

Rationalisation of municipalities

A panacea for improved municipal governance in South Africa?

S B Koma

School of Public Management and Administration
University of Pretoria
South Africa

ABSTRACT

This article examines the functioning and rationalisation of municipalities within the context of the Constitution of the Republic of South Africa, 1996 and applicable legislation. The role of the Municipal Demarcation Board and the demarcation criteria used to re-determine, de-establish and rationalise municipalities referring to a selected number of municipalities are discussed as well. The discourse on the performance of municipalities is intimated in the article based on the continuing disappointing results reflected through the Auditor-General's annual reports, including those published by the Department of Cooperative Governance and Traditional Affairs and the National Treasury. The article also offers plausible solutions to address some of the perennial problems facing municipalities. The data collection methods used for the purpose of this article primarily include documentary review of existing official documents and annual reports plus a literature review. Since the advent of the democratic order in South Africa, the local sphere of government has assumed a crucial constitutional role in respect to ensuring the provision of basic services to local communities in a sustainable manner and promoting social and economic development amongst others. Local government is described as a sphere of government located within communities and well-placed to respond to local needs, interests and expectations of the communities served by each municipality. The constitutional status, powers and functions of local government are provided for in Chapter 7 of the Constitution.

INTRODUCTION

By and large, the sphere of local government exists by virtue of the Constitution and thus derives its original powers and functions from the *Constitution of the Republic of South Africa, 1996*, set out in Chapter 7. This represents a major break from the previous political

epoch wherein municipalities were established by national laws or provincial ordinances and could be abolished by either the national or provincial authorities (De Vos and Freedman 2015:230). In the current constitutional dispensation, any attempt by either the national or provincial sphere of government to encroach on the geographical, functional or institutional integrity of government in another sphere, without an amendment to the Constitution, will be declared unconstitutional by the Constitutional Court. If the matter were to be brought before it, since it is vested with the exclusive jurisdiction to adjudicate disputes pertaining to the constitutional status and powers assigned to the different spheres of government.

National and provincial spheres of government may not usurp the powers and functions of the sphere of local government without an amendment to the Constitution as this would amount to acting *ultra vires*. Municipalities no longer exist by the grace of the national or provincial government as was the case before the dawn of constitutional democracy in South Africa.

It is noteworthy that the rationalisation of municipalities took place through various phases since the inception of the transformation of local government commencing with the pre-interim phase (1992-1995), transitional phase (1995-1999) and final phase (2000) as a result of the agreements reached by the Convention for Democratic South Africa (CODESA), the Local Government Negotiating Forum (LGNF), and the final adoption of the new Constitution on 6 May 1996. Suffice it to say that in 2000, the Municipal Demarcation Board rationalised the number of municipalities from 843 to 284 (Burger 2001). Subsequently in 2011 the number went down to 278 municipalities following the municipal boundary reform process. The questions that beg answers are: Is rationalisation the sole and an integral element for improving municipal governance? What other mechanisms are required to yield the much desired efficiencies of municipalities? This article, departs from the premise that given the endemic governance challenges prevalent in most municipalities as evidenced from official reports, constitutional review is also necessary for improving municipal governance.

CONSTITUTIONAL STATUS OF LOCAL GOVERNMENT

The constitutional status, powers and functions of local government are provided for in Chapter 7 of the Constitution. Section 151(1) of the Constitution provides that the local sphere of government consists of municipalities, which must be established for the whole of the territory of the Republic. Furthermore, section 151(3) provides that a municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution. Bearing in mind that section 164 of the Constitution provides that “any matter concerning local government not dealt with in the Constitution may be prescribed by national legislation or by provincial legislation within the framework of national legislation”.

Local government could be described as a public organisation authorised to manage and govern the affairs of a given territory or area of jurisdiction. It is also important to note that local government refers to a sphere of government and not an individual municipality. All the individual municipalities in South Africa make up the collective sphere known as local government (Roux 2005:64).



Being the government closest to the people, it is to be expected that a core function of municipalities is the rendering of a variety of basic but essential services to the community within its jurisdiction (Roux 2005:69). The provision of services by municipalities is a constitutional obligation. Part B of Schedule 5 of the Constitution, concerning functions falling concurrently within the national and provincial competence constituent units, identifies the following services that fall within the ambit of local government. These are municipal roads, street lighting, licenses, fresh produce markets, parks and recreation and refuse removal. Part B of Schedule 4 of the Constitution further identifies the following matters that are also the responsibility of local government: air pollution, building regulations, child care facilities, electricity and gas reticulation, local tourism, municipal airports, municipal planning, municipal health services, municipal public transport and municipal public works.

