundaries during the 2008-2010 periods (*ibid*). In March 2012, the MDB had a meeting with representatives of both the Greater Giyani and the Makhado municipalities. The MDB proposed a re-demarcated municipal boundary and the details were given to the municipalities concerned. The MDB further declared that municipal boundary disputes should be addressed by the relevant municipalities (Interviewees 47, 48, 49, 50 and 51, 2012). Subsequently, it emerged that both municipalities had been unaware of the concerns of the community (Interviewee 19, 22 and 23). Furthermore, the re-demarcation as proposed by the MDB was never forwarded to the affected community (Interviewees 50, 2012). Instead, the Makhado Municipality simply rejected the MDB's re-demarcation proposal stating that they would lose names from their voters' roll as well as government grants if their area was decreased (Interviewees 20 and 21, 2012). The official response from the Makhado Municipality was that insufficient public participation was carried out (*ibid*).

#### 7.2.4 Inaccurate Interpretation of Proposed Boundary Demarcation

Because of the lack of public participation, the boundary demarcation as proposed by the MDB (bordering areas A and B in Figure 7.3) was still not aligned with the boundary as proposed by the community (bordering area A only in Figure 7.3). The community is concerned that they are still not being consulted and the process is now deadlocked between the MDB and the municipalities (Interviewee 4 and 5, 2012). The Ndengeza community received the MDB's demarcation proposal on 13 March 2012 from the researcher, one year after it was released to the municipalities. Community emotions flared and they were concerned that the municipalities and the MDB are dealing with the wrong land parcel (Interviewee 17, 2012). The Ndengeza community insists that they are claiming the land up to the Klein Letaba River and nothing beyond it (*ibid*). This was stated in a document they sent to the MDB in 2008 (Appendix 3). The river is a permanent, visual, and unambiguous feature that will fulfil the role of a municipal boundary (Interviewees 9 and 12, 2012). Furthermore, the MDB's proposed re-demarcation (including areas A and B in Figure 7.3) will split the Makhado community over two municipalities which will result in further grievances (Interviewee 4, 2012).

#### 7.2.5 Resolution Process

The MDB had already executed section 26 of the Demarcation Act No 27 of 1998 in their proposed re-demarcation (Interviewees 47 and 48, 2012). The two municipalities had been requested to deal with and comment on this misinterpreted demarcation proposal (*ibid*). These comments would then be considered during the process of re-demarcation by the MDB. In June 2012, the Ndengeza community resent its re-demarcation proposal to the MDB (Figure 7.4) plus comments from the researcher. The response from the MDB was that in order for the current re-demarcation process to move forward, the community must abandon the land. Then a new process, according to section 26 of the Demarcation Act No 27 of 1998 could be initiated. The MDB assured King Ndengeza and his community that they would have ample opportunity for participation and that their comments would be considered and documented.

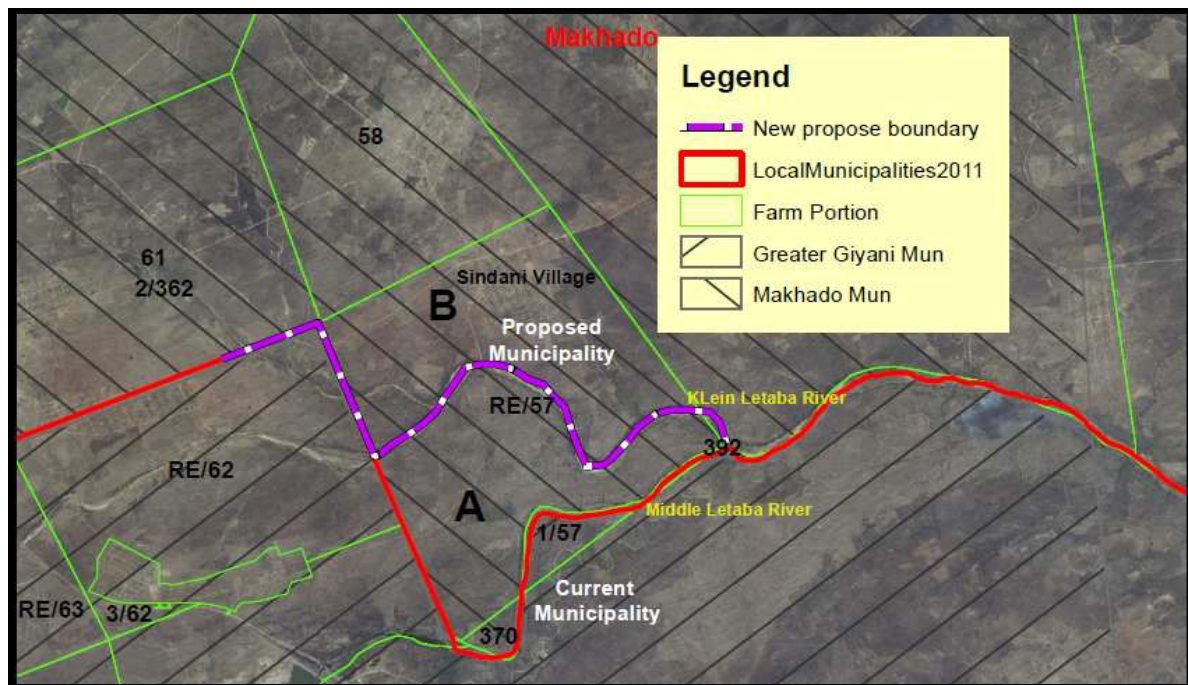


Figure 7.4 New proposed municipal boundary

### 7.2.6 Current Status

To date (December 2012), all the community of chief Ndengeza remains unhappy with the outcome and processes (Interviewees 12, 16 and 21, 2012). Interviewees 13, 14 and 22 (2012), claimed that the government is being bureaucratic and the process has been a one-sided affair in which the government makes all the decisions about the Ndengeza community (Interviewee 13, 2012). They emphasise that there should be democracy and equal opportunity for all, however, they claim the undemocratic policies of the past are being exercised again (Interviewees 18 and 17, 2012). Interviewees 10, 11, 18, 19, 20 and 21 (2012) explained that while they have all fought for this democratic state, not all are benefiting from it and politicians are unsympathetic to their cause.

The Ndengeza community have clearly expressed their interest in identifying the extent of the land parcels and have identified historical artefacts on the land to ensure accurate presentation during the re-demarcation processes (Interviewees 6, 7 and 8, 2012). Although the MDB has acknowledged that the communities have much to offer the demarcation process, to date they have not been involved (Interviewees 1, 2, 3, 23 and 24, 2012).

## **7.3 Case Study Two: Nhlungwini Community (KwaZulu Natal Province)**

### **7.3.1 Geographical Description**

The Nhlungwini community is located in Kwazulu Natal Province (KZN). It is located 85 kilometres southeast of Pietermaritzburg, the capital city of KZN. Nhlungwini falls between the prominent geographical features of the Drakensberg, the Indian Ocean, and the Valley of a Thousand Hills (Figure 7.5). The Nhlungwini people are currently split over the municipal districts of Ugu and Sisonke (Appendix 3). The northern section of Nhlungwini is managed by the Ubuhlebezwe Local Municipality which is within the Sisonke District Municipality while the southern part of Nhlungwini lies in the Umzumbe Local Municipality, located in the Ugu District Municipality (Figure 7.5).

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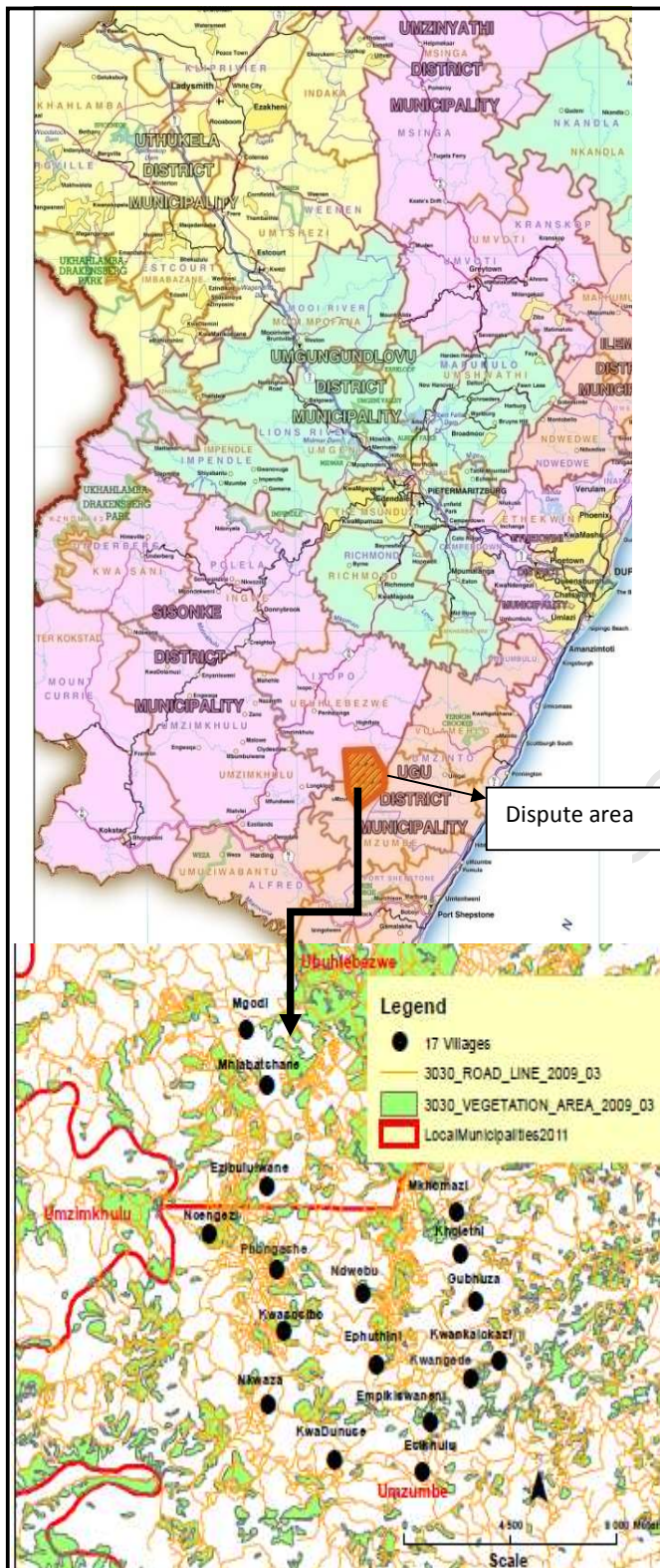


Figure 7.5 General extent of Nhangwini community

The Nhlungwini community (Figure 7.5) was named after the royal house of King Dlamini (Interviewee 27, 2011). The historical association with Nhlungwini is either from allegiance to the king of Nhlungwini or through the conquests of war during the 1800s (*ibid*). The Nhlungwini currently reside in seventeen villages: Mlhabatshane, Phungashe, Mgodu, Kholethi, Umkhomazi, Ndwebu, Esikhulu, Empikanisweni, Kwadunese, Ncengesi, Gubhuza, Ezibululwane, Nkwazi, Kwasosibo, Nkolokazi, Kwangwenda and Ephuthini (Figure 7.5). The Nhlungwini villages are characterised by huts and brick housing and are economically supported by subsistence farming (Figure 7.6). This dependence on subsistence farming highlights the importance of land to the community (Interviewees 28 and 29, 2011).



**Figure 7.6 Settlements and grazing land of Nhlungwini Village**

### **7.3.2 Background**

After the municipal demarcation in 2000, six villages, namely Mkhomazi, Kholethi, Ncengesi, Ndwebu, Phungase and Kwasosibo, were isolated from the rest of the Nhlungwini (Interviewees 27, 28 and 29, 2011). However, of the six villages, only Ndwebu submitted their grievance to the MDB (Appendix 3). This did not mean that the other villages had no objections (*ibid*). Most villagers had limited knowledge about the procedures required and many community members were illiterate, making it difficult to compile formal grievances (Interviewees 31, 32 and 34, 2011). Communication was also restricted as the educated members of the villages had generally migrated to cities (Interviewees 28, 29 and 32, 2011). Because Ndwebu Village is the furthest away from the Umzumbe local municipal offices, service delivery is poor or non-existent, inconveniencing this section of the Nhlungwini community (Interviewees 35, 2011). It is obviously better for the Ndwebu village to be serviced by the Ubuhlebezwe local municipality as it is closer and more convenient (Figure 7.7).

Travel costs to the Ubuhlebezwe local municipality are also much easier and cheaper (Interviewee 40, 2012). Some community members have compared travelling to the Umzumbe local municipality to be similar to the difficult travel they experienced under the apartheid system (Interviewees 34, 35 and 36, 2011). The Nhlangwini community of Ndwebu issued a memorandum (Appendix 3) stating that their complaints were not merely about poor service but a request to be entirely relocated into the Ubuhlebezwe local municipality, to experience a sense of belonging with the greater Nhlangwini community (Interviewees 28 and 30, 2011).

### 7.3.3 Causes of Disputes

The traditional leaders of Ndwebu village have been obliged to liaise not only with two municipalities regarding community matters (Interviewees 27 and 29, 2011), but it is unique in that the village is also split over two district municipalities (Sisonke and Ugu). The Ndwebu community have lodged a comprehensive grievance to the MDB (Appendix 3), which can be summarised as follows:

- The Ndwebu community currently under the Umzumbe municipality have complained that they do not feel welcome with the neighbouring villages of Umzumbe. They have long been associated with their fellow Nhlangwini communities located within the Ubuhlebezwe local municipality and claim that their sense of belonging has been affected.
- They believe that their development will be inconsistent with the rest of the Nhlangwini community living in Ubuhlebezwe.
- They are concerned that available jobs in the municipality will favour communities that are closer and more accessible to the Umzumbe municipal offices (Interviewees 43 and 44, 2011).

The municipal demarcation has affected the responsibilities of the traditional leaders (Interviewees 27, 28, 29 and 35, 2011). Currently community members approach the king on community-related issues and, in turn, the king must then approach both municipalities to address the same issue (*ibid*).

The outcomes from the two municipalities are often different. Different by-laws in each of the municipalities may further restrict the development of the community as a whole (Interviewee 27, 2011). In this way, we can say that municipal demarcation has created a dual authority approach (two different municipalities) to address the needs of the community as a whole (*ibid*). Municipal demarcation has also affected the provision of services to the Nhangwini community living under the Umzumbe local municipality (interviewee 38, 2012). To access government services, Ndwebu villagers are currently forced to travel to the Umzumbe local municipality which is an estimated 120 km from their village along public transport routes (*ibid*). Consequently, emergency services such as hospitals and police stations are effectively unavailable to the Ndwebu (Interviewees 41, 42, 43, 44 and 45, 2011).

The Municipal Systems Act No. 32 of 2000, requires that each municipality should have an Integrated Development Plan (IDP) in place over a five year period for the development and upliftment of their areas (Interviewees 37 and 38, 2011). The intention of municipal demarcation was to fulfil these requirements, and further, to bring service delivery in rural areas up to the standards in urban areas (*ibid*). The idea was for urban and rural areas to complement each other, within the constraints of available resources, for equitable and sustainable development. However, this is not the case in communities such as Nhangwini which straddle municipal borders (Interviewees 34, 35 and 39, 2011). During the demarcation process, social boundaries maintained by communities were ignored (*ibid*). It appears that the process of identifying and incorporating social boundaries was deemed to be a laborious and a time consuming process and cadastral boundaries were followed instead (Interviewees 31 and 32, 2011). The reasons for the dispute in the Nhangwini community regarding demarcation of the municipal boundaries as per Appendix 3 are:

- **Factor of association:** The Nhangwini villages located within the Umzumbe municipality associate themselves with the other Nhangwini communities under the Ubuhlebezwe local municipality and want to exercise their democratic rights not to be segregated as was the case during the apartheid era. These Nhangwini villages within Umzumbe claim that they do not feel welcomed by the other communities in the Umzumbe local municipality and that relationship building with these communities is an unnecessary process.

- **Service delivery:** The Nhangwini villagers believe they will be unfairly treated because of the huge distance between them and the Ubuhlezwe local municipal offices.
- **Lack of infrastructure:** There is no direct public transport between the Nhangwini villages within Umzumbe and the Umzumbe local municipal offices. In fact, it would take more than one day to travel there and back. Most of the community members do not bother and have never visited the municipal offices.

### 7.3.4 Inaccurate Interpretation of Proposed Boundary

In February 2011, the MDB created DEM number 449, shown in figure 7.7, for the Nhangwini case. This map was circulated to both affected municipalities. A geographical representation (Figure 7.7) of the grievance was supposedly created from the information received from the Ndwebu village and was attached to the DEM 449 (Interviewee 50, 2011).

