

District Management Areas

MDB changes policy

The Municipal Structures Act of 1998 mandates the Municipal Demarcation Board (MDB) to declare part of an area that must have both district (category C) and local (category B) municipalities as a district management area (DMA), if the establishment of a category B municipality in that part of the area will not be conducive to fulfilling the objectives of section 24 of the Demarcation Act.

Introduction

A DMA is a portion of a district municipality and not part of any local municipality. It is exclusively governed by a district municipality, hence its name. Legislation does not provide for the declaration of DMAs in metropolitan areas. A national park such as the Table Mountain National Park can therefore not be declared as a DMA as it falls within the area of a metropolitan municipality.

Prior to the 5 December 2000 local elections, the then-MDB decided that the incorporation

into local municipalities of deserts and semi-desert areas, state protected and conservation areas, as well as some special economic areas, would not be conducive to fulfilling the objectives of local government as set out in the legislation. On 29 September 2000 the MDB declared 25 district management areas, which comprised 10 areas of low population spread over the Northern Cape, Western Cape and Eastern Cape, two World Heritage Sites, nine provincial parks and four national parks. The

DMAs declared in 2000 cover 192 500 km² and affect approximately 84 000 people, 35 000 of whom were registered voters for the 2000 local elections. Every province in South Africa has at least one DMA or shares a DMA straddling a provincial boundary, as shown in the table below.

As these areas are, in general, sparsely populated and have limited numbers of registered voters, the councillors who were elected on a proportional basis in 2000 to represent DMAs in the councils of district municipalities represent only a few voters. As is the case with ward councillors in local and metropolitan areas, the DMA PR elected councillors also represents a specific geographic area and a verifiable number of voters, and it can

key points

- The MDB has revised its policy on DMAs.
- The national average of voters per DNA is 1 361.
- Some district municipalities rely on local municipalities to provide services in DMAs.
- Six DMAs were identified for disestablishment before the forthcoming local elections with 13 more requiring further investigation.

Common name of DMA

EASTERN CAPE

Aberdeen Plain (ECDMA10)
 Mount Zebra National Park (ECDMA13)
 Oviston Nature Reserve (ECDMA14)
 O'Connor's Camp (ECDMA44)

FREE STATE

Golden Gate Highlands National Park (FSDMA19)

KWAZULU-NATAL

Highmoor/Kamberg Park (KZDMA22)
 Gaints Castle Game Reserve (KZDMA23)
 St Lucia Park (KZDMA27)
 Mkhomazi Wilderness area (KZDMA43)

MPUMALANGA

Mdala Nature Reserve (MPDMA31)
 DMA Lowveld (MPDMA32)

NORTHERN CAPE

Namaqualand (NCDMA6)
 Bo-Karoo (NCDMA7)
 Benede (NCDMA8)
 Diamondfields (NCDMA9)

NORTH WEST

Pilansberg National Park (NWDMA37)

WESTERN CAPE

West Coast (WCDMA1)
 Brede River (WCDMA2)
 Overberg (WCDMA3)
 South Cape (WCDMA4)
 Central Karoo (WCDMA5)

CROSS BOUNDARY MUNICIPALITIES

Kalahari CBDC (NCDMACB1)
 Schuinsdraai Nature Reserve (CBDMA3)
 Kruger Park (CBDMA3)
 Sterkfontein World Heritage Site (GTDMA41)

District Municipal Area

Cacadu DC10
 Chris Hani DC13
 Ukhahlamba DC14
 Alfred Nzo DC44

Thabo Mofutsanyane DC19

uMgungundlovu DC22
 Uthukela DC23
 Umkhanyakufe DC27
 Sisonke DC43

Nkangala DC31
 Ehlanzeni DC32

Namakwa DC6
 Karoo DC7
 Siyanda DC8
 Frances Baard DC9

Bojanala DC37

West Coast DC1
 Boland DC2
 Overberg DC4
 Eden DC4
 Central Karoo DC5

Kgalagadi CBDC1
 Sekhukhune CBDC3
 Bohlabela CBDC4
 West Rand CBDC8

be argued that ward and DMA councillors should carry the same weight in terms of the representation of voters. However, there are vast differences. The national average number of voters per ward was around 4 921 in 2000, while the national average for DMAs was 1 361. One DMA in which elections were held only had 14 registered voters.