Chapter 10 of the Constitution provides a peremptory mandate for local government, and thus *inter alia*, states that public administration must be development-oriented. Since 1994 the democratically elected government introduced numerous development oriented policy frameworks in order to address issues such as poverty, unemployment and low levels of economic growth namely, the *Reconstruction and Development Programme (RDP)*, 1994, the *Growth, Employment and Redistribution (GEAR)* policy, 1996, *Accelerated Shared Growth Initiative for South Africa (ASGISA)*, 2006, and the *New Growth Path (NGP)* policy, 2010. Municipalities are obligated by law to develop and adopt Integrated Development Plans (IDPs) tailored to improve the socio-economic development conditions of the communities that they serve through incorporating national and provincial development plans and strategies (Development Bank of Southern Africa 2000:4; Maserumule 2008:254; Mashamba 2008:425; Koma 2013). The National Development Plan (NDP) serves as the cardinal development framework for the entire public administrative system providing a panoramic vision of the national government in terms of shaping the strategic direction of the country.

MUNICIPAL OBJECTIVES

Municipalities must strive to meet the objectives set out in Section 152, Chapter 7 of the Constitution, which are:

- to provide democratic and accountable government for local communities;
- to ensure that provision of services to communities in a sustainable manner;
- to promote social and economic development;
- to promote a safe and healthy environment; and
- to encourage the involvement of communities in the matters of local government.

Chapter 7 of the Constitution spells out a clear-cut governance and administrative framework within which municipalities should operate with a view to develop institutional mechanisms, structures, systems and allocation of adequate resources geared towards providing a responsive public administration to local communities they serve within their jurisdictions. Thus, the performance of each established municipality is assessed and evaluated based on the degree and extent to which it endeavours to fulfil its constitutional obligations set out in chapter 7.

The introduction of the *White Paper on Local Government*, 1998 gave impetus to the fulfilment of the constitutional obligations imposed on the sphere of local government through a number of pieces of legislation governing municipalities. The minister(s) responsible for local government affairs have over the past few years introduced five significant pieces of legislation namely, the *Local Government: Municipal Structures Act*, 117 of 1998; *Local Government: Municipal Systems Act*, 32 of 2000; *Local Government: Municipal Electoral Act*, 27 of 2000; *Local Government: Municipal Finance Management Act*, 56 of 2003; and *Local Government: Municipal Property Rates Act*, 6 of 2004.

MUNICIPAL POWERS

The executive and legislative powers of a municipality are set out in section 156 of the Constitution. This section provides that a municipality has executive authority in respect of and has the right to administer:

- the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5;
- any other matter assigned to it by national or provincial legislation; and
- may make and administer by-laws for the effective administration of the matters which it has the right to administer.

The *Local Government: Municipal Systems Act*, 32 of 2000, section 11(3) (a-n) provides that a municipality exercises its legislative or executive authority in various ways and particularly by doing the following:

- developing and adopting policies, plans, strategies and programmes including setting targets for delivery;
- promoting and undertaking development;
- establishing and maintaining an administration;
- administering and regulating its internal affairs and the local government affairs of the local community;
- implementing applicable national and provincial legislation and its by-laws;
- providing municipal services to the local community, or appointing appropriate service providers in accordance with the criteria and process set out in section 78 of the Act;
- monitoring and, where appropriate, regulating municipal services where those services are provided by service providers other than the municipality;
- preparing, approving and implementing its budgets;
- imposing and recovering rates, taxes, levies, duties, service fees and surcharges on fees including setting and implementing tariff, rates and tax and debt collection policies;
- monitoring the impact and effectiveness of any services, policies, programmes or plans;
- establishing and implementing performance management systems;
- promoting a safe and healthy environment;
- passing by-laws and taking decisions on any of the above-mentioned matters; and
- doing anything else within its legislative and executive competence.