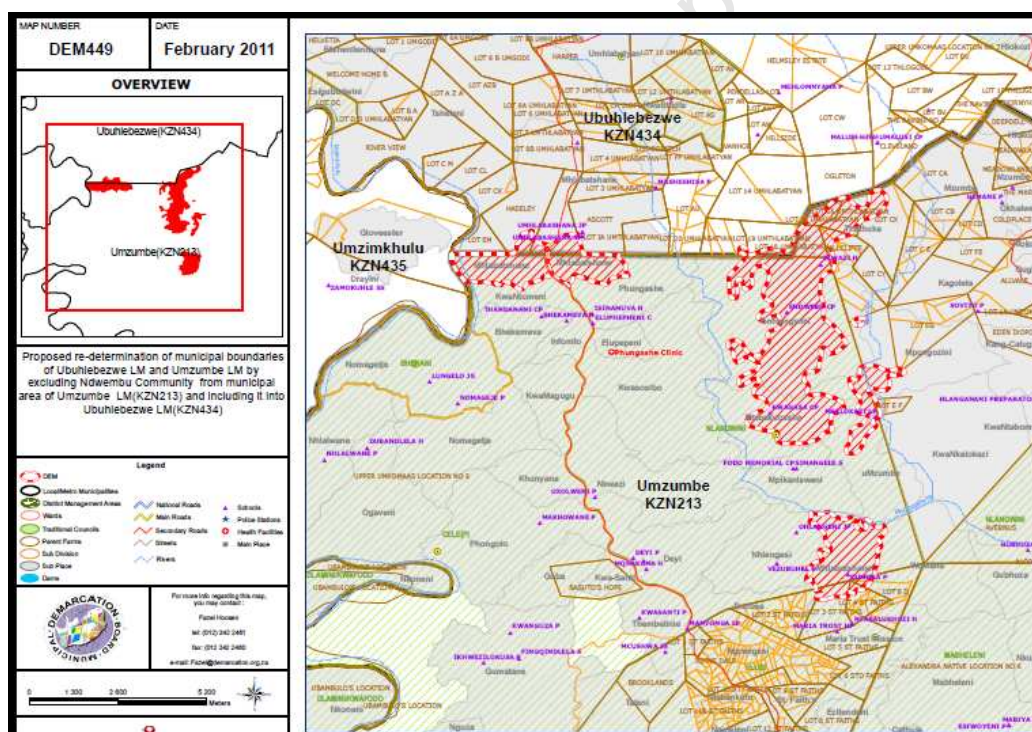


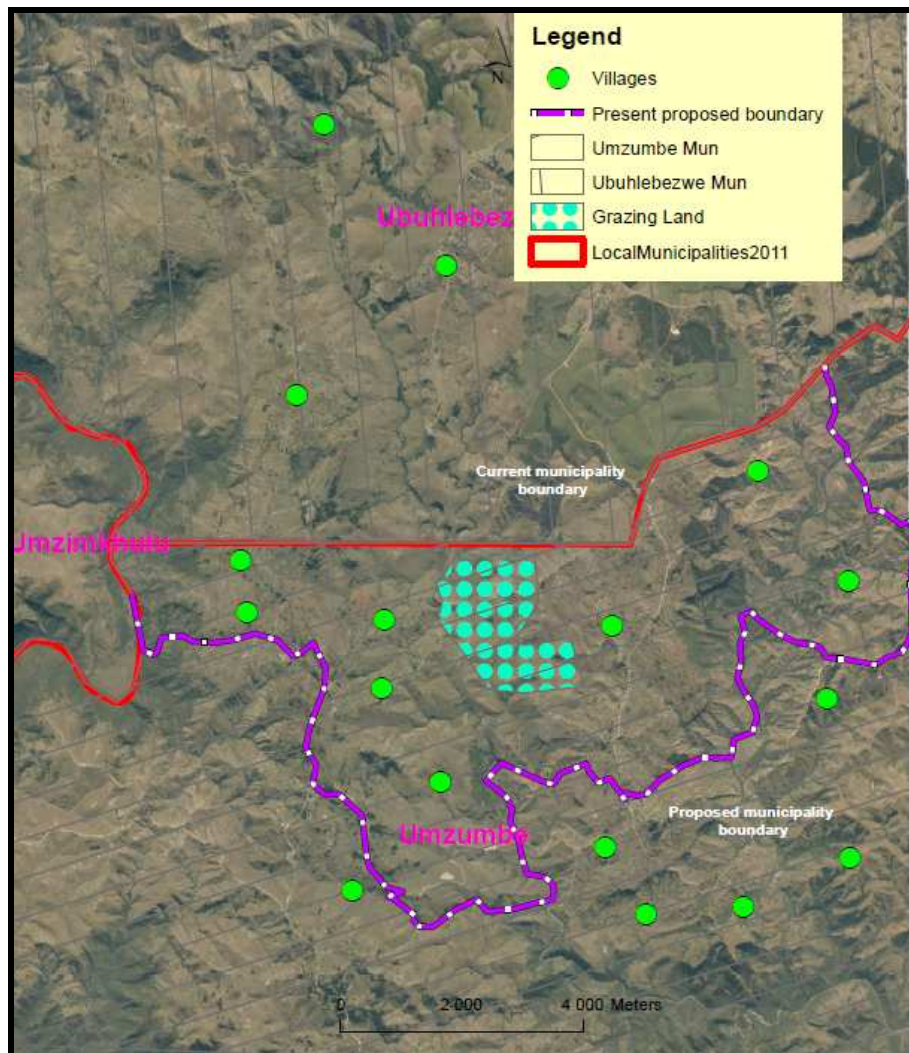
Figure 7.7 Proposed municipal boundary compiled by MDB (MDB, 2011)

However, the people of Ndwebu claim they never received the above map and immediately identified discrepancies when the map was presented to them by the researcher (Interviewee 29, 2011).

The Nhangwini community acknowledge that splitting the Nhangwini kingdom is inevitable. However, it is the layout of the municipal boundaries that has aggravated them (Interviewee 27, 2011). Although the Nhangwini community recognise that they cannot have all their requests satisfied and sacrifices are required for transformation to succeed (Interviewee 27, 2011), their minimum demand is that the villages of Ndwebu, Kholethi, Mkhomazi, Mpungashe, Kwasosiba, Ndwebu, and Ncengezi fall under the Ubuhlebezwe local municipality (Figure 7.8). The villages close to the Umzumbe local municipality may remain unchanged (Interviewees 28, 29, 34 and 36, 2011).

### 7.3.5 Resolution Process

On 7 November 2011, Interviewee 37 (2011) took the initiative to host a meeting between the communities, ward councillors, traditional leaders, and local and district municipalities in an attempt to address multiple municipal boundary grievances (Interviewee 37, 2011). The MDB was not invited because of fear of intimidation. The community members were given the opportunity to voice their concerns with the municipality (*ibid*). The eventual outcome of the meeting was that most community members were satisfied with the current municipal boundaries and that there is not sufficient need to change the boundaries (Interviewee 37, 2011). However, Interviewee 28 (2012) complained that the meeting was overwhelming and that some community members were not vocal enough. In February 2012, the MDB proposed a new municipal boundary between Umzumbe and the Ubuhlebezwe local municipalities as shown in figure 7.8. The new boundary proposal was created after consultation with the affected municipalities as well as some traditional leaders (Interviewee 50, 2011).



**Figure 7.8 Boundary proposed by the MDB**

Although this proposal was still not aligned with the requests from the Nhlangwini community (Figure 7.8), according to the Ndwebu villagers, this latest proposal from the MDB was a more favourable solution than the one before (Interviewee 28, 2011).

### 7.3.6 Current Status

To date (December 2012), the Umzumbe local municipality continues to resist any municipal boundary changes, while the Ubuhlebezwe local municipality are willing to accept municipal re-demarcation (Interviewees 24 and 25, 2011).

This may be seen as a commonality with the previous case study as the Ubuhlebezwe local municipality will gain in population numbers and therefore receive a bigger portion of the state budget, while the opposite will be applied to the Umzumbe local municipality (*ibid*). The villages that lodged the grievance remain dissatisfied (Interviewees 28 and 30, 2011). Since the matter is unresolved, the MDB must ensure that all stakeholders participate in the process until an appropriate solution is reached. The onus now lies on the MDB to find a way forward to achieve the best possible resolution. The options available to the MDB are to re-issue a Section 26 of the Demarcation Act No 27 of 1998 and follow the cycle of re-demarcation process (Section 6.3), or to subcontract the re-investigation of the case (Interviewee 50, 2012).

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

### **7.4.1 Geographic Description**

The Moretele and Madibeng municipalities (Figure 7.9) are located within the Botanala district municipality, situated along the boundary between the North West and Gauteng Provinces (Figure 7.9). Brits and Tswane are the closest urban centres. The main economic activities are agriculture, mining, and tourism destinations include Hartebeespoort Dam and Sun City (Interviewees 52 and 53, 2012). A municipal re-demarcation grievance (Appendix 4) was lodged from nine villages located along the border between the Moretele and Madibeng municipalities (Interviewees 54, 59 and 60, 2012). Madibeng municipality comprises 31 wards and has a population of 450 000 residents in 43 villages (Interviewee 48, 2012). About 93% of the population are from historically disadvantaged groups (Interviewee 55, 2012). The Moretele municipality is located 60 km from the city of Tswane (the capital city of South Africa), and comprises 65 villages (Interviewee 53, 2012). The population of this municipality are mostly Tswana speaking (Interviewee 52 and 53, 2012). The jobs available from mining activities in the area have attracted many people from distant parts of South Africa as well as foreigners from Zimbabwe, Malawi, Mozambique, and Nigeria. These South Africans and foreign nationals have settled in the surrounding villages, often creating squatter areas. Others have found jobs and business opportunities in the city of Tswane (Interviewee 59, 2012).

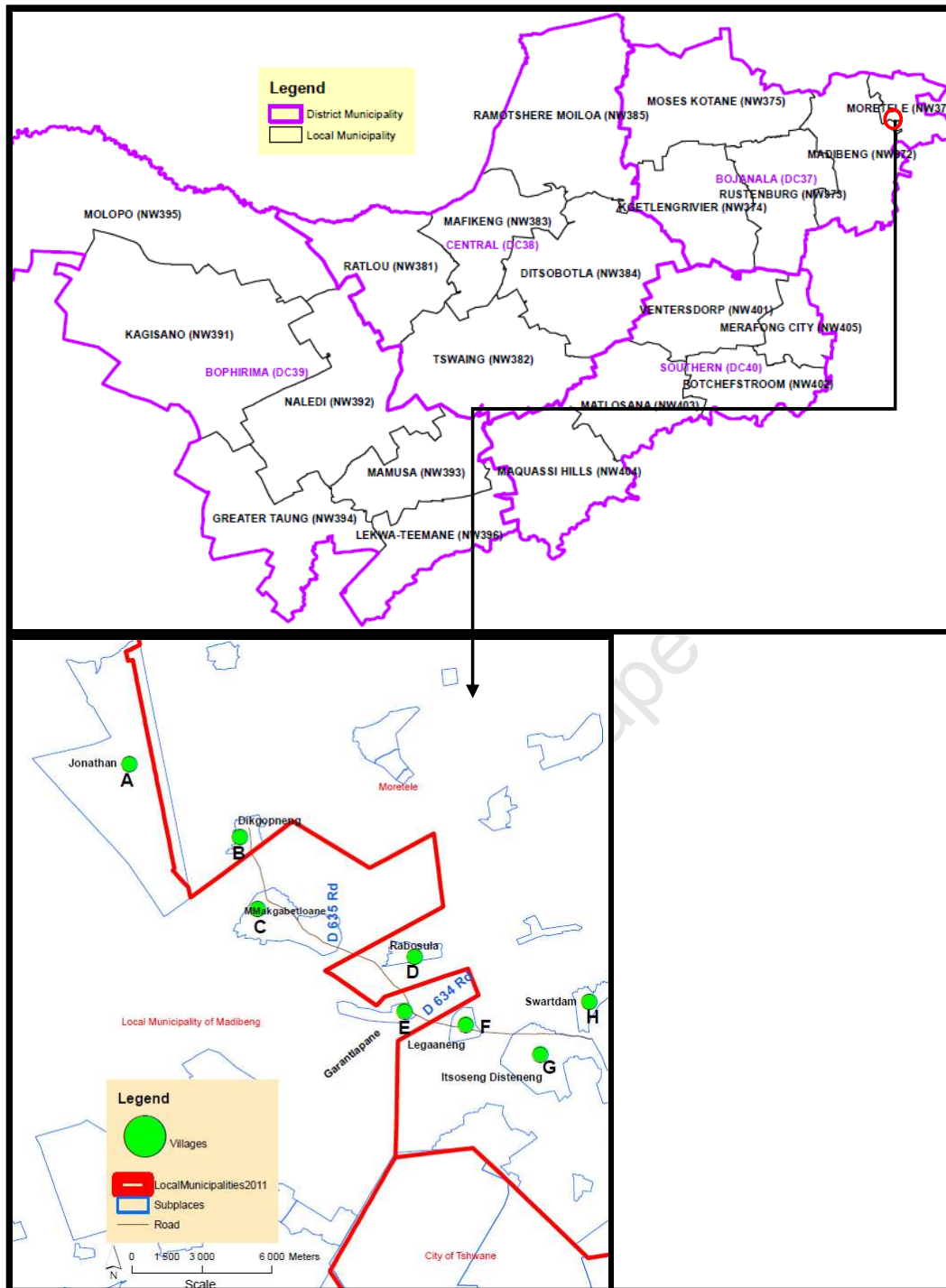


Figure 7.9 Extent of Moretele and Madibeng municipalities and locations of nine villages

## 7.4.2 Background

The nine villages located along the border between the Moretele and Madibeng municipalities requested an upgrade of the main road D635, common to both the Moretele and Madibeng municipalities (Interviewees 55 and 59, 2012). The D635 road links the villages not only to each other but also to Tswane and Brits (Interviewees 55 and 59, 2012). The working population of the area is thus dependent on this route for daily travels 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 Tswane and Brits and the villages (*ibid*). During the rainy season, the road becomes a river and taxis are simply unable to collect people for work. The grievance (Appendix 4) over the rehabilitation of road D635 (Figure 7.10) is on-going, but has been met with several delays (Interviewees 59 and 60, 2012). The main reason for these delays is that the road runs through the Moretele and Madibeng municipalities, entering and exiting five times over a 4 km stretch (Figure 7.10). The two municipalities have different budgets and work plans for rehabilitating the road (Interviewees 55 and 60, 2012). This is clearly not workable or practical: the road upgrade clearly needs to be undertaken as one project.

Since requests for road rehabilitation have been put on hold indefinitely, the communities have decided to approach the matter from the perspective of municipal boundaries. If the municipal boundary is to be re-aligned so that the D635 road falls wholly within the Moretele municipality, the rehabilitation of the road may resume (Interviewees 59 and 65, 2012). Further reasons for re-demarcation of the municipal boundary are to unite certain villages lying in Madibeng with fellow villages and traditional leaders situated in Moretele (*ibid*). Initially the nine village communities approached their king to escalate the matter to government (*ibid*). However, the status of the traditional leaders had been weakened since the introduction of democratic municipalities and the kings feared that their influence over municipal matters would not be significant (Interviewee 60, 2012). Consequently, the kings encouraged the communities to use the Mmaleramodijo People's Forum (the Forum) as a platform to address their issues. The kings also instructed the local indunas to assist the communities in driving the process and to act as liaisons between the kings and the Forum (*ibid*).

The Forum was thus established in 2006 (interviewee 59, 2012) to lodge a formal grievance against municipal demarcations (Appendix 4). The village indunas attending the Forum represented Swartdam, Legaeneng, Itsoseng Disteneng, Batshabelo, Rabosula and Dikgopneg. From the Moretele municipality, and Jonathan, Garantlapane, and Makgabetloane from Madibeng (Figure 7.10).

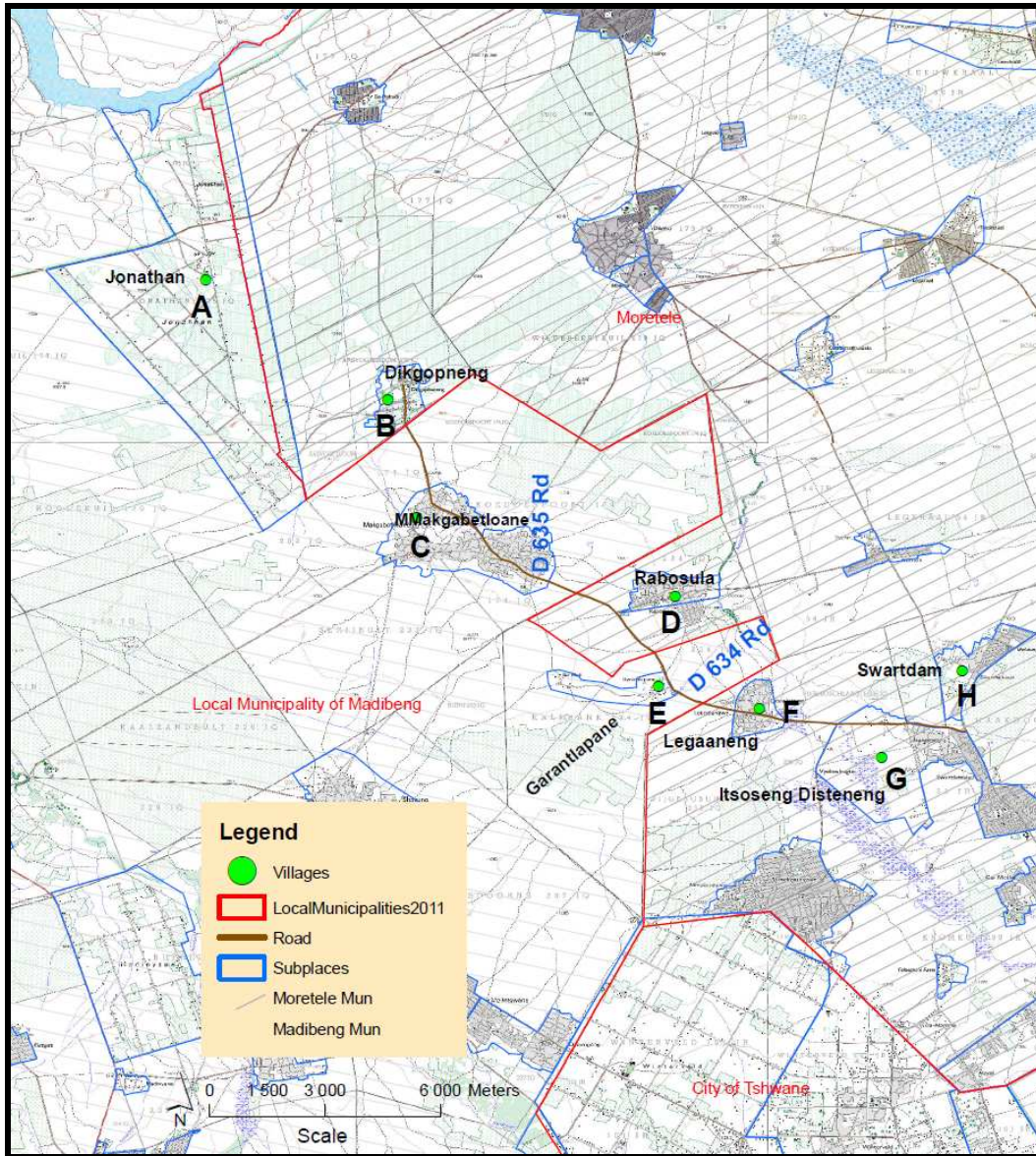


Figure 7.10 Communities affected by municipal boundary

### 7.4.3 Causes of Disputes

On 9 September 2009, the Forum sent a request (Appendix 4) to the MDB for the re-determination of the municipal boundary between the Madibeng and Moretele municipalities. In the letter, they requested a meeting with the MDB (Interviewees 53 and 54, 2012). The Forum explained that they had, on numerous occasions, requested assistance from municipal representatives to ensure that the application process followed the proper protocol (Interviewees 57 and 58, 2012). However, the municipalities did not follow up on the invitations of the communities and traditional leaders and meetings were not honoured by the respective municipalities (Interviewee 60, 2012). The Forum stated the following reasons for re-determining the municipal boundary:

- To unite the traditional community split by the municipal boundary
- To alleviate poverty by enhancing local economic development
- To improve skills distribution with consequent job creation
- To develop infrastructure and communication networks.

