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Rescaling municipal governance amidst political competition in Gauteng: Sedibeng's proposed re-demarcation

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NO. 18

Rescaling municipal governance amidst political competition in Gauteng: Sedibeng's proposed re-demarcation

AUGUST 2021
Author: Thembani Mkhize

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RESCALING MUNICIPAL GOVERNANCE AMIDST POLITICAL COMPETITION IN GAUTENG: SEDIBENG'S PROPOSED RE-DEMARCATION

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Acronyms and abbreviations

ANC	African National Congress
CoGTA	Department of Cooperative Governance and Traditional Affairs
DA	Democratic Alliance
EFF	Economic Freedom Fighters
FF+	Freedom Front Plus
GIS	geographical information system
GPG	Gauteng Provincial Government
IEC	Electoral Commission of South Africa
IFP	Inkatha Freedom Party
ISCOR	Iron and Steel Corporation
MDB	Municipal Demarcation Board
MEC	Member of the Executive Council
MFSI	Municipal Financial Sustainability Index
MMC	Member of the Mayoral Committee
NP	National Party
SALGA	South African Local Government Association
SAMWU	South African Municipal Workers' Association

About the author

Thembani Mkhize |

Thembani Mkhize has wide research interests, including urban regeneration and sublocal governance, social cohesion, city branding and large-scale city politics as well as the role of youth subcultures in shaping urban governance and politics. A researcher at the Gauteng City-Region Observatory (GCRO), Mkhize grew up in Johannesburg.

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Executive summary

Executive summary

In 2011, the Gauteng Provincial Government proposed that Sedibeng, a Category C district municipality located in the province, should be restructured. Sedibeng District Municipality is a two-tier structure that consists of three Category B local municipalities: Emfuleni, Midvaal and Lesedi. The proposal was for Emfuleni and Midvaal to be merged into a single-tier Category A metropolitan government, and for Lesedi to be incorporated into the neighbouring metropolitan municipality of Ekurhuleni. Although the original proposal had anticipated that these changes would happen after the 2016 local elections, the issue remains unresolved due largely to fierce party-political opposition and violent protests against it on the ground. The proposal was in accordance with the ruling African National Congress's (ANC) plan to create wall-to-wall metros in Gauteng, and was hailed by ANC-controlled Gauteng and Sedibeng for its potential to enhance service delivery and bring about economic development in the proposed metro. Meanwhile, opposition political parties such as the Democratic Alliance (DA) in Midvaal and its head office fiercely opposed the move and dismissed it as gerrymandering and political opportunism. In Midvaal – which has a population much smaller than that of Emfuleni and was the only DA-run municipality in Gauteng, from 2000 until 2016 – political heads went as far as accusing the Municipal Demarcation Board (MDB) of colluding with the ANC to slant the electorate in the amalgamated council in the ANC's favour. The process was further politicised by the ANC's claims that the merger was necessary as an antidote to the DA's corrupt business dealings and insensitivity to developmental concerns in Midvaal. So fierce was the DA's resistance to the proposal that it and other major re-demarcation proposals in Gauteng have been set aside while the MDB lobbies Parliament for a revision of demarcation legislation.

Using the Sedibeng case, this Occasional Paper examines the dynamics, particularities, peculiarities and challenges of re-demarcating the Gauteng City-Region amidst pronounced party politics and political competition. Drawing on Flyvbjerg's (1996) reflections that even seemingly technical planning decisions are practical, context-dependent and shaped by political power, I argue that demarcation processes might appear to be technical, but are in practice influenced by party-political competition and context. Indeed, the Sedibeng case reflects the complexities of ongoing municipal re-demarcation and reorganisation because of the way in which different political interests take up contradictory positions on the matter. This paper is concerned with different political parties' competing rationalities as proponents and opponents, respectively, of the Sedibeng demarcation proposal, and the influence they have on demarcation-related decisions by the MDB. The paper unpacks key developments in the Sedibeng merger proposal since its inception, particularly the multiple arguments for and against it. Insofar as resistance to the proposed re-demarcation has emanated from the ground – mainly from Midvaal residents – it has especially played out through the actions and conflicting utterances of the ANC and DA. While informed by technical reasons, both arguments for and against the Emfuleni–Midvaal merger have tended to gravitate more towards party-political rationales for why the re-demarcation should or should not go ahead. Although these debates raise important merits and demerits for the proposal, they are difficult to disentangle from the interests of those whose fortunes would be changed by restructuring. These competing claims have not only had implications for the governance of Sedibeng's municipalities but have also affected ostensibly non-party-political institutions directly and indirectly involved in the re-demarcation issue.