CATEGORIES OF MUNICIPALITIES

Municipal administration must be viewed as part of the public administration in general. Thus and in compliance with the constitutional obligations toward public administration in general, the *Local Government: Municipal Systems Act*, 2000 as amended provides for the following: A municipality's administration is governed by the democratic values and principles embodied in section 195(1) of the Constitution, 1996. The administrations of municipalities are further obligated to ensure and adhere to the following principles:

- to be responsive to the needs of the local community;
- to facilitate a culture of public service and accountability amongst staff;
- to take measures to prevent corruption;
- to establish clear relationships, facilitate co-operation and communication between it and the local community;
- to give members of the local community full and accurate information about the level and standard of municipal services they are entitled to receive; and
- to inform the local community of how the municipality is managed, of the costs involved and the persons in charge (*Local Government: Municipal Systems Act* 32 of 2000).

In terms of the Constitution, 1996, Section 155(1), there are three categories of municipalities, namely, Category A; Category B; and Category C. A municipality that has exclusive municipal executive and legislative authority in its jurisdiction falls under Category A. A generic term for a Category A municipality is a metropolitan municipality. Category B municipalities are municipalities that share municipal executive and legislative authority in a specific area with a Category C municipality within whose area such Category B municipalities fall. A Category B municipality is also referred to as a local municipality. The Constitution determines that Category C municipalities are municipalities which have municipal executive and legislative authority in areas that include more than one municipality. The generic term for a Category C municipality is a district municipality.

The *Local Government: Municipal Structures Act*, 1998 contains criteria for determining the category of a municipality. In 1998, the Municipal Demarcation Board appointed by the late former president Mandela determined Johannesburg, Durban (e Thekwini), Cape Town, Pretoria (Tshwane), Ekurhuleni and Port Elizabeth (Nelson Mandela Metropolitan Municipality) as metropolitan areas. The Board also reduced the 843 municipalities down to 284 so as to ensure cost-effectiveness and financial viability as intimated earlier. Consequently, there were six metropolitan cities, 46 district municipalities and 232 local municipalities. Currently, there are two new metropolitan municipalities proclaimed by the Municipal Demarcation Board namely, the Buffalo City in East London and Mangaung in Bloemfontein bringing the number to eight and there are 44 district municipalities and 226 local municipalities since the boundary reform at the time of the municipal elections of 18 May 2011.

The metropolitan municipalities are all characterised by high population density, intense movement of people, goods and services (e.g. bus rapid transport system established by the City of Johannesburg, City of Tshwane, City of Cape Town, intensive rail, taxi modes of transport), extensive public infrastructure such as roads, parks, sport, health and education facilities, and extensive economic development and diverse economies (e.g. mining, agriculture, tourism, automotive, manufacturing), multiple business and industrial districts

(e.g. core business centres for commercial and industrial purposes) and an extensive revenue base (e.g. the City of Tshwane, City of Johannesburg and City of Ekurhuleni metropolitan municipalities have combined annual budgets of over R100 billion). They enjoy considerable legislative and executive authority over their area, each manages a single municipal budget and operates a unified tariff system for household services.

ROLE OF THE DEMARCATION BOARD

According to the Constitution, section 155(3) (b), national legislation must establish a criteria and procedures for the determination of municipal boundaries by an independent authority. In compliance with this obligation, Parliament has enacted the *Local Government: Municipal Demarcation Board Act, 27 of 1998*, in terms of which the Municipal Demarcation Board was established to function as the independent authority required by the Constitution. The Demarcation Board must -

- apply the criteria set out in section 2 of the Act and determine whether an area must have a single category A municipality or municipalities of both category B and category C; and
- determine the boundaries of the area in terms of the Demarcation Act.

The Demarcation Board may determine that an area must have a Category A municipality only after consultation with the minister responsible for local government, the member of executive council (MEC) for local government in the province concerned and South African Local Government Association (SALGA).

It must be pointed out that the Demarcation Board does not need the minister's or the MEC's or SALGA's concurrence with its decision. *The Municipal Structures Act, 1998* requires the Board to make its determination *after* consultation with the minister concerned. The Demarcation Board must therefore consult with the other parties, but it is not obliged to follow their advice (Bekink 2006:141).