While the Forum's approach followed proper procedures and was undertaken in a humble manner, they also clearly expressed their determination to find a sustainable solution to the problem (Interviewees 55, 59, 60, 2012). The MDB responded with a letter dated 21 September 2009, requesting the Forum to identify the nine affected villages (Appendix 4). The MDB forwarded a map to the Forum and asked them to illustrate their proposal on the same map (Interviewee 52, 2012). Furthermore, they urged the Forum to forward their proposal to the affected municipalities. The MDB would in turn consult with the municipalities in terms of Section 22 of the Demarcation Act No. 27 of 1998 (*ibid*). The Forum speedily replied with a letter dated 2 October 2009, that they had not made any progress with the municipalities up till then. However, since the MDB's insisted, the Forum undertook to notify the executive mayor of Botanala District Municipality (Interviewee, 50, 2012). If no progress was made, the Forum would return to the MDB for assistance. In the interim, the received map was used to highlight the nine villages affected by the municipal boundary (*ibid*).

On the 2 November 2009, the Forum received responses from both the Madibeng municipality and the MDB (Appendix 4).

The municipality shifted responsibility to the MDB, but undertook to liaise with the MDB on this matter. The MDB, on the other hand, referred the Forum to an MDB circular 3/2009 (Appendix 4) where the MDB announced it would no longer deal with municipal boundary re-demarcations as they were focusing on municipal wards at the time. Any request for municipal re-demarcation requests had to be dealt with at municipal level until after the 2011 local government elections when the MDB would again become available for municipal boundary re-demarcation requests (Interviewees 52, 53 and 54, 2012).

At this stage the case went dormant. The community could not make progress via the municipalities or the MDB. However, displaying their determination, the Forum waited until after the local government elections to rejuvenate the process (Interviewee 55 and 60, 2012). On 6 December 2011, they sent another request to the MDB, requesting re-demarcation of the municipal boundary between Madibeng and Moretele. The reasons for the re-demarcation as stated in this request were (Appendix 4):

- The closest fresh water supply within the Madibeng municipality is 15km away from the affected villages. However, if they are incorporated into Moretele then water supply would only be 4km away.
- The affected villages use the main roads under Moretele municipality when they commute. Furthermore the pattern for human settlement in these villages is designed around Moretele main roads.

Other reasons expressed in the re-demarcation request were as follows (Interviewee 60, 2012):

- **Transport:** People in the three affected villages tend not to visit the distant municipal offices of Madibeng (Interviewees 55, 59 and 60, 2012) because the public transport is disjointed and expensive. They need to use multiple means of transport over long distances with intermittent schedules (Interviewees 32 and 35, 2012), and risk becoming stranded at transport interchanges.
- **Access to facilities:** Most public services, such as clinics, libraries and community centres, are available only around the municipal offices (Interviewees 29 and 30, 2011). Distant communities are effectively unable to use these facilities because of their inaccessibility. Consequently, many people who live in these three villages feel abandoned and isolated from the rest of the country (*ibid*).

- **Inconsistent public services from neighbouring municipality:** The distance between communities and municipalities is so extreme that the delivery of basic public services is impractical and very intermittent (Interviewees, 2, 3 and 4, 2011). The municipality firstly focuses on nearby communities and then, finance permitting, expands its service delivery to far reaching communities (*ibid*). Furthermore, municipal employees tend not to undertake tasks far from the municipal offices because they have to be present at the office at the start and end of each working day (*ibid*).
- **Economic factors:** The main towns accommodate both the municipal offices as well as businesses and are hubs in the local economy. Economic opportunities are lost for many rural communities as there is no regional incentive for businesses to decentralise (Interviewees 24 and 25, 2011).

The two municipalities responded jointly: both municipalities objected to the re-demarcation of the municipal boundary between Moretele and Madibeng for the following reasons (Interviewee 52, 2012):

- The community did not use formal channels.
- If the municipal boundary was demarcated as requested, a Roman Catholic Church of heritage status would then be relocated from Madibeng to Moretele and Madibeng municipality will lose their heritage status.
- The request was also declined for “economic reasons”.

At about the same time, there were other community groups requesting the creation of a new municipality. This proposed new municipality would incorporate both Madibeng and Moretele. The municipalities quickly opposed this idea and mistrust developed between the municipalities and the community (Interviewee 53, 2012).

### 7.4.4 Inaccurate Interpretation of 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 (Figure 7.10). The community assumed that the MDB did not consider the requests of the community because the MDB sided with the municipalities (Interviewees 55 and 60, 2012). The Forum, determined to find a suitable settlement, again arranged to meet with the MDB and the two affected municipalities (Interviewees 60, 2012). During the meeting they identified the discrepancies between the MDB demarcation proposal and the community proposal (Figure 7.11). On 11 December 2011, the MDB demarcation proposal was adjusted to the satisfaction of the community (Figure 7.10). However, the adjusted demarcation proposal of 11 December 2011 resulted in the dissatisfaction by the affected municipalities.

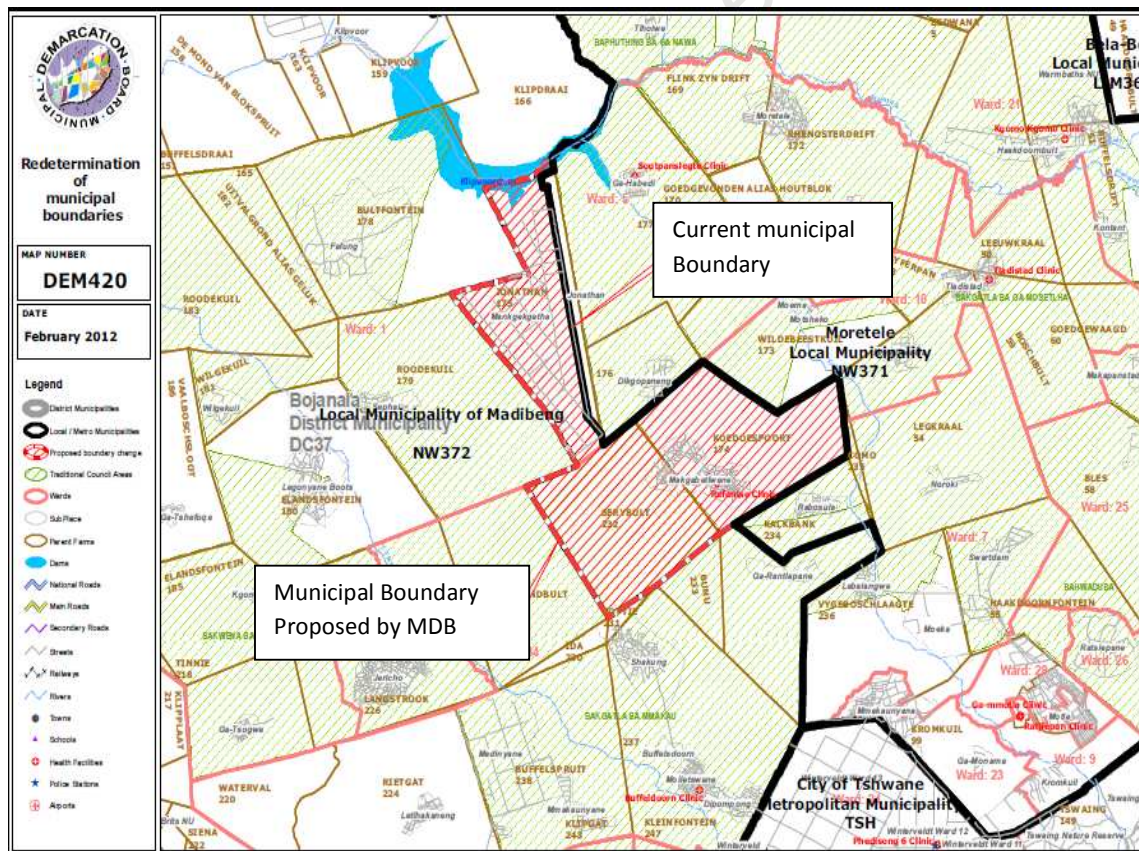


Figure 7.11 Inaccurate map compiled by MDB

#### 7.4.5 Dispute Resolution

A few days before the successful meeting on 11 December 2011, the two municipalities held a further meeting with the community to address the issue of the municipal boundary demarcation (Interviewees 52, 53, 59 and 60, 2012). The municipalities realised that they had not sufficiently and constructively consulted with the community (Interviewee 52, 2012) and created a working committee to deal with the communities issues (*ibid*). The community discovered that in the interim the MDB had created a re-demarcation proposal and addressed the municipalities regarding it. The municipalities disagreed with the proposal (Interviewee 53, 2012)

#### 7.4.6 Current Status

To date (December 2012), the case awaits action from the MDB in order to facilitate progress on the matter (Interviewee 60, 2012). Since there was still disagreement between the municipalities and the communities over the proposed municipal boundary (Interviewee 50, 2012), the MDB decided to contract a private investigation in terms of Section 27 of the Demarcation Act No. 27 of 1998.

### 7.5 Conclusion

In conclusion, Chapter 7 has presented the three case studies as narratives, incorporating the views of affected stakeholders (i.e. community members, traditional leaders, municipalities, and the MDB). The chapter describes the different ways people express themselves against perceived unfairness and the consequences of various community actions. It gives insight into how government goes about dealing with matters relating to land and community concerns. The next chapter will analyse the information presented in these case study narratives using the frameworks of the principles of good governance, RRRs, change management, land management paradigms, and the 7Es framework, as discussed in Chapter 5.

## **8 Chapter 8: Analysis of Municipal Demarcation Processes**

### **8.1 Introduction**

In this chapter, the municipal re-demarcation processes and land administration systems in rural areas are analysed using the frameworks discussed in Chapters 3 and 4. The processes and challenges of municipal re-demarcation in rural areas can be understood in the light of the frameworks of RRRs, LMP, principles of good governance, the 7Es performance measurement framework and Kotter's eight stages of change management. These frameworks are first evaluated in terms of their available tools and the extent to which they address the research questions. Secondly, each framework in turn is used to produce a structured critique of the municipal re-demarcation processes and land administration systems so that improvements can be proposed.

#### **8.1.1 Rights, Restrictions and Responsibilities of Municipal Government**

The rights and responsibilities of the municipalities are specified in the Municipal Structures Act No. 117 of 2000, the Municipal Systems Act 32 of 2000, the Demarcation Act No. 27 of 1998 and the Republic of South Africa Constitution Act No 108 of 1996. In rural areas, these rights are restricted by the traditional land administration systems (Section 6.11). The municipalities carry the dual responsibility of being the facilitator with traditional leaders and delivering rural development services. However some of these responsibilities, such as land distribution and land management, overlap with those of the traditional leaders, thus creating a complex duality of authority. In the three case studies of Chapter 7, the delivery of public services and community land development was reflected as the responsibility of the municipalities, but this service delivery was inadequate for communities situated far from the municipal offices. The distance restricts the ability of the municipalities to deliver their public service responsibilities and this lack of service delivery has prompted the communities to request inclusion into adjacent municipalities (Chapter 7).

Conflict between the municipalities and rural communities over the placement of municipal boundary hampers growth and land development (Section 7.3.3). In case study two (Section 7.3), the community is further affected by being split over local municipal boundaries and two district municipalities. The result is that one community is governed by two different district municipal by-laws. This is clearly impractical and untenable. In case studies two and three, municipal boundaries straddle a group of villages, making it very difficult for either municipality to deliver adequate services. The municipalities explain that they are restricted by a lack of resources, such as GIS systems and survey equipment, which prevent them from addressing municipal demarcation disputes (Interviewees 24 and 25, 2011). However, they have been accused of attempting to increase their governing area in order to receive more government funds (Section 7.2.3).

### **8.1.2 Rights, Restrictions and Responsibilities of Traditional Leaders**

The rights of traditional leaders in rural areas are recognised by Chapter 12 of the Constitution of South Africa (RSA Constitutional Act No 108 of 1996). The role of traditional leaders has also been discussed in the academic space (Ntsebeza, 2006, Cele, 2011, Koelble, 2005), although it is not clearly legislated. Consequently, the roles they play in rural communities are not clearly defined and they compete with local government for authority over land development, decision making, municipal boundary demarcation, and service delivery (Sections 7.3.3 and 7.4.3). This competition for authority is evident in the three rural case studies discussed in this thesis where traditional authority clashes with municipal authority (Sections 7.2.4, 7.3.4 and 7.4.4). Although the municipalities are mandated to address development, the lack of service delivery and development from the municipalities (Sections 7.2, 7.3, and 7.4) clearly shows that municipal governance, on its own, is not working. The traditional leaders feel that the municipalities themselves are preventing them from contributing towards rural development. If traditional leaders are involved in municipal demarcation from the beginning, this may reduce demarcation disputes.

In the Ndengeza (Section 7.2) and Nhlanguwini (Section 7.3) case studies, the communities requested to be located under the same municipality as their traditional leaders. This is an indication of the faith they have in these leaders. Communities look towards traditional leaders as their agents to liaise with local authorities to resolve municipal issues, however, even though traditional leaders are still responsible for land distribution in rural communities, these responsibilities overlap with those of local government.

Chapter 3 of the Municipal Structures Act No. 117 of 1998 allows traditional leaders the ex-officio right to participate in municipal meetings where community matters are discussed. However, the three case studies of Chapter 7 illustrate the reality where the traditional leaders were in fact excluded from participating in meetings between the MDB and the municipalities. The traditional leaders are justified in their feelings that their status has been undermined and that since the introduction of local municipalities they are no longer respected in their own communities (Section 7.4). Many traditional leaders feel that their authority over their land and people will eventually disappear (Sections 7.2 and 7.3).

In addition to the demarcation issues discussed above, an investigation is needed into the dual authority system, where the rights and responsibilities of both the traditional leaders and the municipality can contradict each other. Since central government and the Constitution recognise the role of the traditional authority, workable policies need to be in place to integrate the two authorities (Interviewee 17, 2012).

### **8.1.3 Rights, Restrictions and Responsibilities of Communities**

The Bill of Rights in the Constitution of 1996 enshrines the rights of a community to both voice its concerns and participate in rural development. However, in the three case studies discussed in Chapter 7, these rights have been ignored during municipal boundary re-demarcation.

The MDB claim that they are communicating with the public but the communities simply do not engage in the process. On the other hand, the rural community claim that the MDB does not communicate with them in an accessible way. This explains the broken communication channels and increasing lack of trust (Interviewees 14, 15 and 16).

The villagers feel excluded from participating in the re-demarcation of municipal boundaries. This means that the process of public participation is once again ignored and that their right to participate in the process has been abandoned (Sections 7.2.4, 7.3.4 and 7.4.4). Under a democratic state, it is difficult to understand how the basic rights to public service of so many people are still being restricted through bureaucratic government practices.

#### **8.1.4 Summary**

Municipalities have been created to redress the imbalance of services delivery and community development, especially for rural citizens. However, these developments can only succeed if all stakeholders embrace their RRRs and are mindful of how these interplay with the RRRs of other role-players. The municipal re-demarcation process and resulting disputes indicate inconsistencies in the RRRs of the stakeholders. Furthermore, this analysis reveals inadequate public participation, poor land management, lack of service delivery and resource allocation, incompatible policies in land administration and delivery, and conflicting social responsibilities.

The RRRs framework is useful for identifying gaps and overlaps between municipalities, traditional leaders, and communities in re-demarcation matters. The application and analysis of RRRs has the potential to reduce disputes and alleviate conflict where disputes have already arisen.