The issue of the performance of municipal functions in DMAs also came to the fore after the 2000 elections. The legislation provides that in DMAs, the district municipality has all the municipal functions and powers. At least two issues appear to be problematic in this regard: First, in some DMAs such as national parks, services are rendered by the park authorities, and very few, if any, municipal functions are performed in these areas by district municipalities. Second, some district municipalities find it difficult to comply with this requirement, as they do not have the capacity to perform all municipal functions. Some even do not have the capacity to perform their own district functions and rely on the performance of such functions by local municipalities.

A number of other questions were also raised after the 2000 local elections about the appropriateness of the Board's policy on DMAs, the uniform application of the Board policy across the country, the correctness of the boundaries of some DMAs (in certain cases DMA boundaries split neighbours with similar dynamics, with one being part of a DMA and the other part of a local municipality), the need to continue with a system of DMAs, and the lack of structures for community participation in DMAs and the like.

Though some of these problems can only be addressed through amendments to the relevant legislation, they were taken into account when the Board commissioned an investigation into the possible review of its DMA policy in 2003. The Board was confronted with three policy options, namely maintaining the status quo, removing DMAs from the landscape of local government, or amending the Board's DMA

policy to dissolve DMAs with low populations into adjacent local municipalities and declare national parks and World Heritage Sites of significant national and/or international significance as DMAs.

Public opinion/participation

After the necessary consultations, the MDB published a notice to test public opinion on the proposed withdrawal of the declaration of 19 DMAs. The notices appeared in the print media. The MDB received 18 submissions in total, commenting on nine of the published DMAs. Though the new policy direction was generally accepted and welcomed, some respondents conveyed reservations about the capacity of some local municipalities to provide municipal services in DMA areas if they were to be disestablished. Submissions from the Western Cape were, in general, not supportive of the withdrawals due to the latter problem. In other provinces support was received for the disestablishment of three DMAs.

Feedback was also received from the Department of Environmental Affairs and Tourism (DEAT), which expressed concern about the proposed disestablishment of DMAs. As the significance and the strategic value of national parks and World Heritage Sites for national and international tourism and cultural activities cannot be disputed, the Board embarked on a process of further consultation with the DEAT and SANParks.

The outcome has been:

- a) Six of the advertised DMA areas were identified for disestablishment before the forthcoming local elections: Schuinsdraai Nature Reserve (CBDMA3), Oviston Nature Reserve and Gariep Dam (ECDMA14), Mdala Nature Reserve (MPDMA31), Mount Anderson, Barberton Nature Reserve, Mthethomusha Game Reserve and Mahushe Shongwe Game Reserve (MPDMA32), Pilansberg Nature Reserve (NWDMA37) and O'Connor's Camp (ECDMA44).

- b) It is envisaged that DCDMA41, DCDMA27, DCDMA37, CBDMA4, DCDMA13 and DCDMA19 will be retained.
- c) The following DMAs require further investigation: Eastern Cape: DCDMA10; Northern Cape: DCDMA6, DCDMA7, DCDMA8, DCDMA9, CBDMA1; KwaZulu-Natal: DCDMA22, DCDMA23 and Western Cape: DCDMA1, DCDMA2, DCDMA3, DCDMA4 and DCDMA5.

Comment

A further response from DEAT is awaited and discussions will continue. In view of Government's intention to disestablish cross-boundary municipalities, the advisability of withdrawing the declaration of Schuinsdraai - which falls within the area of a cross-boundary municipality - before the elections, also needs careful consideration. Furthermore, the concerns raised by DEAT and SANParks around the relationship between DMA boundaries and national park boundaries also need to be

addressed. DEAT and SANParks are currently in the process of expansion and consolidation of protected areas. This is an incremental process occurring every few years. This being the case, the relevant DMA boundaries will also need to change incrementally. Furthermore, the situation is made more complex by processes such as provincial reserves being proclaimed as national parks and vice versa. DEAT also raised other problems around service delivery, tax implications and contractual parks being established between a management authority and a community/individual, which require further investigation and consultation.

The MDB is convinced that its new policy is a step in the right direction. However, it also realises that implementation thereof will be a long and tedious process.

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