Demarcation criteria

When the Demarcation Board is considering whether to determine or re-determine a municipal boundary, it must have an overall objective in mind to establish an area that would adhere to particular requirements. These requirements are:

- to enable the municipality for that area to fulfil its constitutional obligations as set out in section 152 of the Constitution;
- to enable effective local governance in that area;
- to enable and provide for integrated development; and
- to have a tax base as inclusive as possible of all users of municipal services in that municipal area (Municipal Demarcation Act section 24 (a)-(d)).

In order for the Board to attain the overall objective and to comply with the required criteria outlined in section 24, the Board must take specific factors into account when determining a municipal boundary. These factors are the following:



- the interdependence of people, communities and economies as indicated by:
 - existing and expected patterns of human settlement and migration;
 - employment;
 - commuting and dominant transport movements;
 - spending;
 - the use of amenities, recreational facilities and infrastructure; and
 - commercial and industrial linkages;
- the need for cohesive, integrated and un-fragmented areas, including metropolitan areas;
- the financial viability and administrative capacity of the municipality to perform municipal functions efficiently and effectively;
- the need to share and redistribute financial and administrative resources;
- provincial and municipal boundaries;
- areas of traditional rural communities;
- existing and proposed functional boundaries, including magisterial districts, voting districts, health, transport, police and census enumerator boundaries;
- existing and expected land use, social, economic and transport planning;
- the need for coordinated municipal, provincial and national programmes and services, including the needs for administration of justice and health care;
- topographical, environmental and physical characteristics of the area;
- the administrative consequences of its boundary determination on:
 - municipal creditworthiness;
 - existing municipalities, their council members and staff; and
 - any other relevant matter; and
 - the need to rationalise the total number of municipalities within different categories and of different types to achieve the objectives of effective and sustainable service delivery, financial viability and macro-economic stability.

It should be noted that the demarcation process involves a number of role-players including municipal council speakers, municipal managers, MECs responsible for local government affairs, Minister for Cooperative Governance and Traditional Affairs, affected communities, traditional authorities especially the Provincial House of Traditional Leaders, the South African Local Government Association and magistrates, thus ensuring participatory democracy. More significantly, the public consultative process requires ordinary members of the communities to furnish written submissions either rejecting or supporting the proposals for re-determination and rationalisation of municipal boundaries and furthermore, attend the public hearings convened by the Municipal Demarcation Board. A case in point is the rejection of the submission of the Minister for Cooperative Governance by the Municipal Demarcation Board, based on strong public views generated through public consultations to have the West Rand district plus the Mogale City, Merafong and Westonaria local municipalities to be de-established and re-determined into a metropolitan municipality. On 5 August 2015, the Board announced that the process of de-establishment and re-determination of the West Rand District would require further investigations and this process may go beyond the 2016 local government election.

The current review of municipal boundaries with the purpose to reducing the existing number of the municipalities through de-establishment of existing municipalities and amalgamation of others undertaken by the Municipal Demarcation Board ahead of the local government election to be held in 2016 further supports the argument about the lack of financial viability, gross inefficiencies, poor performance and inadequate institutional capacity facing numerous municipalities in certain parts of the country.

The rationalisation and re-determination of municipal boundaries should eventually yield the desired results intended to improve the living conditions of the local communities, boost the tax base and local economies in order to generate the much needed employment opportunities and ensure sustainable provision of public services. However, the success of the newly formed municipalities (after the 2016 local government election) will hinge on strong and visionary political leadership, management capabilities, enhanced staff motivation and attitudes, new philosophies underpinned by service quality, innovation, speed and excellence, sound and responsive public administration and institutionalised public participation.

Selected municipalities under review for rationalisation and de-establishment

Mpumalanga

The municipalities under review for re-determination and rationalisation are the following: Dr Pixley Ka Isaka Seme and Msukaligwa to amalgamate; Mbombela and Umjindi to amalgamate; Dipaleseng and Lekwa to amalgamate; Emalahleni and Victor Khanye to amalgamate. Emakhazeni municipality to de-establish and amalgamate with Steve Tshwete municipality.

Gauteng

The West Rand District municipality; Mogale City local municipality; New Randfontein local municipality and Westonaria local municipality to de-establish with a view to create a new Metropolitan municipality falling under Category A in the West Rand.

North West

Ratlou local municipality to de-establish and be amalgamated with Mahikeng and Tswaing local municipalities and create a new Category B municipality. Kgetleng rivier to de-establish and amalgamated with the Rustenburg local municipality. Ventersdorp and Tlokwe municipalities to amalgamate to form a new municipality.