### **8.2 Analysis of Municipal Re-demarcation Using the Land Management Paradigm (LMP)**

The LMP as presented in Section 4.6, can be used to plan and monitor land administration (Williamson *et al*, 2010). In this case the components of LMP, namely land administration functions, land infrastructure, land policy framework, countries context and sustainable development (Section 4.5) will be used to analyse the municipal demarcation process and identify what improvements can be made to avoid municipal re-demarcation disputes.

### 8.2.1 Land Policy Framework

Land policy frameworks, a component of LMP, has been lacking in the rural municipal demarcation process. During apartheid there was little development of cadastral systems in rural areas (Fourie, 2000), and nothing has changed in 19 year of democratic rule. This was aggravated by the Demarcation Act No. 27 of 1927, which was biased towards urban areas (Section 6.7). Since land policies require practical means of implementation, it appears unworkable to have one policy governing both a modern urban structure and a developing rural structure. The unique requirements of rural land development policies need to be re-assessed to accelerate rural development (Interviewee 17, 2012).

### 8.2.2 Land Information Infrastructure

This affects the four aspects to the land management paradigm, land demarcation, land use, land tenure, and land development (Section 4.5). There are concerns that inaccurate land information has led to inaccurate municipal demarcation, poor land planning and control, poor decision making, and skewed development. The poor quality of the land information infrastructure has yielded inaccurate information which was then used for municipal demarcation (Section 6.13.1). The MDB is dependent on spatial data from the Surveyor-General's Offices (SGO) and the Chief Directorate: National Geospatial Information and Statistics South Africa. However, there are clear gaps in the supplied data. Maps and spatial information are out-dated and inaccurate (Section 6.13.1). Interviewees 24, 25 and 26 (2011) also indicate that maps do not reflect what is actually on the ground (Sections 7.2.4, 7.3.4 and 7.4.4). SGO data have gaps in rural areas especially in areas which were designated as homelands under the apartheid government.

Clearly, the land information infrastructures need to be improved so it is complete and current. More specifically, the custodians of land information in South Africa need to integrate their land information systems into a single accessible system managed by suitably educated and accountable stakeholders. The South African Spatial Data Infrastructure (SASDI) is an organisation mandated by the National Spatial Information Framework (NSIF) to integrate all governmental spatial data (Section 6.12). However, the case studies discussed in Chapter 7 have shown that the SASDI framework can be unreliable and inefficient.

Clearly, agencies such as the MDB require complete and correct spatial information to unite the various custodians of land information systems. The use of pioneering approaches and cutting-edge technology is promoted by the principles of good governance (Section 2.6.4). An example is the use of cellular phones in maintaining land transactions in rural areas, as in the case of Whittal (2011). A further example is the Vulindlela Project, a government initiative to form an e-cadastre.

### **8.2.3 Land Administration**

The land administration function is central to good governance in LMP. However, the processes of municipal demarcation in rural areas (Sections 7.2, 7.3 and 7.4) conform only very weakly to the principles of good governance, resulting in heated disputes (Figure 6.2). The demarcation process was undertaken without proper attention to detail, and contrary to the principles of good governance in land administration. This is not beneficial to rural communities and can be detrimental to their development (Sections 7.2 and 7.3). Furthermore, the demarcation processes in certain areas do not even conform to the existing cadastral boundaries.

From the disputes discussed in Chapter 7, it is clear that land administration must take into account the existing rights of people to land. This may indicate the need for land professionals (such as land surveyors) to assist in the demarcation process. The MDB has acknowledged certain shortfalls in the demarcation processes and is requesting assistance to avoid further conflicts. Since June 2011, the MDB has invited the Chief Surveyor-General to participate in MDB meetings when land demarcation and re-demarcation matters are discussed (Mdubeki, 2012). However, land professionals should not only be involved at management level. Professional and technically-competent land surveyors, employed to carry out demarcation duties on a day-to-day basis, would enhance the sustainability of the processes.

#### **8.2.4 Sustainable Development**

Sustainable development is a vital component of land administration to ensure the long term utility of the land and its resources. In the three case studies of Chapter 7, the very need for re-demarcation of municipal boundaries illustrates the unsustainable processes of the MDB. Economic, social and environmental development should be introduced in such a way as to enhance sustainability. The elements of the land management paradigm (Section 4.8) should be well-constructed and well-designed to ensure sustainability. The institutional arrangements of municipalities, traditional authorities, and other government departments should be desirable and suitable to the context. Transport infrastructure and public services should be designed to efficiently service all rural communities.

#### **8.2.5 Summary**

The original process of demarcation of municipal boundaries did not adequately align itself with best practices expressed in the land management paradigm. These misalignments, together with ineffective land administration by the municipalities, were the fundamental reasons for the need to redefine these municipal boundaries. Even during the redefining process, the disputes and grievances lodged by the rural communities could not be solved and the failed demarcation process was repeated. Further, the land information infrastructure is unreliable, introducing errors into the re-demarcation process. Even when re-demarcation is complete, the problems of rural communities are still not resolved. The above practices make it impossible to promote sustainable development in land demarcation.

### **8.3 Analysis Using Principles of Good Governance**

The principles of good governance adopted in this research are transparency, participation, accountability, efficiency and effectiveness. The process of municipal re-demarcation is assessed in terms of whether these goals are met. This leads to recommendations to improve the process.

### 8.3.1 Transparency

Transparency is a pre-requisite for good governance. All aspects of municipal demarcation should be open for public scrutiny, and the processes should be clear and well-communicated. Public participation is essential to achieve the goal of transparency. In the three case studies of Chapter 7 the traditional authorities, communities, and municipalities all had access to the demarcation policies, in theory (Interviewees, 20, 21, 2012). The policies can therefore be said to be transparent. However, the processes carried out by the MDB and affected municipalities are not at all clear to the traditional leaders and communities. In fact, the field data in Table 8.1 below shows that all of the traditional leaders interviewed felt the re-demarcation processes were not transparent. They felt that this lack of transparency hinders the effectiveness and efficiency of the re-demarcation process.

**Table 8.1 The Perceptions on Transparency in the Re-demarcation Process**

<b>Are the municipal re-demarcation processes transparent?</b>							
<b>All cases</b>	<b>“Yes” Answers</b>	<b>% of Yes Answers</b>	<b>Undecided</b>	<b>% Undecided</b>	<b>“No” Answers</b>	<b>% of No Answers</b>	<b>Total number Interviewed</b>
<b>Traditional Leaders</b>	0	0	0	0	12	100%	12
<b>Community Members</b>	2	6%	0	0	31	86%	33
<b>Municipality</b>	2	17%	3	25%	7	58%	12
<b>Total</b>	4	7%	3	5%	50	88%	57

Of the community respondents, 86% agreed that transparency is missing from the re-demarcation process. The remainder were associated with the municipality through family or friends and their comments demonstrate bias toward the municipality.

### **Transparency Displayed by the MDB**

The MDB claims to be transparent since they publicise the demarcation updates in the media (interviewees 47 and 48, 2012), but people living in remote rural areas, do not have access to these sources. The community and traditional leaders in the case studies were unaware of the status of the grievances they had lodged and struggled to get more information (Chapter 7). In one case study (Chapter 7), the community was discouraged by the fact that information on re-demarcation was received by outsiders (e.g. the researcher) and that they only learned about progress through hearsay. They believed that they were being ignored and their contributions were not valued.

A transparent process would have also avoided misinterpretation of the community's proposals (Sections 7.2.4, 7.3.4 and 7.4.4 inaccurate maps). In accordance with Section 26 of the Demarcation Act No. 27 of 1998, every time the MDB misinterprets a map, the demarcation process has to restart. It is thus the responsibility of the MDB to ensure that its communication to the affected communities is properly received and understood by these communities. Only then can the process be termed transparent.

### **Transparency displayed by the municipality**

Of the municipal representatives, 58% believe there is lack of transparency. The mixed response indicates that there are some which acknowledge their roots in the community and their obligations to give back to these communities. Others are disinterested in actively participating in community development. Although the municipality has been assigned the responsibility of facilitating the re-demarcation process, they have been accused of driving their own agendas. As facilitators, they are required to be transparent and informative during the processes. Transparency can be enhanced by employing the traditional leaders as community representatives and creating three-way communication channels between the MDB, municipality, and traditional leaders. The information from the MDB must be available and accessible to all stakeholders, including the municipalities, the rural communities, and the traditional leaders.

In order to achieve transparency, better communication between municipalities and the community is required. The mixed responses from the municipalities indicate that there are some which acknowledge their roots in the community and their obligations to give back to these communities. Community members are discouraged by the fact that information on re-demarcation is received by outsiders (e.g. the researcher) and that they only learn about any progress through hearsay. The rest of the community interviewees (14%) are associated with representatives of the municipality through family or friends and their comments demonstrate biases toward the municipality. The community and traditional leaders express that they are unaware of the current status of the grievances they have lodged and have difficulty in obtaining information on the re-demarcation progress (Sections 7.2, 7.3 and 7.4.).

In conclusion, through better transparency the stakeholders could have identified the misinterpretations of the community's proposals on municipal re-demarcation (Sections 7.2.4, 7.3.4 and 7.4.4). Instead, the misinterpretation of maps by the MDB compels a repetition of the process in accordance with Section 26 of the Demarcation Act No. 27 of 1998. The MDB claims to be transparent since they publicise the demarcation processes in the media (Interviewees 47 and 48, 2012). Rural people, however, especially those living in remote areas, do not have access to the policies and legislation that affect them. Therefore, it is vital to ensure effective transparency among all stakeholders.

Transparency can be enhanced by employing the traditional leaders as community representatives and creating three-way communication channels between the MDB, municipality, and traditional leaders. Workshops are needed that involve the municipalities, the rural communities, and the traditional leaders to make information available to all stakeholders.

### 8.3.2 Accountability

**Table 8.2 The Perceptions on Accountability in the Re-demarcation Process**

<b>Are the role-players in the re-demarcation process accepting accountability for their actions?</b>							
	“Yes” Answers	% of Yes Answers	Undecided	% Undecided	“No” Answers	% of No Answers	Total number Interviewed
<b>All cases</b>							
<b>Traditional Leaders</b>	0	0%	0	0	12	100%	12
<b>Community Members</b>	0	0%	2	6%	31	82%	33
<b>Municipality</b>	0	0%	4	36%	7	64%	11
<b>Total</b>	0	0%	6	11%	50	89%	56

The re-demarcation process is shown to lack accountability. Table 8.2 shows that traditional leaders and communities feel the MDB and municipalities do not want to accept accountability for any disputes over municipal re-demarcation. In law, accountability mainly lies with the MDB, as specified in the Demarcation Act No. 27 of 1998.

Although the MDB accepted accountability for their processes, they defended their actions by explaining that they do not have sufficient resources and time to deliver municipal boundaries which will be dispute free. They also attempted to shift responsibility to the community and the municipalities. The municipalities, in turn, shied away from any accountability for their actions. Although the municipalities have been tasked with facilitating the re-demarcation process, they lacked motivation and dedication (Chapter 7) and often made decisions based on their own alternative agendas. All of the traditional leaders interviewed were concerned that the stakeholders are not accepting accountability for their actions. They believed that the MDB is shifting accountability to the municipalities. Of the municipal representatives, 64% shift the blame to the MDB and feel that the MDB should accept accountability. The rest of the municipal representatives declined to comment.

The municipalities require tools (spatial data, mapping tools) to enable them to embrace the role of facilitators mandated to reduce disputes. Performance indicators need to be in place so that the municipalities can self-regulate, initiate improvements and also be held accountable for their actions.

### **8.3.3 Efficiency and Effectiveness**

Ideally, a client's requirements should be delivered using minimal resources and delivered in a timely manner. This is termed the efficiency and effectiveness (Whittal, 2011). Referring to the MDB's annual report of 2012 shown in Table 6.4, the time-frame set out for re-determination of municipal boundaries has been far exceeded. The closing date for submission of objections in terms of Section 26 to the re-determination of municipal boundaries has overrun the allocated time frame ending Aug/Sept 2012 (Figure 6.4). The three case studies show that the re-demarcation process follows identical cycles of repeated failure and the process has now stalled indefinitely.

Rural communities are still awaiting final outcomes in the three case studies but the main stumbling block is that MDB seems unable to recognise the value of the community's contributions. The conflicting decisions made by the municipalities and the MDB together with their apparent inability to identify the communities' proposed re-alignment of municipal boundaries all hinder the process of conflict resolution (Table 8.3).

**Table 8.3 Efficiency and Effectiveness: Good Governance Situation**

<b>Are the municipal re-demarcation processes efficient and effective?</b>							
	<b>“Yes” Answers</b>	<b>% of Yes Answers</b>	<b>Undecided</b>	<b>% Undecided</b>	<b>“No” Answers</b>	<b>% of No Answers</b>	<b>Total number Interviewed</b>
<b>All cases</b>							
<b>Traditional Leaders</b>	0	0%	0	0%	12	100%	12
<b>Community Members</b>	0	0%	0	0%	33	100%	33
<b>Municipality</b>	0	0%	0	0%	11	100%	11
<b>Total</b>	0	0%	0	0%	56	100%	56

All of the traditional leaders interviewed said that the re-demarcation process is just as unworkable as the original demarcation of municipal boundaries (Table 8.3). They add that the MDB is going around in circles and they are disappointed about not being consulted. The municipalities acknowledged their role as facilitators, but didn't follow through with action. As Interviewee 27 (2011) explains, the municipality only reacts once the community demands progress on the matter. The MDB boasts that the demarcation process took them less than two years to complete but in reality the process is taking much longer and there is no end in sight (various interviewees from the community).

The municipalities also expressed apparent concern over the difficulties faced by the communities but insisted that there is not much they can do and that the processes are dependent on the MDB. In all three case studies, the municipal representatives interviewed claimed they are not equipped to deal with demarcation matters. They pointed out the weak GIS layout and explained that they leave the technical aspects of the process to the MDB. They claim that if they were better equipped they could contribute significantly to finding sustainable solutions.

Although the municipality acknowledges that it is supposed to facilitate communication between the communities and the MDB, they claim that the MDB needs to increase public participation. As representatives of their communities, traditional leaders clearly must be consulted for sustainable dispute resolution. Reliable liaison officials from the MDB and from the municipalities must communicate and extract information from the community. Effective mechanisms for identifying social boundaries in rural areas must be identified and implemented. Finally, cadastral specialists should assist with the technical aspects of the work of the MDB and municipal projects teams.

### 8.3.4 Participation

Public participation allows people to take part in decision making processes that affect them. Act No. 108 of the South African Constitution of 1996 encourages public participation during development programmes. The majority of community interviewees from the case studies of Chapter 7 agreed that the lack of public participation was the most significant contributor to the unsuccessful process. In two of the three case studies, public hearings were held on the re-demarcation process. However, the community felt overwhelmed and intimidated by the platform created for public participation (Chapter 7). In spite of these public hearings, the community members and traditional leaders interviewed spoke out aggressively against the lack of public participation (Table 8.4). To remedy this apparent contradiction and be effective in correcting the imbalances inherited from apartheid, the government needs to be sensitive and creative concerning to listen to the voices of its citizens. Whether or not the public meetings constitute public participation, there was clearly no *effective* participation, as evidenced by the inability of the MDC to comprehend the re-demarcation proposals from the community. In all the three case studies, the maps drawn to represent the re-demarcation proposals from the MDB do not align with the re-demarcation proposed by the community (Chapter 7). Every time a community map is misinterpreted by the MDB, the process in terms of Section 26 has to start again.

**Table 8.4 Participation: Good Governance Situation**

<b>Are you participating in the re-demarcation process?</b>							
<b>All cases</b>	<b>“Yes” Answers</b>	<b>% Yes Answers</b>	<b>Undecided</b>	<b>% Undecided</b>	<b>“No” Answers</b>	<b>% of No Answers</b>	<b>Total number Interviewed</b>
<b>Traditional Leaders</b>	0	0	0	0	12	100%	12
<b>Community Members</b>	0	0	0	0	33	100%	33
<b>Municipality</b>	8	73%	0		3	27%	11
<b>Total</b>	8	14%	0		48	86%	56

To minimise re-demarcation disputes, it is clearly vital that the MDB initiate processes to ensure the effective participation of the community. The gaps in participation during municipal re-determination and land administration can be addressed through PGIS and Pmapping (Chapter 2). Participation also encourages different government organisations to communicate and thereby avoid duplication of processes.

### 8.3.5 Summary

Municipal demarcation in rural areas has gone against government efforts of speedy delivery and rural development. The goals of transparency, effectiveness and efficiency, participation and accountability remain unattained in the rural areas. However, proposals such as PGIS, Pmapping, public involvement and empowerment (workshops) of all stakeholders on dispute resolutions may improve the situation. The MDB has proposed to increase participation. However, the analysis has shown that it has not improved to a level that reduces disputes in the rural areas. Comparing the processes against the principles of good governance adds value to the analysis of the dispute resolution processes relating to rural municipal boundaries. The application of good governance principles could lead to the improvement of municipal demarcation processes and hence increase sustainability of rural development.

## **8.4 Assessing the Performance During Rural Municipal Demarcation by Using the 7Es Framework**

The 7Es framework (Sections 2.8.1 and 4.12) is a holistic approach to measuring performance (Whittal, 2008). The technical and social outcomes of municipal demarcation can be assessed against aspects of this performance measurement framework.

