

[About FM](#) | [Financial Mail](#) | [Summit TV](#) | [Net Assets](#) | [Business Day](#) | [FM Campus](#)

**FINANCIAL MAIL**  
**FM**  
 50 years of INSIGHT

**PRICewaterhouseCOOPERS**  
**On target, again and again.**

[Register](#) | [Log In](#)  
[Subscribe](#) | [Advertise](#)  
 Search

**Sections**

- Cover Story
- FM Fox
- Money & Investing
- Features
- FM Life

**REGULARS**

- Editor's Note
- Editorials
- Technology
- Opinion
- People
- Letters
- Did You Hear?
- Another Week
- Economic Indicators

**Careers**

- Top Jobs

**Special Reports**

- Gordon Institute of Business Science (PDF file)
- Black Fund Managers (PDF file)
  - SA in 2010 is available with the print edition
- AdFocus 2009
- Top Companies 2009
  - Reserve Bank
- Ranking the Analysts 2009
- The Little Black Book
  - SA in 2009

**Annuals**

- Ranking the Analysts 2009
  - Top Empowerment 2009
- Top Empowerment Companies 2008
  - Budget 2009
  - Budget 2008
- SA in 2009 annual

**Social Responsibility**

- Rally to Read

**Online Courses**

- Winning Tenders
- Strategic Empowerment
- Virtual Books

**Resources**

- Help
- Search
- Subscribe

The archives go back 14 years and are available free to print subscribers who have registered online.

**FEATURES**

05 March 2010

[PRINT THIS ARTICLE](#) [EMAIL TO A FRIEND](#)

**DEMARICATION**

**Cross-border storms brew**

By Prakash Naidoo

**Though government has won a significant legal victory in the provincial demarcation issue, it is unlikely to quell the protests in affected communities.**

Last week, the constitutional court ruled that the legislation to transfer the town of Matatielle from KwaZulu Natal to the Eastern Cape was not unconstitutional, adding that it was not for the courts to decide in which province people should live.

It was regarded as a test case for cross-border communities which have challenged, often with violent protests, their incorporation into what they regard as the "wrong" provinces.

Municipalities such as Matatielle, Khutsong, Bushbuckridge and more recently Siyathemba, near Balfour, have suffered several violent protests in recent years, and the demarcation issue was always among the grievances listed.

After SA's provincial and municipal boundaries were redrawn after 1994, 15 municipal boundaries remained unresolved.

It was decided at the time that the cross-boundary municipalities should be jointly administered by the provinces concerned. But this seriously compromised service delivery.

A political decision to abolish these municipalities was anchored by the Cross Boundary Municipal Repeal Act, and last week's judgment was also anxiously awaited by government.

Sicelo Shiceka, the minister of co-operative governance & traditional affairs, will be under pressure to act swiftly on some of the more immediate demands of the communities.

Eddy Mavungu, who is completing a doctoral thesis at Wits University on the sociopolitical impact of cross-boundary disputes, says the judgment could potentially reignite protests in some areas.

"This is a very emotional issue for these communities and the anger runs deep," says Mavungu. "For some people, this is a matter of life and death and if they feel they are now at the mercy of politicians, we could see an increase in protests."

People in the affected municipalities fiercely oppose government's demarcation policy, largely on socioeconomic grounds. Merafong, for example, has fought a long battle to stay in Gauteng (rather than North West), which residents perceive to be wealthier, less corrupt, more effective in service delivery and geographically closer to them.

Mavungu says residents relied heavily on their constitutional right to influence government decisions affecting their lives, which is why the judgment will be met with disappointment.

One of the complaints that the Matatielle matter raised in court, which is widely shared by other communities, is that they were not properly consulted about relocation and the legislation which enabled it was politically motivated.



Drawing the line - A crowd in Siyathemba township outside Balfour throws stones at police



**Learn new skills and tower above the rest**

- Simply Successful Selling
- Professional Communication
- An Introduction to Company Law
- Business Finance Fundamentals
- Human Resources Management
- How Business Strategy works in Practice
- Risk management and Treasury Operations
- Marketing in South Africa - Cases and Concepts

**NEW TITLES**

- Business E-Mail Etiquette
- Effective Time Management
- Solving problems the KALM Way

[CLICK HERE](#)

**BORDER BATTLES**

- Merafong, North West: most residents want to be reincorporated into Gauteng
- Ga-Mothibi, North West: some residents want to return to the Northern Cape
- Moutse, Limpopo: residents divided between remaining in Limpopo or being reincorporated into Mpumalanga

SOURCE: FM RESEARCH

[About FM](#)  
[New Web Users](#)  
[Log in](#)  
[Advertising Rates](#)  
[Advertise](#)

[Online Adrates](#)  
[Online Advertising](#)  
[Contact Us - email](#)  
[Contact Us](#)

[BDFM BEE credentials](#)  
[FM Essentials](#)  
[Career Junction](#)

**Virtual Books**

[Marketing in SA](#)  
[Business Finance](#)  
[HR Management](#)  
[Simply Successful Selling](#)  
[Intro to Company Law](#)  
[Management & Treasury](#)  
[Operations](#)

But delivering a unanimous judgment, Judge Bess Nkabinde said there was no doubt public participation had been facilitated by parliament and the KZN legislature. "The fact that the process of engagement is not reflected in a change does not necessarily mean that reasonable public participation did not take place, or that views were not considered."

This disagreement about the level of consultation, and the weight that should be given to residents' concerns, lies at the root of these clashes between government and communities

Dr Udesh Pillay, executive director of the Human Sciences Research Council's Centre for Service Delivery, says demarcation is fundamental to residents' concerns during service-delivery protests.

Pillay says the demarcation issue appears to have sparked a debate around the question of boundaries. "There seems to be this body of thought that is emerging in government where some are questioning whether the provinces are the right vehicles to give effect to SA's developmental needs."



*BDFM Publishers (Pty) Ltd disclaims all liability for any loss, damage, injury or expense however caused, arising from the use of, or reliance upon, in any manner, the information provided through this service and does not warrant the truth, accuracy or completeness of the information provided. The publisher's permission is required to reproduce the contents in any form including, capture into a database, website, intranet or extranet.*  
© BDFM Publishers 2010