Limpopo

Modimolle and Mookgopong municipalities to amalgamate and form a new municipality. Fetakgomo; Maruleng; Aganang local municipalities to de-establish with a view to optimise financial viability ([www.demarcation.org.za/circular 3 and 4/date](http://www.demarcation.org.za/circular/3%20and%204/date) accessed 17 June 2015).

The final decision made by the Municipal Demarcation Board on 27 August 2015, is as follows:

The Board only approved one case in Mpumalanga province involving the amalgamation of the Mbombela and Umjindi local municipalities into one municipality. In Limpopo

province, the Board approved the four cases except for the de-establishment of the Maruleng local municipality and in the North West province. The amalgamation of the Tlokwe and Ventersdorp municipalities was the only case approved (Municipal Demarcation Board Media Statement 27 August 2015).

CURRENT PERFORMANCE OF MUNICIPALITIES

The large service delivery protests that continue to confront municipalities necessitate a greater attention and concentrated efforts to be directed to the local sphere of government on the part of both the national and provincial governments as informed and enjoined by constitutional obligations. The South African government has devoted much attention and resources to the local sphere of government in order to ensure its efficacy in line with constitutional imperatives. This is attested to by the initiation of the Municipal Infrastructure Support Agent (MISA) in 2010 as part of providing hands-on support to over 77 low-capacity municipalities, the provision of Municipal Infrastructure Grant and Urban Development Grant amounting to billions of rands, the establishment of legislated Intergovernmental Relations Structures to ensure both vertical and horizontal interaction among and between the three spheres of government and the formulation of legislation such as the Local Government: *Municipal Finance Management Act*, 2003 with a view to ensure sound financial management within the local sphere of government (Koma 2010:115).

However, the performance of numerous municipalities throughout the country has so far glaringly revealed tremendous deficiencies in as far the fulfillment of both their constitutional and legislative obligations are concerned. For instance, the majority of municipalities have failed to achieve clean audits as per the target set out in the Operation Clean Audits – 2014 project introduced in 2010 by the Department of Cooperative Governance. Other local municipalities especially in the North-West (*viz.* Madibeng and Mahikeng) and Mpumalanga provinces (*viz.* Emalahleni and Bushbuckridge) are currently run by administrators appointed by provincial governments owing to their failure to fulfill their constitutional obligations in terms of section 152 of the Constitution. This was effected through invoking section 139(c) of the Constitution.

In 2012/13 financial year, 22 municipalities or eight per cent, attained unqualified audit opinion without findings. This is the highest performance reported over the past five financial years (2008/9 – 2012/13). The bulk of the clean audits were achieved by municipalities in the Western Cape and KwaZulu-Natal provinces. The remaining 18 clean audits were achieved by local municipalities. The Auditor-General raised the issue of excessive utilisation of consultants in preparing 2012/13 financial statements as highest in the Free State, Eastern Cape, Northern Cape, Mpumalanga, and Western Cape provinces. The Auditor-General pointed out that the risk of the heavy reliance on consultants is that there is no skills transfer to the employees (National Treasury report on the state of local government finances and financial management 30 June 2014). It is against this backdrop, that an important debate on the functioning of the sphere of local government has ensued.

Firstly that owing to the role conflict and duplication involving both the district and local municipalities regarding the provision of basic public services and goods such as water, sanitation, electricity and others, and also given the variation of capacity levels between

these two tiers of municipalities in certain jurisdictions, it would be prudent that a single tier of municipalities is established. In such cases, a single-tier municipality could operate as a single authority with many responsibilities and operate separately from a district. Similarly, where the capacity of local municipalities is weak, the district municipality should continue to play a supporting role and fulfill its legislative obligations such as the provision of bulk infrastructure and provision of capacity to municipalities falling under its jurisdiction (National Development Plan 2012: Chapter 13).