### **8.4.1 Efficiency - minimizing the use of resources and power to deliver**

The re-demarcation process is required to be completed within two years (MDB, 2011). However, the three cases researched show the inefficiencies already encountered in this process. None of the three cases were resolved first time round (Sections 7.2.4, 7.3.4 and 7.4.4). The process of finding efficient solutions to community demarcation disputes requires proper communication, planning, and management.

### **8.4.2 Effectiveness - delivery**

Rural communities across South Africa have expressed their concerns over unsatisfactory municipal demarcation (Figure 6.2). These municipal boundaries create a mix of economic, social, and political disparities towards rural communities (Sections 7.2.3 and 7.4.3). They also create cultural barriers that prevent the practice of traditional lifestyles in communities (Interviewee 27, 2011). The MDB is in the process of addressing municipal boundary disputes, but the process is slow and there is currently no strategy in place to guide the process of re-demarcating these municipal boundaries (Interviewee 50, 2012). Section 26 of the Demarcation Act No. 27 of 1998, is repeated with little or no progress from first demarcation to re-demarcation. Furthermore, it appears that the MDB has inadequate land administration skills and too few qualified technical professionals (Nel and Engelbrecht, 2011) to address land matters especially in cadastral and topographical land subdivisions. This has often led to municipal demarcations incorrectly following cadastral and topographical features. Effectiveness plays a role during the planning phase before the initial demarcation, after completion of the demarcation and during the process of re-demarcation. In this thesis, the outcomes of the case studies are evaluated in terms of their effectiveness. This evaluation can be generalised to apply to the broader generic case of demarcation disputes prevention and resolution.

### **8.4.3 Elegance - acceptability to stakeholders**

The complex process of having the municipality as facilitator and the MDB as executor of the re-demarcation process is clearly not optimal (Section 7.2). The role of the facilitator is to ensure that all stakeholders are communicating and listening effectively during decision making. However, it is often the case that certain role players are ignored.

For the municipality involved in the demarcation, there can be alternate agendas working against the goal of sensible initial demarcation, demarcation dispute prevention and reaching a quick resolution to demarcation dispute. These agendas include maximising municipal votes and maximising central government funds available to the municipality, which will decrease if villages 'leave' their municipality (discussion in Chapter 7). Sections 234 and 235 of the Constitution of 1996, give recognition to traditional leaders and the impact they have on their communities. In the case studies the traditional leaders have not been included during the re-demarcation processes. Neglecting historical and traditional leaders has impacted on the success of resolutions to community disputes. Even though resolutions are reached, they are not acceptable to all the stakeholders.

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

During the colonial and apartheid period of South Africa's history, people were discriminated against on the basis of race, with rural communities arguably the worst affected. After democracy in 1994, government emphasised equality for all and enshrined the principles of public participation in policy and law. In practise, however, this has not been the case: Municipal re-demarcation processes have been carried out in a manner that ignores the contributions of communities (Section 7.2, 7.3, 7.4), possibly fuelled by alternative agendas within the municipalities concerned. Although many villagers are illiterate, they have invaluable knowledge of their local land matters. Little or no attempt was made to include them or to inform them of the municipal re-demarcation processes in an equitable manner (Section 6.18.2). In practise, their impoverished state restricts them from attending meetings or accessing media and in this way, they continue to be discriminated against as they were during apartheid.

Frameworks must be in place to take into account the circumstances and cultural practises of these vulnerable rural communities. In these communities the kings or indunas are the first point of call for assistance in judgment on family and neighbourhood matters and therefore have a natural role as community agents. These traditional leaders must be employed as essential representatives of their communities; otherwise these communities will be left in their impoverished state.

#### **8.4.5 Empowerment - contribution by stakeholders to decision-making and action**

Empowerment has become synonymous with democracy in South Africa. It is vital in the process of sustainable development, which is severely lacking in rural areas. Government rhetoric referring to a common platform to address its citizens is often not the case. Rural communities are effectively excluded during the decision-making processes of re-demarcation of municipal boundaries. In the three case studies, the affected communities were unaware of the current status of their grievances. The MDB gazetted grievances from the community, but circulars on progress and decisions made are only communicated to the municipalities and not to the communities involved. Municipalities politicise the demarcation process and are not sympathetic to communities regarding the importance of relationships between land and people. It appears the municipalities are more concerned about voter rolls, government funding, and national monuments (Section 6.20). For these reasons and possibly simple disinterest, the municipalities choose not to forward information from the MDB to the communities.

#### **8.4.6 Exception - Ability to Hear and Act on Suppressed Viewpoints/Concerns**

In two of the three case studies, the communities repeatedly had to rectify the re-demarcation results. The Section 26 cycle of the Demarcation Act, had to be repeated in all three cases. There were no structures in place to involve the community and traditional leaders for neither the initial demarcation process nor the re-demarcation. Furthermore, a short time frame has been allocated for re-demarcation submissions and dispute resolution (Figure 6.3). In practise, the MDB is following similar processes and making the same mistakes during re-demarcation as during the initial demarcation.

Ideally, municipalities should not be swayed by their selfish agendas. They should honour their roles as facilitators by informing communities of progress and consulting them before making decisions on their behalf.

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

The municipalities in question have not shown sufficient consideration toward the affected communities. The MDB and the municipalities need to put creative thought into building effective communication channels between themselves and the affected communities. Furthermore, they should apply a moral compass when making decisions which affect vulnerable rural people.

#### **8.4.8 Summary**

The 7E's provide an evaluation framework to assess the performance of the demarcation and re-demarcation processes to include further technical and social context.

### **8.5 Analysis Using Change Management**

Change can be managed from top-down or by a highly participative bottom-up approach (Conger *et al*, 1999). For the three case studies, the municipalities and the communities were working at cross-purposes. The municipalities were motivated by their own (top-down) agenda and unwilling or unable to consider the social perspectives of the common people of the affected communities (the bottom up approach) (Interviewees 49 and 50, 2012). As a consequence, grievances and disputes against the decisions of the municipality were inevitable (Graph 6.2). The MDB, possibly motivated by the time imperative, also neglected to consider the social sensitivity of these disputes. The MDB undertook to redress the disputes without further consultation, and without identifying and dealing with the fundamental issues at stake. With respect to disputes, the MDB has used Section 26 of the Demarcation Act No. 27 of 1998 as a means of dispute resolution.

In a top-down organisation (the municipality and the MDB in this case), the values and norms within an organisation are exercised under organisational authority and sanction (Richter, 2003). Change management is based on re-interpreting these existing values and norms. A change process such as those undertaken by the MDB is not expected to be linear or predictable since they involve human beings and land and are therefore complex (Whittal, 2008). Kotter's eight stages of change management framework is appropriate to analyse the social and natural aspects of the reform processes of municipal demarcation (Section 2.7). The eight stages are grouped into three phases (1, 2, and 3) as discussed below and illustrated in figure 4.1 in chapter 4.

### **8.5.1 Phase 1: Establish a Platform for Change**

Phase 1 combines the first four stages of Kotter's framework (Figure 4.1) and creates a platform for change management. Stages one and two address the need for change, in the three case studies of chapter 7, the re-demarcation practices are over-reliant on Section 26 of the Demarcation Act 27 of 1998 to resolve disputes. This is evidence of the failure to adapt change processes to the environment of practice in order to lead to sustainable dispute resolution. The municipality's role as facilitator is clearly failing (Section 7.4.3) and there is a need to re-introduce traditional leaders in the demarcation process. The MDB needs to be pro-active in understanding the nature of the disputes to ensure that the re-demarcation resolves these disputes. Stage 1 of Kotter's framework (Whittal, 2008) emphasises a collective understanding of the urgency of a situation and the need for change. In the three case studies, the urgency felt by the communities was clearly not shared by the municipalities (Chapter 7). According to Kotter's second stage, the MDB should create a coalition with affected municipalities, traditional leaders, and communities. In so doing, they would align themselves with those who are genuinely committed to resolve the task at hand. Once the process of change is established by those driving it, others in the structures will follow and contribute to the system.

The Demarcation Act No. 27 of 1998 does not specifically cater for the concerns of rural communities (Section 6.7). It is mainly focused around de-racialising urban societies. This legislation, together with the supporting structures and systems that translate this legislation into practice, will need to change to include the specific needs of rural communities. Kotter's stages three and four are aimed at developing and communicating a vision for this new process of re-demarcation. Creating a sense of urgency and having a strong productive coalition requires consensus on this new vision to ensure that the change process maintains momentum. The aspect of consensus and shared vision at this early stage are clearly absent from the processes of municipal re-demarcation (Chapter 7).

### **8.5.2 Phase 2: Introduction of New Practices**

Stage five of Kotter's framework (Whittal, 2008) is focused on capacity building to make sure that the structures, processes, materials, and human resources are able to execute the vision and strategy for change. Any staff rotation will result in a break in the processes. The intent is to employ professional consultants in areas where the processes lack rigour, and then allow the connecting components to fit as one organisational development. While the MDB's technical division mainly consists of GIS specialists (Section 6.3), the addition of professional land surveyors and historians should speed up the process of boundary identification and demarcation and in turn avoid further disputes. This stage is important because the responsibility lies with both leadership and employees of the MDB and the municipalities. Positive feedback from the community during the early stages of municipal re-demarcation would indicate a sustainable change management process.

In stages six and seven of Kotter's framework, the emphasis is on sustaining the change process by generating short term successes and providing positive feedback to stakeholders. Announcing interim achievements, affirming targets and reflecting on successful strategies would encourage continued change. At the heart of this is effective communication.

### 8.5.3 Phase 3 – Maintaining Change

In Kotter's eighth stage, the new approaches are carefully maintained, thus enhancing sustainability of the change process. In the context of municipal re-demarcation, this would mean:

- involving the traditional leaders as contributors to change in all stages,
- re-assessing the Demarcation Act No. 27 of 1998,
- understanding the effects of social structures, and
- capitalising on these by introducing awareness workshops and other communications are in harmony with existing community social structures and processes.

### 8.5.4 Summary

Change is a pre-requisite for successful municipal demarcations, but for change to succeed, a reliable change management framework is needed to guide and maintain success. Kotter's eight stage framework is a useful tool for evaluating the re-demarcation processes. If the MDB processes can be changed according to the above Kotter analysis (including amended legislation), along with input from the rest of this analysis, then future municipal boundary disputes may be resolved in a successful and sustainable manner.

## 8.6 Conclusion

A critical realist theoretical framework adopted from Whittal (2008) has been used to underscore the analysis of this chapter. The municipal re-demarcation processes were evaluated using a mixed method approach. A multiple case study analysis was chosen as it allows for comprehensive insights and cross-case analysis was carried out to identify the common underlying problems. The following tools were used in the analysis and evaluation of this chapter, namely the goals of good governance, RRRs, land management paradigms, 7 Es performance measurement and Kotter's eight stages of change management. By comparing the actual process of re-demarcation using these frameworks, some specific proposals can be made. These proposals are aimed at reducing future disputes and finding sustainable solutions to existing disputes so that the cycle of re-demarcation can be brought to a close.

## 9 Chapter 9 Conclusion and Recommendations

Based on the findings of the previous chapters, this chapter concludes the study. Section 9.1 answers the research questions framed in Chapter 1, with reference to the detailed explanations in previous chapters. The cross-case analysis showed similarities and differences in rural municipal demarcation disputes and reveals the causes of these disputes. The research investigated the municipal demarcation process in rural areas and proposes improvements to dispute resolution mechanisms. The improvements suggested have been revealed through assessment using the frameworks of land administration, the land management paradigm, principles of good governance in land administration, the RRRs, Kotter's eight stages of change management and the 7Es performance measurement framework (Chapter 4).

Several municipal demarcation disputes have led to violence (Section 6.10.3). The beneficiaries (e.g. rural citizens) do not understand clearly either how the demarcation process works (the mechanism) or how to object to these demarcations (processes of dispute resolution). The final part of this chapter makes some recommendations for rural municipal boundary demarcation and reduction of disputes.

### **1. What are the causes of the disputes, and what forces drive the disputes to a level that requires intervention?**

The municipalities and the MDB do not recognise the community or the traditional leaders as stakeholders in the municipal demarcation process. This has resulted in unsatisfactory municipal demarcation in rural areas. Secondary causes include:

- Poor policy framework: The applicable policies are insufficient policies and do not specifically accommodate the complexities of rural land administration (Chapter 7)
- Unreliable land information: Land information used during the demarcation process is often outdated and inaccurate (Sections 7.2 and 7.4). Furthermore, Williams-Wynn (2013) added that boundaries between communities are not considered by government bodies because all communal land is perceived to be “state land”.

Demarcation resulted in some rural villages being split over multiple municipalities, severely affecting service delivery and threatening the traditions of the communities (Sections 7.2.3, 7.3.3 and 7.4.3). Some have even compared the situation with the apartheid era. This is simply because people think that the government has done precious little to move away from the settlement policies of the apartheid era in communal areas. For all these reasons, several rural communities lodged grievances against their municipal demarcation.

## **2. From the case studies, what are the common driving forces that escalated the disputes?**

The forces driving dissatisfaction, anger and violent protest of rural communities affected by municipal demarcation can be broken down as follows:

- Public participation: The communities and their leaders were not given opportunity to participate in the demarcation process (Section 7.2.3, 7.3.3 and 7.4.3).
- Factor of association: Municipal demarcation can cut off communities from their traditional leaders and force them to associate with different communities that follow foreign cultures and traditions (Chapter 7).
- Public services: It is difficult for a municipality to deliver services to communities located far from municipal offices (Section 7.3.3 and 7.4.3).
- Access to municipal and government services: It is difficult for these remote communities to access clinics, libraries and police services due to long and costly travel (Chapter 7).

## **3. How do boundary disputes of this nature affect the RRRs of the community, traditional leaders and municipal government?**

After the creation of rural municipalities, the RRRs of the community became confused. This led to mistrust. Communities feared that in time they may lose the right to use the communal land that straddles a municipal boundary (Section 7.4). The Constitution of South Africa gives a right to voice, however in the municipal boundary demarcation communities seemed to be deprived of this right.

Municipal demarcation has created a duality of authority over rural communities, between the democratically elected municipality and the traditional leaders. The traditional leaders have lost many of their rights and responsibilities regarding land distribution and land administration (Section 6.12 and 7.3.1). In the three case studies, a common cause that escalated the disputes was lack of recognition of the community and traditional leaders as rightful stakeholders in the municipal demarcation process as well as recognition as the people who know their land on the ground. Public participation during the initial municipal demarcation process was virtually absent and resulted in several inaccurate municipal boundaries in rural areas (Sections 7.2, 7.3 and 7.4). Although traditional authority has been officially recognised by the Department of Co-operative Government and Traditional Affairs and the Constitution of South Africa, the existing municipal policies and ownership of their land by the state severely limit traditional leaders' formal rights. The municipal representatives are democratically elected, but villagers are still loyal to their traditional leader and this duality of authority complicates service delivery (Sections 6.11 and 7.2 and 7.3).

#### **4. How do the dispute resolution processes compare against the goals for good governance in land administration (GGGLA)?**

The four principles of GGGLA are lacking in many aspects of the dispute resolution process. The GGGLA principles should be a reliable framework to address the transformation of the demarcation and dispute resolution processes. The constraints of good governance highlighted in this study in Section 8.4 were:

- Lack of accountability to the stakeholders.
- Lack of durable decision-making at local level.
- Lack of education on municipal demarcation.
- Lack of transparency and participation.
- Failure to make a clear distinction between public and private land information.

## **5. How do re-demarcation processes in the case studies compare against the 7Es framework and Kotter's 8 stages of change management?**

The unique requirements of rural land development policies need to be re-assessed to accelerate rural development. In practise, the MDB is following similar processes and making the same mistakes during demarcation dispute resolution process as during the initial demarcation. The MDB expects the municipalities to facilitate the dispute resolution, but the municipalities are not motivated and lack the expertise to deal with both spatial data and the social and economic aspects of dispute resolution (Sections 7.2, 7.3 and 7.4).

The 7E's framework (Section 8.5) reveals that these processes adopted by the MDB for dispute resolution are ineffective. These processes need to change so that the results are sustainable. When compared to Kotter's eight stages of change management (as reflected in Whittal, 2008), the dispute resolution processes lack the support and involvement of land professionals, the public, historians and traditional leaders, all of whom must participate fully for sustainable dispute resolution. Further improvements can be achieved through the use of an integrated and reliable land information infrastructure (Section 8.3.2).

## **6. What improvements in disputes resolution and boundary adjustment can be made to enhance sustainability and reduce further disputes?**

A reliable land administration system is essential for good governance in land demarcation and for improving dispute resolution processes. The MDB relies on Section 26 of the Demarcation Act No. 27 of 1998 for municipal boundary demarcation, as well as for dispute resolution. Effectively, the MDB attempts to resolve disputes using Section 26 of this legislation, the same process that has contributed toward the demarcation disputes in the first place. Predictably, repetition of the same process only entrenches the dispute and does nothing to resolve it. In addition, the Demarcation Act is biased towards urban areas and is not suitable in the rural context (Section 6.7). Since land policies require practical means of implementation, it appears unworkable to use the same piece of legislation for both a modern urban structure and a developing rural structure. The unique requirements of rural land development policies need to be re-assessed to accelerate rural development and sustainable municipal demarcation dispute resolution processes.

