

Cross-boundary municipalities to disappear

New provincial borders

Cross-boundary municipalities are set to disappear on the date of the forthcoming local government election. On that date, provincial borders will be determined by district and metropolitan municipal boundaries and the current cross-boundary municipalities will be incorporated in one or other province. Five provinces are affected by the disappearance of 16 cross-border municipalities. In addition, there will be a shift of municipalities between KwaZulu-Natal and the Eastern Cape.

Background

When demarcating municipalities it became clear that the provincial borders cut through communities that should be united in one municipality. The Constitution was amended in 1998 to make provision for cross-boundary municipalities and the Cross-boundary Municipalities Act 29 of 2000 gave effect thereto.

Sixteen cross-border municipalities were thus established in 2000. Although there was provision for a cross-border municipality between KwaZulu-Natal and the Eastern Cape, it was never put into place.

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had to approve the IDP. The laws of two provinces apply. Within a year, the viability was raised at the President's Coordinating Council and in November 2002, it resolved to do away with the notion of cross-border municipalities. The problems were too numerous and they affected service delivery. The answer was to review provincial boundaries so that every municipality falls within a single province.

Proposed change

The process of provincial boundary changes has commenced its final stage with the publication on 26 August 2005 of the Twelfth Constitutional Amendment Bill and the Cross-Boundaries Municipality Laws Repeal Bill. The aim is to align provincial boundaries with municipal boundaries and thus take away the need for cross-boundary municipalities. This means that the six metropolitan and 46 district municipalities will be the building blocks of the nine provinces. The areas of provinces will now be determined with reference to the geographical areas of the municipal demarcation maps, issued by the Municipal Demarcation Board.

Constitutional amendment

The boundaries of the provinces were determined in the interim Constitution of 1993 with reference to magisterial districts. These boundaries were confirmed in the 1996 Constitution. Any changes to them, which are now necessary, therefore require a constitutional amendment. This entails that approval of the National Assembly and the National Council of Provinces (NCOP) is required. As it involves provincial boundaries, the NCOP may only pass the Bill if approved by the affected provinces.

Affected areas

The proposal by Government means the following changes to provincial boundaries:

KwaZulu-Natal/Eastern Cape

The Umzimkulu Local Municipality, currently in the Eastern Cape but falling wholly in KwaZulu-Natal, moves to KwaZulu-Natal, and becomes part of Sisonke District Municipality. The Matatiele Local Municipality, currently part of KwaZulu-Natal, moves to the Eastern Cape and becomes part of Alfred Nzo District Municipality.

Mpumalanga/Limpopo

The three cross-boundary local municipalities of Greater Marble Hall, Greater Groblersdal and Greater Tubatse, all part of the Sekhukhune District Municipality, become part of Limpopo. The cross-boundary Maruleng Local Municipality also becomes part of Limpopo. The cross-boundary Bushbuckridge Local Municipality becomes part of Mpumalanga.

Northwest/Gauteng

Westonaria and Merafong City become part of North West and fall in the Southern District Municipality. Those parts of the City of Tshwane Metropolitan Municipality currently in North West will become part of Gauteng.

Mpumalanga/Gauteng

The Kungwini Local Municipality becomes part of Gauteng, as will those parts of Ekurhuleni Metropolitan Municipality that are currently in Mpumalanga.

Northern Cape/North West

The Moshaweng Local Municipality becomes part of Northern Cape, as will the Kgalagadi District Municipality. Likewise, the Ga-Segonyana Local Municipality (including Kuruman and Mothibistad), Gamagara Local Municipality and Phokwane Local Municipality become part of the Northern Cape.

Public participation

Both the Twelfth Constitution Amendment Bill and Cross-Boundary Municipality Laws Repeal

key points

- The 16 cross-boundary municipalities are to be disestablished as from the local government election.
- The Eastern Cape local municipality of Uzimkulu will move to KwaZulu-Natal, while the KwaZulu-Natal local municipality of Matatiele will move to the Eastern Cape.
- Provincial boundaries are to be determined by reference to the metropolitan and district municipal boundaries.

Bill have been published for public comment. Any comments must be received by 26 September 2005. Consultation then takes place in the five provincial legislatures affected by the proposals. Their approval must be obtained.

Comment

The disestablishment of cross-boundary municipalities must be welcomed. These municipalities were unworkable from the start. The correct approach has been adopted to define provincial boundaries by using municipalities as the basic building blocks. It is critical that community consultation now takes place and the necessary legislative changes are completed before the local government elections are held.

The disestablishment of cross-boundary municipalities must be welcomed.

Prof Nico Steytler
Local Government Project
Community Law Centre, UWC