Secondly that both the national and provincial governments should promote local government as a career path in its own right through measures such as a local government graduate-recruitment scheme and skills development strategies. Local government should become a career of choice for graduates who wish to contribute to the development of the country, and ensure that high-level employees are recruited on the basis of their suitability for the job. The proposal encapsulated in the National Development Plan is that municipalities should be offered the opportunity to recruit graduates through a formal scheme and this scheme should be centrally run in the form of setting up a National Graduate Development Scheme and allow municipalities to choose to participate in the scheme by employing people recruited through the scheme. In the United Kingdom a similar scheme is in place and has resulted in the recruitment of high calibre graduates joining local government. This proposal is largely supported by the immense capacity deficiencies prevalent in most municipalities including but not limited to the following: shortage of skilled and qualified managerial staff; poor standard of professional ethics; poor management of assets; inadequate financial and internal controls; and inability of municipalities to collect revenue due to them (National Development Plan 2012: Chapter 13; Koma 2015:55; Koma and Madumo 2015:61).

Thirdly and crucial is that attention and decisive resolutions are required relating to concurrency and overlap in regard to both provincial and local governments' legislative and executive competencies set out in Part A and B of Schedules 4 and 5 of the Constitution respectively. Concurrency of functions occur when more than one sphere of government share authority (be it legislative or executive, or both) over the same functional area.

Table 1 depicts the overlapping functional areas between local and provincial jurisdictions.

The current public service delivery protests engulfing most municipalities may necessitate the need for the national government to revisit and contemplate reviewing the constitutional architecture designed since the adoption of the Constitution with a view to reducing the size of the provinces or more fundamentally expand the functional scope of the sphere of local government in respect to roles, powers and functions. The latter will require capacity assessment and development of the municipalities in order to effectively assume the expanded constitutional powers and functions in a progressive manner.

At the same time, the national government may in the short term consider amending the Constitution in order to grant the national government powers to directly intervene in the affairs of municipalities especially in areas including but not limited to water services provision, as evidently, many municipalities do not have the institutional capacity and resources such as skilled engineers to deliver on this basic service to local inhabitants. Another clear demonstration of the immense institutional capacity constraints facing many municipalities concerns the recent action taken by the National Treasury to withhold the allocation of funding generated through the equitable share, in accordance with the annual *Division of Revenue Act*, to 20 municipalities spread across the country which are considered

Table 1: Overlapping functional areas between local and provincial jurisdictions

Provincial Functional area	Local Functional area
Provincial amenities	Local amenities
Tourism	Local tourism
Airports other than international and national airports	Municipal airports
Provincial planning	Municipal planning
Health services	Municipal health services
Public Transport	Municipal public transport
Provincial public works	Municipal public works
Abattoirs	Municipal abattoirs
Provincial road and traffic	Municipal roads
Provincial traffic	Traffic and parking

Source: Constitution of the Republic of South Africa, 1996

to be defaulting on their electricity account payments to Eskom. This decisive action bears testimony to the need for constitutional review as posited above (*Business day* 1 April 2015).

STRATEGIES FOR A FUNCTIONAL MUNICIPALITY

An ideal municipality should have an integrated development plan (IDP) that is the expression of state-wide planning as a whole encapsulating the strategic priorities underpinning the *National Development Plan*, the *New Growth Path* policy (macroeconomic development policy), *National Spatial Development Perspective*, the *Provincial Growth and Development strategies/plans* and the *District Growth and Development strategies* (Koma 2014:230).

A municipality should have a sound infrastructure investment and sustainable economic development programme that is part of the Integrated Development Plan. Furthermore, there has to be an establishment and functionality of all core municipal policies and systems as required by law. The implementation of continuous administrative reform and improvement, and increased and appropriate utilisation of technology should be effected. Employees need to be empowered through focused and continuous professional skills development. The National Development Plan strongly recommends that local government should become a career of choice. Proper accountability and performance management mechanisms for councillors and officials ought to be put in place. Financial viability and financial management benchmarks for an ideal municipality include sound financial management systems; reduced dependency on grant transfers; development of annual and medium-term outlook on revenue and expenditure plans and targets; and timely and accurate accounting of public resources and effective anti-corruption measures (Koma 2015:55).

CONCLUSION

This article highlighted significant issues germane to the constitutional mandate and obligations entrusted to local government. The Constitution enjoins the sphere of local government to provide basic services in the most sustainable manner and, thus, in order for municipalities to fulfill this obligation, it is important that bold, decisive, interventionist and visionary leaders are elected and appointed in the statutory municipal positions, sound development planning is achieved, adequate resources are mobilised and invested strategically into the various strategic areas prioritised by the municipality, and proper execution of policies is employed within the municipality. Evidently, municipalities require structured, focused and centrally directed support and intervention from the national government. The national department of Cooperative Governance and Traditional Affairs should also assume a significant role aimed at ensuring that sound governance and administrative systems and regulations are put in place to steer municipalities towards viability, responsiveness, efficiency and effectiveness.