After 1994, municipal governance was democratically elected. The accompanying “western” style rights and responsibilities are poorly aligned to approach rural demarcation disputes holistically. The authority of traditional leaders with respect to people and land was not effectively affirmed. The following key factors of good governance all enhance the sustainability of demarcation dispute resolution:

- Transparency can be achieved by three way communications between municipal representatives, traditional leaders and the MDB. Workshops should be held for stakeholders to understand the process of municipal demarcation (Section 8.4.1).
- Public participation may be enhanced through PGIS, Pmapping and better communication (Chapter 8).
- Improvements in accountability can be achieved through better allocation of RRRs (Section 2.5).
- Effectiveness and efficiency can be enhanced by improvements in land information infrastructure and by ensuring that land professionals, such as land surveyors, are consulted (Section 7.4.3).

In addition, the Land Management Paradigm (Sections 4.5 and 7.3) was used in this research as a tool to analyse dispute resolution mechanisms. The numerous disputes against the municipal demarcation processes are signs of poor land policies and inadequate cadastral information in rural areas. The analysis indicated that land policy frameworks such as the Demarcation Act No. 27 of 1998 are not suitable for rural areas and are a result of government focus being biased toward the less complicated urban areas (Interviewee 24, 2012). Furthermore, the land information infrastructure has proven unreliable and has contributed to the failures of the municipal demarcation process. While gaps have been identified in the data supplied by the custodians of spatial information and land records, the land information infrastructure itself requires upgrading.

## **9.1 Theoretical and Analytical Frameworks**

The following frameworks are suitable for the analysis, development and management of municipal demarcation processes.

### **9.1.1 Critical Realism and a Mixed Method Approach**

Critical realism was explained in Section 3.1.3. Critical realism offers a convincing meta-theoretical and philosophical approach to addressing the disputes of municipal demarcation since it includes both natural and social aspects of a problem. Different perspectives on municipal boundary demarcation also contribute to a rich understanding of the source of the disputes. The mixed method approach (Section 3.2.4) is a useful exploratory tool for compiling data. The quantitative approach is objective and is used for data such as maps and cadastral records, while the qualitative approach is based on interviewing stakeholders in municipal demarcations and re-demarcations. Mixed method analysis also yields a more complete picture.

### **9.1.2 Multiple Case Studies**

The multiple case study approach used in this thesis (Section 3.2.3) has yielded results with strong internal validity. This may not have been achieved with a single case methodology. Through a cross-case analysis of the three case studies, the research yielded explanatory accounts of specific events and processes as well as parallels and contrasts between the three cases. The narrative in Chapter 7 demonstrates the effects of municipal demarcation and the need for government structures to interact with the existing traditional authority in rural areas. Multiple case studies yield proposals for improvements to municipal demarcation processes and dispute resolution.

### **9.1.3 Rights, Restrictions and Responsibilities (RRRs)**

The lack of effective RRRs over land management in rural areas works against sustainable development (Section 6.4). The analysis of this problem required comprehensive analysis of the management systems and regulatory regimes. The RRRs tool was suitable because the key characteristics of RRRs apply to the communities, traditional leaders and the municipality as the role-players in municipal demarcation. These characteristics easily extend to the rights, restrictions and responsibilities of these role players, and disaggregating the RRRs of each stakeholder was useful in answering the research questions.

#### **9.1.4 Land Management Paradigm (LMP)**

The LMP is also suitable for analysis of the municipal demarcation process in rural areas. The model reflects a holistic approach that encompasses land administration, land infrastructure, land information, land use and land tenure. Using this approach, the analysis shows that the process of municipal boundary demarcation is not in line with best practices as stated in the LMP. The administration of the re-demarcation process is not successful because valid stakeholders are excluded from the decision making process. In addition, the unreliable land information infrastructure and inaccurate spatial data introduce further delays.

#### **9.1.5 Goals of Good Governance in Land Administration**

For this thesis, the goals of good governance approach were also a suitable approach for analysis. The four principles of good governance, namely participation, accountability, effectiveness and efficiency and transparency are crucial to a sustainable process. The goals of good governance were compared against the actual process of municipal demarcation in the three cases. It showed evidence of poor governance with consequent ineffective solutions to demarcation disputes (Section 8.3).

#### **9.1.6 7E's Performance Measurement Frameworks**

The 7E's performance measurement framework (Sections 4.12 and 7.5) is particularly valuable when interventions and feedback are called for. The 7Es are employed in this study as a strategic framework to compare technical and material methods of measuring performance. It also highlights the emotional and social aspects that may have been ignored during the initial land demarcation processes. This social systems framework facilitates a more holistic approach and allows for feedback throughout the processes of this thesis.

#### **9.1.7 Kotter's Eight Stages of Change Management**

Change is required in order to facilitate sustainable redress of municipal demarcation. Kotter's eight stages of change management involve a step-by-step process of implementing change. In addition, individuals are given the opportunity to prepare and accept change, and provide guidance after the transition has transpired.

Kotter's approach would suit the transformation required in municipalities and the MDB, especially because it extends across demarcation and re-demarcation processes (Section 7.6).

## 9.2 Recommendations

The duality of authority existing between traditional leaders and municipalities is of great concern. The authority structure needs to be clarified urgently as disputes over land continue to rise. Within the RRRs framework, decisions made at local government should be in the interests of local citizens.

The Land Management Paradigm analysis highlighted the need for legislative reform. This reform includes the Demarcation Act No 27 of 1998 which currently does not recognise the rural/urban divide. A land policy framework should be developed to focus on rural development.

The cadastral system is virtually absent in rural areas, and even though this matter is being addressed by the Department of Rural Development and Land Reform, progress is slow (Interview 45, 2012). A reliable rural cadastral system needs to be developed for improved land parcel administration and to avoid further disputes in land matters. The existing land information infrastructure has many data errors and gaps. This has resulted in several demarcations that are simply inaccurate.

The Integrated Spatial Information Committee needs to recognise the diversity of land information, ensure land information systems are accurate and most importantly ensure they are current. It is recommended that a central information system be made available for easy access to its users.

### 9.3 Further Research

The processes of municipal demarcation can be researched using systems thinking. This may contribute to knowledge in finding dispute resolutions in rural land demarcation. Systems thinking (Checkland, 1999) on the municipal demarcation processes was not elaborated on in this research, however, a reflection on the mechanisms of municipal demarcation may offer valuable information to enhance the development of municipal demarcation.

In addition, further research may look at the technical aspects of land information infrastructure as a means of data acquisition and data application in order to address and improve the key aspects of land demarcation in rural areas.

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## Appendix 1: Questionnaires

### Municipal Question

1. What frameworks in place to address or find suitable alternatives to the current demarcation issues?
2. What solutions may be possible if the demarcation lines were to be redrawn?
- 3.
4. What role do traditional leaders play in planning and administering land boundaries?
- 5.
6. What is the status of the cadastre in the surrounding areas of the community?
  - A) in relation to the national cadastral system
  - B) In relation to communal areas
7. What steps have been taken by the demarcation board to identify the extent of communal boundaries?
8. What are the RRRs of traditional leaders over the administration of land (currently and in the past)?
9. In your opinion, does government have the political will to address the relevant land and property issues in this village in order to prevent conflicts?
10. Has there been a lack of good governance in the process of demarcation?
11. Is there a shortage of information such as GIS data, survey data and cadastral data?
12. What are the views and responses from the municipality over the concerns of the community with regard to municipal demarcation?
13. What recommendations are offered by the municipality with regard to cross municipal boundary demarcation?
14. Is the municipality making an effort to address the issue?
15. Is legislation restricting a way forward in addressing the issue?
16. Are there alternative means around these restrictive laws?
17. Is land tenure a contributing factor for identifying social or communal boundaries?
18. What mechanisms are in place to restrict any disputes from growing into confrontation or unrest?
19. Is there a need to accurately identify the extent of the disputed areas?
20. Is there a need to accurately identify the extent of the disputed areas?
21. Can a map be used as a tool to find an understanding of the extent of the disputed area?
22. Will re-demarcation of municipal boundaries be a solution to the disputes?
23. Will the re-demarcation of municipal boundaries affect the day to day running of the affected municipalities?
24. Are there sufficient professionals or masters in the field of boundary demarcation involved in the issues regarding land boundaries and land administration?
25. Does the municipal demarcation in general affect authority of traditional leaders?
26. What was the involvement of traditional authorities during the municipal demarcation of 2000?
27. Will the traditional authorities play a future role in the demarcation process?
28. Has the State made any attempt to regulate a tenure framework over communal land that is not registered?

29. Good Governance	Measurement
participation	<p>To what extent are traditional leaders, municipalities, councils and community members represented and how are they involve in the re-determination of municipal boundaries ?</p> <p>*to what extend are communities involved in decision-making process with regard to re-determination of municipal boundaries ?</p> <p>* what is the level of collaboration with other land professional institute ?</p>
Equity	<p>*is the information about municipal demarcation accessible to all community members, men and women alike ?</p> <p>*are municipal boundaries drawn in such a way they do not inconvenience communities from use of government resource ?</p> <p>*is the information communicated in a language that is understood by every community member ?</p>
Transparency	<p>How open is the decision making process to community members ?</p> <p>*Is municipal demarcation process clear to all community members ?</p> <p>*Are rules governing municipal demarcation clear to all community members</p> <p>Are processes to the obligations of municipal demarcation clear to all community members</p>
accountability	Toward extent do demarcation board, municipality report to the community members
Efficiency and effectiveness	<p>*Are there competent people used in the municipal demarcation</p> <p>* are municipal obligation solve d at a reasonable period</p> <p>* how adequate are the human resources for land governance</p>

## Traditional Leaders

1. Explain your grievance with the demarcation process
2. How has the struggle come about?
3. What steps are being taken by you to address the dispute?
4. What are your expectations for raising the grievance?
5. What outcomes do you expect to receive?
6. To what extent was the traditional authority involved in the demarcation process?
7. Has the current municipal demarcation affected the authority of the traditional leaders?
8. What solutions may be possible if the demarcation lines were to be redrawn?
9. What role do traditional leaders play in planning and administering land boundaries?
10. What is the status of the cadastre in the surrounding areas?

A) in relation to the national cadastral system?

B) In relation to communal areas ?

11. What steps have been taken by the demarcation board to identify the extent of communal boundaries?
12. What is the involvement of the traditional authority in the demarcation process?
13. What are the RRRs of traditional leaders over the administration of land (currently and in the past)?
14. In your opinion, does government have the political will to address the relevant land and land issues in this village in order to prevent conflicts?
15. Has there been a lack of good governance in the process of demarcation
16. What are the concerns and views expressed by the community with regard to municipal demarcation? (both)
17. What are the views and responses from the municipality over the concerns of the community with regard to municipal demarcation? (both)
18. Is there a need to accurately identify the extent of the disputed areas?
19. Is land tenure a contributing factor for identifying social or communal boundaries?
20. Is the municipality making an effort to address the issue?
21. Will re-demarcation of municipal boundaries be a solution to the disputes?

22. Good Governance	Measurement
participation	<p>To what extent are traditional leaders, municipalities, councils and community members represented and how are they involve in the re-determination of municipal boundaries ?</p> <p>*to what extend are communities involved in decision-making process with regard to re-determination of municipal boundaries?</p> <p>* what is the level of collaboration with other land professional institute ?</p>
	<p>members, men and women alike ?</p> <p>*are municipal boundaries drawn in such a way they do not inconvenience ? communities from use of government resource ?</p> <p>*is the information communicated in a language that is understood by every community member ?</p>
Transparency	<p>How open is the decision making process to community members?</p> <p>*Is municipal demarcation process clear to all community members ?</p> <p>*Are rules governing municipal demarcation clear to all community members?</p> <p>Are processes to the obligations of municipal demarcation clear to all community members ?</p>
accountability	<p>Toward extent do demarcation board, municipality report to the community members ?</p>
Efficiency and effectiveness	<p>*Are there competent people used in the municipal demarcation ?</p> <p>* are municipal obligation solve d at a reasonable period ?</p> <p>* how adequate are the human resources for land governance ?</p>

## Community Questions

1. Explain your grievance with the demarcation process ?
2. How has the struggle come about ?
3. What steps are being taken by you to address the dispute ?
4. What are your expectations for raising the grievance ?
5. What outcomes do you expect to receive ?
6. What steps have been taken by the demarcation board to identify the extent of communal boundaries?
7. In your opinion, does government have the political will to address the relevant land and land issues in this village in order to prevent conflicts?
8. Has there been a lack of good governance in the process of demarcation?
9. What are the concerns and views expressed by the community with regard to municipal demarcation?
10. What are the views and responses from the municipality over the concerns of the community with regard to municipal demarcation? (both)
11. What recommendations are offered by the municipality with regard to cross municipal boundary demarcation?
12. Is the municipality making an effort to address the issue?
13. Is land tenure a contributing factor for identifying social or communal boundaries?
14. Is there a need to accurately identify the extent of the disputed areas?
15. Will re-demarcation of municipal boundaries be a solution to the disputes?

16. Good Governance	Measurement
participation	<p>To what extent are traditional leaders, municipalities, councils and community members represented and how are they involve in the re-determination of municipal boundaries ?</p> <p>*to what extend are communities involved in decision-making process with regard to re-determination of municipal boundaries ?</p> <p>* what is the level of collaboration with other land professional institute ?</p>
Transparency	<p>How open is the decision making process to community members ?</p> <p>*Is municipal demarcation process clear to all community members ?</p> <p>*Are rules governing municipal demarcation clear to all community members ?</p> <p>Are processes to the obligations of municipal demarcation clear to all community members ?</p>
accountability	<p>Toward extent do demarcation board, municipality report to the community members ?</p>
Efficiency and effectiveness	<p>*Are there competent people used in the municipal demarcation ?</p> <p>* are municipal obligation solve d at a reasonable period ?</p> <p>* how adequate are the human resources for land governance ?</p>

## Appendix 2: Data Source

OFFICE OF PREMIER

181

NDENGEZA TRADITIONAL AUTHORITY  
PRIVATE BAG 4000  
NWAMANUNGU  
0932  
10 JULY 2008

CHAIR-PERSON  
MUNICIPAL DEMARCATION BOARD  
PRIVATE BAG 28  
HATFIELD  
0028

Sir / Madame



**REF:PROVINCIAL GAZETTE EXTRAORDINARY:10 JUNE 2008,NOTICE 175 OF 2008**

**DEM 2141:MAKHADO LOCAL MUNICIPALITY (LIM 344),VHEMBE DISTRICT MUNICIPALITY(DC34)AND GREATER GIYANI LOCAL MUNICIPALITY(LIM331) MOPANI DISTRICT MUNICIPALITY(DC 33).**

### **THE FARM CRYSTALFONTEIN 57**

THE ABOVE SUBJECT REFERS:

The farm Crystalfontein 57 in between the middle Letaba and the Klein Letaba Rivers is under land claim. The area between the above two rivers was occupied by our grand fathers since 1881. That is from Magoro Kopje down to the confluence of the two rivers. The former white government forced us to leave this area to settle at the southern bank of the Middle Letaba River. The area was given to the white farmers in the early thirties. Now we want it back.

We, of NDENGEZA TRADITIONAL AUTHORITY humbly request the Demarcation Board to favour us by including the farm in question (Crystalfontein) to be part of Ndengeza RDP (Sterkrivier farm) settlement to form part of the Greater Giyani Municipality (Lim 331) in the Mopani District Municipality (Dc 33).

To this document we attach annexures 'D' and 'E', proving without doubt that crystalfontein is part of the land between the two rivers, given to our grand fathers chief Ndengeza by Joao Albasini in 1881. Any concerned person can be shown graves of our ancestors. This is a historical evidence.

Once more, to this document we attach annexures 'A , 'B' clear light and evidence that currently , we are fighting too back our land.

Attach<sup>est</sup> annexures 'F' and 'G' will prove that way back in e type of request was made to the municipal demacation board 'G'. How do you interpret these words: ".....by excluding th surrounding the Ndengeza RDP housing scheme from the r Makhado local Municipality (NP 344) and Vhembe District DC 34) and including the area in the municipal area of Grea Municipality (NP 331) and Mopani District Municipality (D The "area surrounding the Ndengeza RDP housing schene" i adjacent to sterkrivier farm whereon Ndengeza RDP housing built. By 1881 when our grand fathers occupied the area betw rivers, it was undemacated and owned by us.

Please, hear our cry, do us a favor<sup>u</sup> and honor<sup>y</sup> our request. Take Letaba River to be a municipal boundary separating Makhado Municipality (LIM 344) and Greater Giyani Local Municipal

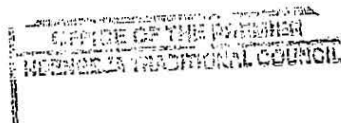
Looking forward with hope and great expectation.

THANK, YOU

CHIEF:

AND CLAIM CHAIRPERSON: S.M. NABUNU

SECRETARY:.....



Chief Ndengeza  
Municipality Giyani  
District: Mopani  
Province: Limpopo  
RSA  
07-06-2007

1A

**THE REGIONAL LAND CLAIMS COMMISSIONER LIMPOPO**

Dear Sir

**THE LAND CLAIMED, CRYSTAL FORTEIN IS NOW BEING INVADED BY THE HEADMAN SUNDAN.**

The above refers.

We have already submitted documents claiming Crystal-Fortein as land occupied by our grandfathers in 1881. History and graves are proofs.

Now we observe that Headman Sundan is busy debushing the area and asked he says; he wants to establish a settlement and an orchard.

We requested one of the nature conservation man to mediate the situation but in vain. Could you please intervene and stop them. Our people are very bitter, anything can happen. Force could be used to drive them out.

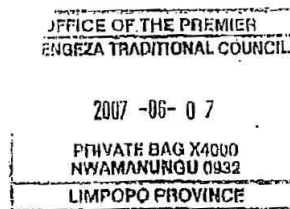
Thanking you in anticipation.

Land committee

Chairman : ..

Secretary : ..

Chief : ..





COMMISSION ON RESTITUTION OF LAND RIGHTS  
IKHOMISHANA YOKUBUYISELWA KWAMALUNGELO  
OMHLABA  
KHOMISHINI E MABAPI LE PUSISO YA  
DITSHWANELO TSA LEFATSHE  
KOMMISSIE OP HERSTEL VAN GRONDREGTE

OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER  
LIMPOPO

Private Bag 9552, Polokwane, 0700 ☐ (015) 287 0800 ☎ (015) 287 0811

Enq: Mkhutuko Mashile  
KRP: 1808

Chief Ndengeza  
Giyani  
0826

Attention: Chief Ndengeza

RE: The land claimed Crystallfontein

1. We acknowledge receipt of your letter dated 07<sup>th</sup> June 2007 and the contents thereof are noted.
2. Be informed that the claim is still to be gazetted on the farm Crystallfontein. But you as the chief of the area and having jurisdiction over that area you have the powers to talk with the person you say he wants to establish a settlement and an orchard.
3. You will be informed when the claim is gazetted.

Your co-operation is always appreciated.

Yours Faithfully

MASHILE MOKONO  
REGIONAL LAND CLAIMS COMMISSIONER

DATE: 02/10/2007.

OFFICE OF PREMIER  
**PIETER F BOTHA**  
PROKUREUR / ATTORNEY

Landdroslaan 27 Landdros Avenue  
Posbus / P.O.Box 1070  
Louis Trichardt 0920  
Zoutpansberg RSA

Tel.(015)516-5024  
Faks/Fax.(015)516-5025  
Doceex 9 Louis Trichardt  
E-Pos / E-Mail : [pfbotba@lantic.co.za](mailto:pfbotba@lantic.co.za)

U verw./ Your ref.:

Ons verw. / Our ref.: PFB/IV/N47

Datum/Date: 08/05/2008

Me Selogadi Chuene: Legal Adviser  
Regional Land Claims Commissioner: Limpopo  
Private Bag 9552  
POLOKWANE  
0700

copy 1 by fax  
copy 2 by post

Tel. 015-287-0800  
Fax 015-287-0811

Dear Madam

RE LANDCLAIM FARM CHRYSTALFONTEIN: NDENGEZA TRIBE SINCE 1998 NOT YET GAZETTED  
ILLEGAL SQUATTER BY THE NAME OF WILSON LUVHENGO (WHO LIVES ACROSS THE RIVER AT HEADMAN SUNDANI'S PLACE) IS ATTEMPTING ILLEGAL AND UNLAWFUL SQUATTING ON FARM CHRYSTALFONTEIN AND REFUSE TO FOLLOW INSTRUCTIONS OF HOSI NDENGEZA TO DISCONTINUE

We refer to the abovementioned and telephonic discussion with yourself on 24 April 2008 and advise as follows:

1. We have been consulted by the Ndengeza Tribe on 24 April 2008 and requested to assist them with their Land Claim matters. They advise that they have on previous occasions visited the Land Claims Commissioner in Polokwane requesting him why their land claims are not progressing and not being Gazetted and the Land Claims Commissioner told him they must wait. It is 10 years now and other people are invading their land.
2. We therefore request that you kindly furnish us with:
  - (a) copies of all Land Claims that were lodged at your office by the Ndengeza Tribe;
  - (b) confirmation in respect which of their claims you have conducted investigation(s) and validation report(s);
  - (c) copies of such investigations report(s) and validation report(s) (if any);
  - (d) reasons why these claims have not yet been Gazetted and when they will be Gazetted.
3. In respect of the Ndengeza claim on the farm Chrystalfontein we:
  - (a) kindly remind you that it is illegal and unlawful for any person(s) to attempt squatting on such land under land claim; and
  - (b) the claimants insist that the Land Claims Commissioner and the Department of Land Affairs by means of police action immediately remove the said squatters from the said land and urgently to let us have a report back. If these squatters are not removed without delay our clients will have no choice but urgently to take up the matter further.
4. We enclose:
  - (a) copy of letter of complaint which Claimants have written to the Commissioner dated 7 June 2007 marked "A";
  - (b) copy of letter of reply by Mikateko Mashele ref. KRP 1886 stating the Hosi of Ndengeza must talk to the "squatter(s)" himself marked "B". He has talked to squatter Mr. Wilson Luvhengo, but he refuses. So the Police must now remove him urgently please.

OFFICE OF PREMIER

(c) sketch map of the area marked "C".

5. If the Police do not remove them please give us full reason why not within 14 (FOURTEE) from date hereof. The Hosi does not want to take the matter into his own hands and feels it duty of the Police to remove any squatters. The Ndengeza Tribe are law-abiding citizens b demand to be protected against these illegal unlawful squatters.
6. It therefore appears that since June 2007 (almost 1 year) your office has done nothing but to Hosi he must take the matter into his own hands. This is risky advice to give to a Hosi and Fortunately they are law abiding and peaceful citizens so they urgently bring the matter to t attention of the authorities.
7. Kindly let us know urgently that you have arranged with the Commissioner of Police in Pre for Limpopo to send in his anti-squatting unit to remove these illegal squatter(s) Wilson Lu and others coming from another place called Sundani across the Klein Letaba River. If you directions contact my clients with particulars below.
8. If the Commissioner of Police for Limpopo needs more information from ourselves we shall happy to receive a phone call from him.

If we do not hear from you in the 14 (FOURTEEN) days our clients will know that they are on their own

Yours faithfully

PIETER F BOTHA

Kindly return to fax 015-516-5025

1. We acknowledge receipt
2. Other: \_\_\_\_\_

Signature for Land Claims Commissioner

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Copy to:

The Chairman: Ndengeza Traditional Authority  
 Private Bag X4000  
 Wamanungu Postal Agency  
 0932

(Located at the Middle Letaba Dam near Giyani, Limpopo Province)

Cell Hosi Daniel Ndengeza	078-456-6478
Cell Mr Solomon Mabunda: Chairman Land Claims Committee	073-311-5333
Cell Mr. Samson Siweya: Chairman Royal Council	073-241-3127
Cell Mr. Dan Siweya: Additional member	083-862-7995

Copy to:

The Commissioner: South African Police Service  
 SAPS  
 Private Bag X94  
 PRETORIA  
 0001

copy 1 by fax  
copy 2 by post

Kindly return to fax 015-516-5025

1. We acknowledge receipt
2. The particulars of the anti-squatting unit who are instructed no is \_\_\_\_\_
3. Other \_\_\_\_\_

Tel. 012-393-2606  
 Fax 012-393-2156

Signature for Commissioner of SAPS

Name: \_\_\_\_\_

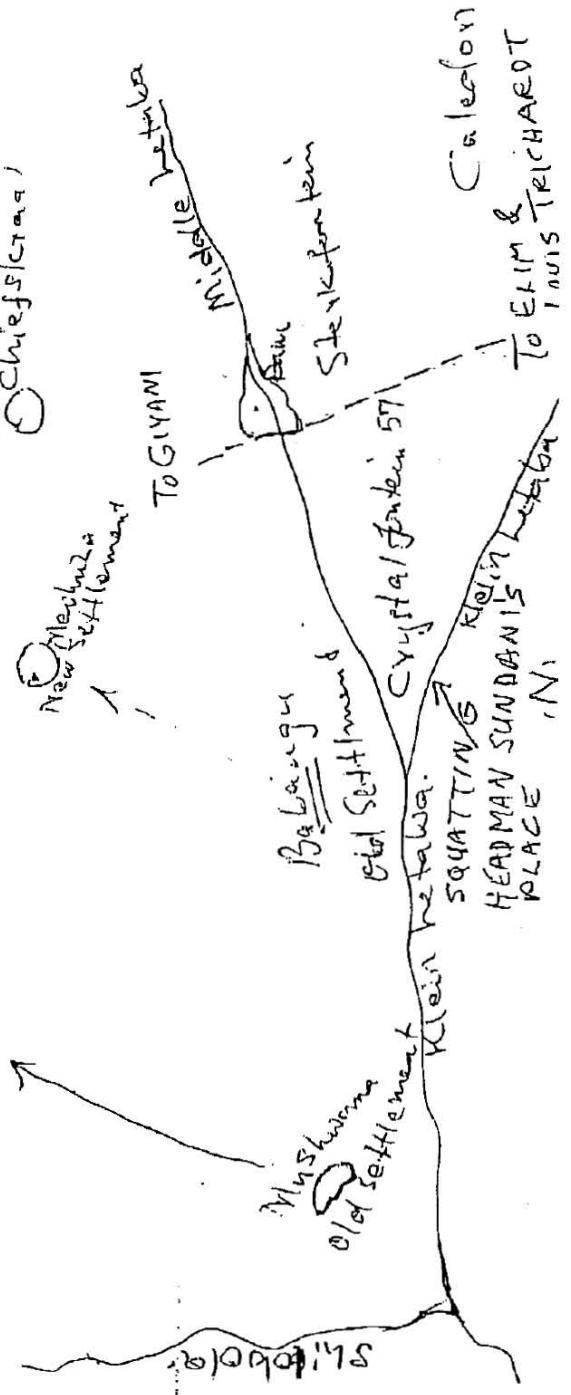
Date: \_\_\_\_\_

5

Mushungwa  
New Settlement.

Nobles

Nelengereza's  
Chiefs



## Appendix 3: Data Source

# NHLANGWINI TRADITIONAL COUNCIL

P.O. BOX 433  
HIGHFLATS  
3306

ENQUIRIES : M.J.MADONDA  
CELLPHONE : 072-558-4777  
TELKOM : 039-835-0336

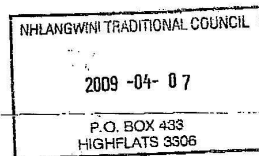
TO THE NHLANGWINI DEVELOPMENT BODY  
NDWEBU C.P. SCHOOL  
HIGHFLATS  
3306

MR B. HADEBE AND COMMITTEE

IN A DUTY CONSTITUTED MEETING OF THE NHLANGWINI TRADITIONAL COUNCIL HELD ON THE 28 MARCH 2009 CONSTITUTED IN TERMS OF THE KWAZULU-NATAL TRADITIONAL LEADERSHIP AND GOVERNANCE ACT;2005 (ACT NO. 5 OF 2005) IT WAS RESOLVED THAT PERMISSION BE GRANTED TO THE NHLANGWINI DEVELOPMENT BODY TO COMMUNICATE WITH THE UGU MUNICIPALITY AND SISONKE MUNICIPALITY TO RELOCATE DERMACATION BOUNDARIES TO THESE PEOPLE OF NDWEBU LOCATION SINCE UMZUMBE MUNICIPALITY IS FAR TO REACH BY THE INDIVIDUALS SHOULD THEY NEED ASSISTANCE FROM UMZUMBE MUNICIPALITY. THE COUNCIL RECOMMENDS UBULLE-BEZWE AS MUNICIPALITY AND SISONKE AS DISTRICT MUNICIPALITY.

THANK YOU

M.J.MADONDA (DIRECTOR)



MEMORANDUM

RELOCATION OF NDWEBU LOCATION FROM UMZUMBE TO UBUHLEBEZWE

**PURPOSE**

THE PURPOSE OF THIS MEMORANDUM IS TO SEEK THE APPROVAL OF THE LOCAL GOVERNMENT DEPARTMENT IN KWAZULU-NATAL TO RELOCATE NDWEBU LOCATION FROM UMZUMBE MUNICIPALITY TO UBUHLEBEZWE MUNICIPALITY.

**BACKGROUND**

NDWEBU LOCATION IS SITUATED JUST 18 KM FROM HIGHFLATS, JUST OPPOSITE UMHLABASHANE LOCATION. THE AREA RESORTS IN NHLANGWINI TRADITIONAL AUTHORITY, UNDER INKOSI DR MELIZWE DLAMINI. IT COMPRISES PLUS MINUS 50 THOUSAND INHABITANTS.

THE LOCATION FALLS UNDER UMZUMBE LOCAL MUNICIPALITY AND AUTOMATICALLY, UGU DISTRICT MUNICIPALITY. UMZUMBE MUNICIPALITY OFFICES ARE IN MTWALUME WHEREAS UGU DISTRICT MUNICIPALITY OFFICES ARE IN PORT SHEPSTONE.

NDWEBU LOCATION IS THE INCONVENIENTLY FURTHEST AREA UNDER UMZUMBE MUNICIPALITY. SERVICES AND REQUESTS, THEREFORE, ARE VERY DIFFICULT TO SOURCE INTO THE AREA BECAUSE OF THE DISTANCE AND TRANSPORT BARRIERS.

IT IS MORE CONVENIENT AND COST EFFECTIVE FOR THE AREA TO BE SERVICED BY UBUHLEBEZWE LOCAL MUNICIPALITY AND ULTIMATELY SISONKE DISTRICT MUNICIPALITY DUE TO SHORT DISTANCE AND CONVENIENT TRANSPORT AVAILABILITY. BOTH UBUHLEBEZWE AND SISONKE ARE SITUATED IN IXOPO TOWN WHICH ADD MORE VALUE IN TERMS OF CONVENIENCY.

NHLANGWINI COMMUNITY DEVELOPMENT BODY (NCDB) IS A NON PROFIT ORGANISATION WHICH HAS SOCIO-ECONOMIC DEVELOPMENT OF NHLANGWINI COMMUNITY AS PART OF ITS OBJECTIVES.

IT IS ALSO IMPORTANT TO STATE THAT THIS MEMORANDUM IS NOT ABOUT COMPLAINTS OF POOR SERVICE FROM UMZUMBE LOCAL MUNICIPALITY BUT MERELY A REQUEST TO BE RELOCATED TO UBUHLEBEZWE.

**CURRENT SITUATION**

UBUHLEBEZWE MUNICIPALITY IS SITUATED 42KM FROM NDWEBU LOCATION AS OPPOSED TO UMZUMBE WHICH IS PLUS MINUS 126KM. THIS CALCULATION OF THE DISTANCE BEGINS AND ENDS AT KWAGONTHO BUS STOP VIA ESIQQWENI. THE DISTANCE TO MTWALUME IS CALCULATED VIA ST FAITHS.

THERE IS TRANSPORT GOING DIRECTLY FROM NDWEBU TO IXOPO OR VIA HIGHFLATS AT A RATE OF R30.00 PER PASSENGER. A RETURN TRIP WOULD THEREFORE COST R60.00.

2

APPLICATION FOR THE RELOCATION OF NDWEBU TO UBUHLEBEZWE MUNICIPALITY

**NHLANGWINI COMMUNITY DEVELOPMENT BODY: NPO: 041-997**

HOWEVER, THERE IS NO TRANSPORT GOING DIRECTLY FROM NDWEBU TO MTWALUME AND PORT SHEPSTONE RESPECTIVELY. THIS MEANS THAT A PERSON, WHO WANTS TO GO TO MTWALUME, HAS TO GO TO HIGHFLATS FIRST, PAY R15.00 AND FROM THERE TAKE A TAXI TO ST.FAITHS AT A COST OF R18.00.

FROM ST FAITHS SUCH A PERSON WOULD HAVE TO GET A TAXI TO PORT SHEPSTONE AT A COST OF R14.00 AFTER WHICH HE WOULD TAKE A TAXI TO MTWALUME AND PART WITH R11.00. THIS MEANS THAT A SINGLE TRIP WOULD COST R58.00.

A RETURN TRIP TO UMZUMBE MUNICIPALITY OFFICES FOR A RESIDENT FROM NDWEBU WOULD COST R116.00. THIS IS A DIFFERENCE OF R56.00 FOR NDWEBU IXOPO TRIP.

IT IS VIRTUALLY IMPOSSIBLE TO GO TO UMZUMBE MUNICIPALITY OFFICES BY PUBLIC TRANSPORT IF ONE EXPECTS TO COME BACK ON THE SAME DAY. NDWEBU AREA IS RURAL AND HAS HIGH UNEMPLOYMENT RATE AND MOST INHABITANTS DEPEND ON PENSION AND MONIES FROM RELATIVES WORKING IN THE BIG CITIES.

MOST OF THE INHABITANTS OF NDWEBU LOCATION HAVE NEVER SEEN THE MUNICIPALITY OFFICES THEY BELONG UNDER, FIFTEEN YEARS AFTER THEY VOTED.

AS A RESULT OF THIS WE HONESTLY BELIEVE THAT NDWEBU COMMUNITY IS UNABLE TO GET A QUALITY OF SERVICES SUITABLE FOR THEIR DEVELOPMENT IN THE MIDST OF SUCH IMPEDIMENTS.

ON ONE HAND IT IS IMPOSSIBLE FOR THEM TO BE ABLE TO CONVENIENTLY SUBMIT THEIR CONCERNS, REQUESTS AND COMPLAINTS AS WELL AS TO CONSULT WITH THEIR MUNICIPALITIES ON ISSUES OF MUTUAL INTEREST. THEY ARE AT THE MERCY OF THE MUNICIPALITY TO THINK ABOUT THEM ONE DAY. EVEN IF IT IS NOT SO AN ARRANGEMENT LIKE THIS WOULD ALWAYS CREATE SUCH A PERCEPTION.

IXOPO ON THE OTHER HAND IS WELL KNOWN TO EVERY RESIDENT OF NDWEBU LOCATION. ANYBODY CAN CONVENIENTLY GO THERE WITHOUT HAVING TO HIRE TRANSPORT. IN FACT ONE CAN SEND A MESSAGE THROUGH SOMEONE GOING THERE AS THERE IS ALWAYS SOMEONE GOING TO IXOPO TOWN FROM NDWEBU LOCATION EVERYDAY.