The process of rationalisation and re-determination of municipal boundaries currently underway and undertaken by the Municipal Demarcation Board should successfully produce financially viable, institutionally reconfigured, capacitated and result-oriented municipalities in the short and long run. The impatience of the economically marginalised communities regarding the delivery of public services 21 years into the democratic order has been tested, albeit, with violent protests that demonstrate the need for fast-tracking of public service provisioning by municipalities. A holistic and pragmatic approach that in part entails constitutional review is also essential for the comprehensive overhaul of the machinery of government particularly in regard to the functioning of both provincial and local spheres of government. The jury is still out on whether the governing party, African National Congress may ultimately revert to its initial unitary position contained in the *Ready to Govern* document crafted before its unbanning in 1990 with a view to fundamentally reconfigure the architectural constitutional design adopted during the CODESA negotiation process.

REFERENCES

- Bekink, B. 2006. *Principles of South African Local Government Law*. Durban: LexisNexis.
- Burger, D. (ed). 2001. *Local Government Year Book*. Government Communications <http://www.gov.za/structure/local-gov.htm>.
- Business day*, 01 April 2015. Treasury gets tough with municipalities over debt.
- Constitution of the Republic of the Republic of South Africa*. 1996.
- Development Bank of Southern Africa (DBSA). 2000. *Building Developmental Local Government: Development Report*. Halfway House. South Africa.
- De Vos, P., and Freedman, W. (eds). 2014. *South African Constitutional Law in Context*. Cape Town: Oxford University Press.
- Koma, S.B. 2010. The state of local government in South Africa: Issues, trends and options. *Journal of Public Administration*, 45(1.1):11–120.
- Koma, S.B. 2013. Local economic development in the developing countries: issues, trends and options. *African Journal of Public Affairs*, (6)3:150–180



- Koma, S.B. 2014. Developmental Local Government with reference to the implementation of Local Economic Development Policy. Unpublished Doctorate dissertation. University of Pretoria.
- Koma, S.B. 2015. Governance and resource management in Southern Africa: strategies for advancement. In Allen-Ile, C., Kanyane, M.H., and Ile, I. (eds). *Governance and resource management in Southern Africa*. Durban: Reach Publishers.
- Koma, S.B., and Madumo, O.S. 2015. *Local government reform in South Africa: The repositioning of form of municipal administration*. SAAPAM 15th Conference proceedings.
- Maserumule, M.H. 2008. Framework for strengthening the capacity of municipalities in South Africa: a developmental local government perspective. *Journal of Public Administration* special issue 1(43):436–451.
- Maserumule, M.H. 2008. Constitutional value and principle of development orientation of public administration: a critical perspective. *Journal of Public Administration* special issue 1(43):253–265.
- Mashamba, N.S. 2008. The state of the IDP in the Limpopo Province. *Journal of Public Administration*, 43(3.2):150–168
- National Development Plan. 2012. National Planning Commission. The Presidency.
- National Treasury. *Report on the state of local government finances and financial management as at 30 June 2014*. Pretoria.
- Roux, N.L. 2005. Unrest at the Local Sphere of Government in South Africa: Unrealistic Expectations or the Inability to Implement Policies? *Strategic Review for Southern Africa*. Available Online: <http://goliath.ecnext.com>.

Legislation

- Republic of South Africa. 1998. *Local Government: Municipal Demarcation Board Act*, 27 of 1998. Pretoria: Government Printer
- Republic of South Africa. 1998. *Local Government: Municipal Structures Act*, 117 of 1998. Pretoria: Government Printer.
- Republic of South Africa. 2000. *Local Government: Municipal Systems Act*, 32 of 2000. Pretoria: Government Printer.
- Republic of South Africa. 2011. *Local Government: Municipal Systems Amendment Act*, 11 of 2011. Pretoria: Government Printer.
- White Paper on Local Government*. 1998. Department of Local Government and Constitutional Development. Pretoria: Government Printer.