**COMMENTS**

THE ABOVE MENTIONED STATE OF AFFAIRS HAS THE FOLLOWING EFFECT IN TERMS OF THEIR NOT PROMOTING THE RIGHTS OF NDWEBU CITIZENS AS ENTRENCHED IN THE CONSTITUTION:

1. THE RIGHT TO EQUALITY IN TERMS OF SECTION 9 (3) AS NDWEBU COMMUNITY IS INDIRECTLY UNFAIRLY DISCRIMINATED BASED ON THE GROUND OF THEIR SOCIAL ORIGINS AS OPPOSED TO PEOPLE SITUATED ADJACENT TO THE MUNICIPALITY.

**NHLANGWINI COMMUNITY DEVELOPMENT BODY: NPO: 041-997**

2. THE PEOPLES FREEDOM OF EXPRESSION IS ALSO NEGATIVELY IMPACTED THE DISTANCE MAKES IT IMPOSSIBLE FOR NDWEBU COMMUNITY TO GO TO THE MUNICIPALITY TO EXPRESS THEIR WISHES IN THE SAME BREADTH AS OTHER RESIDENTS CLOSE BY MIGHT DO (SECTION 16 (1) (b)).
3. FREEDOM OF ASSOCIATION AS ENshrINED BY SECTION 18 IS ALSO AT STAKE AS ALL PEOPLE OF NDWEBU WANT TO BE ASSOCIATED WITH UBuhLEBEZWE AND ITS RESIDENTS AS THIS WOULD BE MORE CONVENIENT FOR THEM.
4. SECTION 32 RIGHT TO ACCESS TO INFORMATION MAY NOT BE EXERCISED BY THE PEOPLE OF NDWEBU AS UMZUMBE IS PRACTICALLY INACCESSIBLE TO THEM.
5. THE PROGRAMMES TO WHICH RESIDENTS OF NDWEBU COMMUNITY ARE EXPOSED TO FROM THE MUNICIPALITY, AS COMPARED TO OTHER AREAS, AFFECT THEIR RIGHT TO JUST ADMINISTRATIVE ACTION IN TERMS OF SECTION 33.

FURTHERMORE, THE OBJECTS OF LOCAL GOVERNMENT AS EXPRESSED IN SECTION 152 (1) (a), (b) AND (c) OF THE CONSTITUTION CANNOT BE POSITIVELY ATTAINED IF NDWEBU LOCATION CONTINUES TO BE HOUSED UNDER UMZUMBE MUNICIPALITY

WHEN THE MUNICIPALITY BUDGET HAS BEEN USED TOWARDS THE END OF A FINANCIAL YEAR, MANAGERS ARE RELUCTANT TO APPROVE TRIPS AND SERVICE FURTHER AREAS. THERE IS A POSSIBILITY THAT FROM JANUARY TO APRIL NO SERVICES MIGHT BE RENDERED IN AREAS SUCH AS NDWEBU BECAUSE OF BUDGET CONSTRAINTS.

AT TIMES WE GET EXCLUDED FROM PROGRAMMES EARMARKED FOR THE MUNICIPALITY. THIS IS BECAUSE IF AN OFFICIAL WERE TO COME TO NDWEBU THIS WOULD MEAN THAT THE WHOLE DAY IS OUT FOR OTHER ACTIVITIES.

CHANCES ARE ALSO THAT SUCH AN OFFICIAL WOULD WORK TILL LATE DRIVING BACK HOME. ALL THESE AND OTHER FACTORS PLACE US, THE NDWEBU COMMUNITY, IN A PRECARIOUS POSITION WHEN IT COMES TO SERVICE DELIVERY AND THE GOVERNMENT GOING TO THE PEOPLE.

THE ESSENCE OF GOVERNMENT IS MORE EFFECTIVELY FELT BY ITS PEOPLE BY THE QUALITY OF SERVICES AND RAPPORT FROM THE LOCAL GOVERNMENT LEVEL MORE THAN THE PROVINCIAL AND THE NATIONAL SPHERES OF THE GOVERNMENT.

WE HAVE OUR PEOPLE BEING EMPLOYED AT UBuhLEBEZWE AND SISONKE MUNICIPALITIES THAN UMZUMBE AND UGU, IF ANY. THIS SHOWS THAT IT WAS REGULAR IN THE FIRST PLACE FOR US TO BE SERVICED BY UMZUMBE MUNICIPALITY.

ALL PEOPLE OF NDWEBU IF THEY WERE TO BE ASKED AS TO WHICH MUNICIPALITY THEY FEEL WOULD CONVENIENTLY SERVE THEM; THE ANSWER WOULD BE UBuhLEBEZWE AND SISONKE RESPECTIVELY. IN FACT NDWEBU PEOPLE ANSWER MORE POSITIVELY TO A QUESTION WHO THE MAYORS OF UBuhLEBEZWE AND SISONKE MUNICIPALITIES ARE THAN UMZUMBE AND UGU MUNICIPALITIES.

**APPLICATION FOR THE RELOCATION OF NDWEBU TO UBuhLEBEZWE MUNICIPALITY**

**NHLANGWINI COMMUNITY DEVELOPMENT BODY: NPO: 041-997**

THERE WILL BE MORE ADVANTAGES FOR BOTH THE COMMUNITY AND THE LOCAL GOVERNMENT IF THE RELOCATION IS APPROVED.

WE WOULD ALSO REQUEST THAT THE MATTER IS TAKEN IN A SERIOUS LIGHT DESPITE THE FACT THAT WE ARE EMBARKING ON A MORE COOPERATIVE AND NON VIOLENT APPROACH. THIS IS SAID BECAUSE THERE IS A TENDENCY IN OUR COUNTRY THAT GOVERNMENT AND POWERS THAT BE, WOULD NORMALLY RESPOND QUICKLY AND MORE POSITIVELY IF REQUESTS OF THIS NATURE ARE ACCOMPANIED BY VIOLENCE AND DESTRUCTIVE MEANS. FURTHERMORE WE WOULD NOT LIKE TO SEE THIS MOVE TO BE HIJACKED BY ELEMENTS FOR POLITICA AND/OR PERSONAL GAINS.

**ADVANTAGES OF RELOCATING TO UBUHLEBEZWE**

THE FOLLOWING ADVANTAGES WILL ACCRUE FROM THE RELOCATION:

1. FIRST AND FOREMOST, THE MOVE WILL ALLOW NDWEBU COMMUNITY TO EXERCISE THEIR CONSTITUTIONAL RIGHTS WHICH THEY HAVE BEEN UNABLE TO DO FOR THE PAST FIFTEEN YEARS IN RESPECT OF LOCAL GOVERNANCE.
2. THE WHOLE COMMUNITY OF NDWEBU LOCATION WOULD RECEIVE SERVICES FROM THE LOCAL GOVERNMENT IN A MORE CONVENIENT MANNER FOR DEVELOPMENT TO BE DEALT WITH MORE EFFECTIVELY AND EFFICIENTLY.
3. THE PRINCIPLES OF BATHO PELE WILL BE BETTER FULFILLED THEREBY.
4. UMZUMBE MUNICIPALITY WILL SAVE PETROL, WEAR AND TEAR ON ITS VEHICLES IN TERMS OF SHORTER DISTANCES TRAVELLED.
5. TAXPAYERS' MONIES WILL BE SAVED IN MANY DIRECT AND INDIRECT WAYS
6. A POSITIVE IMPACT WILL RESULT IN THE COMMUNITY HAVING TRUST IN THE LOCAL GOVERNMENT AND ITS COUNCILLORS.
7. NDWEBU COMMUNITY WILL ALSO BENEFIT FROM COMMUNITY PROGRAMME AND OTHER SOCIAL ACTIVITIES, AS THESE ARE NOT NORMALLY HELD IN DISTANT AREAS FAR AWAY FROM MUNICIPALITY OFFICES.
8. IT WILL BE EASY FOR THE COMMUNITY TO REPORT CONCERNS, COMPLAINTS AND TO MAKE REQUESTS AND TO FOLLOW UP ON PROGRESS FOR REPORTED ISSUES. THIS WILL ADDRESS THE UNDERREPORTING OF CONCERNS.
9. THE OBJECTS OF LOCAL GOVERNMENT AS EXPRESSED IN SECTION 152 OF THE CONSTITUTION WILL BE BETTER SERVED AND THUS ATTAINED.

**RECOMMENDATIONS**

WE THEREFORE RECOMMEND THAT THE WHOLE OF NDWEBU LOCATION AREA BE RELOCATED FROM UMZUMBE MUNICIPALITY AND UGU DISTRICT MUNICIPALITY TO UBUHLEBEZWE LOCAL AND SISONKE DISTRICT MUNICIPALITIES.

## Appendix 4: Data Source

Reference No: DEM420

21 September 2009

Fax: 012-702 1533

Mmheraramodijo People's Forum

PO Box 314

SWARTDAM 0405

09 September 2009

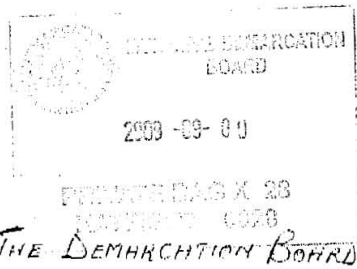
Dear Mr Musi

### **RE: RE- DETERMINATION OF MUNICIPAL BOUNDARIES – DEM420**

Thank you, for your letter dated 09 September 2009. You make reference to nine villages that are located between Moretele and Madibeng. Could you please identify these areas and provide us with a list, this will enable us to create a map of your proposed re-determination. You may use the attached map to illustrate your proposal, and fax/post it back to us.

You are urged to forward your proposal to the affected municipalities. The Board would prefer to receive an application in terms of section 22 (Local Government: Municipal Demarcation Act, 1998) from the municipalities after they have reached consensus on the proposal

Thanking you in anticipation



MMALEKARANDUO PEOPLE'S FORUM  
P.O. Box 314  
SWAKTIDAM  
0405  
09 SEPTEMBER 2009

DEAR SIR/MADAM

### INVITATION FOR A MEETING

MMALEKARANDUO PEOPLE'S  
FORUM  
P.O. BOX 314 SWAKTIDAM, 0405  
SWAZI

THE EXECUTIVE COMMITTEE OF THE ABOVE MENTIONED FORUM  
CONSISTING OF NINE VILLAGES WHICH ARE DEMARCATED IN TWO  
DIFFERENT MUNICIPALITIES, MADIBENG AND MORETELE RESPEC-  
TIVELY, IS HUMBLY REQUESTING THE OFFICE OF THE MANAGER  
OF THE DEMARICATION BOARD TO DISCUSS OUR AERIAL DEMAR-  
CATION BEFORE THE PERIOD OF PROPOSALS LAPSE.

### REASONS FOR OUR VISIT

1. OUR COUNCILLORS HAVEN'T INFORMED US ABOUT THE PROCESS OF  
RE-DEMARCATION PROPOSALS YET.
2. SINCE THE ELECTIONS, WE HAVEN'T HOLD ANY MEETINGS.
3. OUR MUNICIPALITIES REPRESENTATIVE AREN'T ATTENDING  
OUR MEETINGS WHEN INVITED.

FACTORS NECESSITATE APPLYING FOR RE-DEMARCATION ARE  
AS FOLLOWS:

1. WE SATISFY ALL THE REQUIREMENTS STATED IN GOVERNMENT  
SAZETTE OF LOCAL GOVERNMENT MUNICIPAL DEMARCATION ACT

OF 1998, PART B THE WHOLE OF SECTION 24 AND 25.

1) IT IS WITHIN OUR RIGHTS TO BE GIVEN A CHANCE TO PR  
OUR RE-DEMARICATION PLAN.

2. OUR AREA CAN MANAGE TO ERADICATE POVERTY, ENHANC  
LOCAL ECONOMIC DEVELOPMENT, DISTRIBUTION OF SKILL  
CREATION OF JOBS AND UPLIFTMENT OF NETWORK AND  
COMMUNICATION.

3. ROAD DES4 AND DES2 IS A SHORTCUT TO BORAKALALO,  
PRETORIA AND OTHER PROVINCES

4 REFERENCE CLINIC SERVES ALL NINE VILLAGES OF MAMALEA  
MODISO.

5. JERICHO POLICE STATION SERVES ALL NINE VILLAGES.

THE MEETINGS WILL BE SCHEDULED AS FOLLOWS:

VENUE: MANAGER'S OFFICE OR BOARDROOM

DATE: YOUR CONVENIENT DAY WITHIN TWO WEEKS

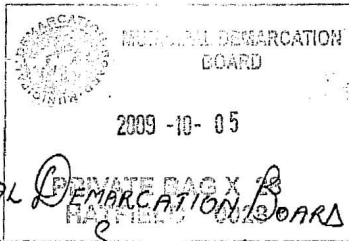
TIME: YOUR CONVENIENT TIME

HOPING AND TRUSTING THAT THE MANAGE WILL ACCEPT OUR  
INVITATION WITH OPEN ARMS.

YOURS FAITHFULLY

*[Signature]* (0826215656)

MAMALEA MODISO PEOPLES  
FORUM  
P.O. BOX 214 SWARTKOP 0405  
SIGN: *[Signature]*



MUNICIPAL DEMARCATOIN BOARD  
304 ORIENT STREET HATFIELDS  
PRETORIA  
0083

15-T11  
MMALEKARAMODIJO PEOPLE'S FORUM  
P.O. Box 314  
SWARTDAM  
0405  
2 OCTOBER 2009

MMALEKARAMODIJO PEOPLE'S FORUM  
P.O. BOX 314 SWARTDAM, 0405  
SIGN: *[Signature]*

DEAR MADAM/SIR

RE: RE-DETERMINATION OF MUNICIPAL BOUNDARIES-DEMA

THANK YOU FOR YOU RESPONSE TO OUR DEMARCATOIN CONCERNS  
JE HAVE NOTED CLEARLY IN OUR LETTER BOTH MADIBENG  
AND MORETELE MUNICIPALITIES ARE RELUCTANT TO HONOUR  
OUR MEETINGS. HOWEVER WE HAVE NOTIFIED THE EXECUTIVE  
TAVOR OF BOTANALA DISTRICT MUNICIPALITY TO INTER-  
IENE. ANY NEGATIVE RESPONSE FROM THEIR SIDE WILL  
FORCE US TO DEAL DIRECTLY WITH THE DEMARCATOIN  
BOARD. WE ARE ASKING YOUR OFFICE TO PROVIDE US  
JITH MDB FORMS OF ALL FOUR STEPS NEED TO BE  
TAKEN.

THINKING AND TRUSTING YOU WILL FIND THIS IN ORDER.

YOURS FAITHFULLY  
MR. MUSI 082 621 5656

ALL EIGHT VILLAGE ARE INDICATED WITH A BLACK DOT.  
THE NINTH VILLAGE IS NOT ON THE MAP. THE SPACE IS  
TOO SHORT ON THE MAP, DISTENENG IS NEXT TO LESARNENG  
AFTER LEBALANGWEE.

**ATTENTION TO CHAIRPERSON LANDIWE MAHLANGU**

**REPORT AND REQUEST ON RE-DETERMINATION OF MUNICIPAL BOUNDARIES-420**

THE EXCO OF THE ABOVE MENTIONED FORUM FIND IT IN ORDER TO GIVE YOU AND THE BOARD A REPORT REFERRING TO THE LETTER DATED 09 SEPTEMBER 2009. WE HAVE FOLLOWED LEGAL PROCEDURE OF IN AS FAR A RE-DETERMINATION OF MUNICIPAL BOUNDARIES IS CONCERN, BY SATISFYING SECTION 22 LOCAL GOVT MUNICIPAL DEMARCATION ACT, 1998. OUR MUNICIPALITIES ARE FULL OF POLITICAL OPPORTUNITIS, THEY ARE NOT CO-OPERATING. OUR MEETING WITH MADIBENG MUNICIPALITY DID NOT BEAR ANY FRUIT CAUSE THIS PEOPLE ARE SERVING THEIR INDIVIDUAL AND POLITICAL INTERESTS.

WITH THIS SMALL EXPLANATION, WE WILL LIKE YOU TO ARRANGE A MEETING, THAT WILL BE ADRESSED BY RELEVANT OFFICIALS FROM YOUR DEPARTMENT IF YOU CAN'T MAKE IT YOURSELF.

YOUR INTERVENTION IS OF MOST SIGNIFICANCE HENCE WE RELIED TO YOU. WE ARE ALSO TRYING IN KEEPING TEMPER OF OUR COMMUNITIES, SO THAT, THIS COULD BE RESOLVED AMICABLY.

WE ARE IN A POSITION TO VARNISH YOU WITH ANY DOCUMENT THAT WOULD BE NEEDED TO ENHANCE OUR REQUEST SUCH AS ROLLS-CALLS OF OUR MEETING AND MINUTES, LISTS OF PEOPLE ENDORSING OUR REQUESTING OF BEING DERMACATED INTO ONE WARD AND ONE MUNICIPALITY PREFERABLY MORETELE MUNICIPALITY.

MAY YOU PLEASE ARRANGE SUCH MEETING WITHIN TWO WEEKS FROM THIS DAY. WE WILL BE SATISFIED TO FIND EXPLANATION IN THE KIND OF A MEETING CAUSE WE KNOW THERE IS A FOUL PLAY FROM THE MUNICIPALITIES SIDE. THE SCHEDULE OF THE MEETING SHOULD BE HANDLED IN YOUR PREFFERED MANNER.

**THINKING AND TRUSTING YOU WILL FIND THIS IN ORDER!**