This Occasional Paper is organised into five main sections. The 'Introduction' outlines the paper's objectives, the study methodology as well as the key research questions. The significance of this study is highlighted by the fact that violent protests and party-political resistance to demarcation proposals in South Africa in general and Gauteng in particular have been on the rise over the past two decades. Their ramifications are certain to affect the politics, economics and, most importantly, governance and making of citizenship in the province.

The second section, 'Sedibeng's morphology, history, challenges and development prospects', looks at Sedibeng's location; history; economic contribution to Gauteng and South Africa; socio-economic and political challenges; and long-term visions for the district municipality, including the place of the proposed re-demarcation in those visions. It examines Sedibeng's socio-economic and structural challenges alongside its development prospects in the form of, among other projects, large-scale human settlement developments.

'Demarcation in post-apartheid South Africa', the third section, offers a 'historicisation' of the dynamics, challenges and controversies of re-demarcating local government in post-apartheid South Africa. It is also based on a review of literature and relevant policy documents, and attention is placed on how the original demarcations of Gauteng and Sedibeng were arrived at. The section also shows that although demarcation-related challenges and controversies in South Africa have been prominent in recent years, they have always existed and go back to the pre-democratic era.

The fourth section, 'Party politics in Sedibeng, Emfuleni and Midvaal', discusses the impetus for political antagonism within Sedibeng, with particular emphasis on the working relationship of the three municipalities that face amalgamation and recategorisation – Midvaal, Emfuleni and Sedibeng. This sets the tone for a subsection discussing the competing claims in Sedibeng's proposed re-demarcation as well as the respective roles played by the MDB, Sedibeng, Midvaal, the ANC, the DA and other parties in the lead-up to the proposal to merge and recategorise the district municipality.

The paper's final section concludes by presenting some key findings and recommendations based on the research. While the conclusion emphasises the uncertainty of demarcation cases in Sedibeng and other municipalities in Gauteng, it also presents lessons about attempts to make post-transition local government – and mechanisms for determining the configuration of local government in Gauteng – work.



Photograph © GCRO



Photograph © GCRO



Introduction

Introduction

Setting the scene: Inspiration for the study

This Occasional Paper is inspired by the dynamics of municipal boundary re-demarcation in post-apartheid South Africa. Following the demarcation of new provinces in 1993 and the first democratic national and provincial elections in 1994, a process of restructuring local government in South Africa began (Isandla Institute, 2013). The process sought to address the injustices of apartheid spatial planning and to achieve functional, integrated, wall-to-wall municipalities. Shaped by the rallying cry for 'one city, one tax base' that accompanied the rent and services boycotts in townships in the 1980s, the municipal restructuring process was characterised by three phases: the pre-interim phase (1993–1995), the interim phase (1995–2000) and the final phase (2000 onwards) (Mkhize and Khanyile, 2020; Cameron, 2006).
The local government restructuring process saw a reduction of municipalities from 1 260 in 1994 to 284 in the early 2000s (Cameron, 2006). Four key pieces of policy and legislation mandated local government restructuring and boundary reorganisation in South Africa: section 55(1) of the Constitution of the Republic of South Africa Act 108 of 1996; the White Paper on Local Government 1998; sections 24 and 25 of the Municipal Demarcation Act 27 of 1998; as well as sections 2 and 3 of the Municipal Structures Act 117 of 1998 (Mkhize and Khanyile, 2020). Together, they made provision for the definition and implementation of three categories of municipalities: Category A (metropolitan),[1] Category B (local) and Category C (district). Local and district municipalities constitute a two-tier structure, with local municipalities being smaller jurisdictions within district municipalities. By contrast, metropolitan municipalities are single-tier 'unicities', with no internal subdivisions.

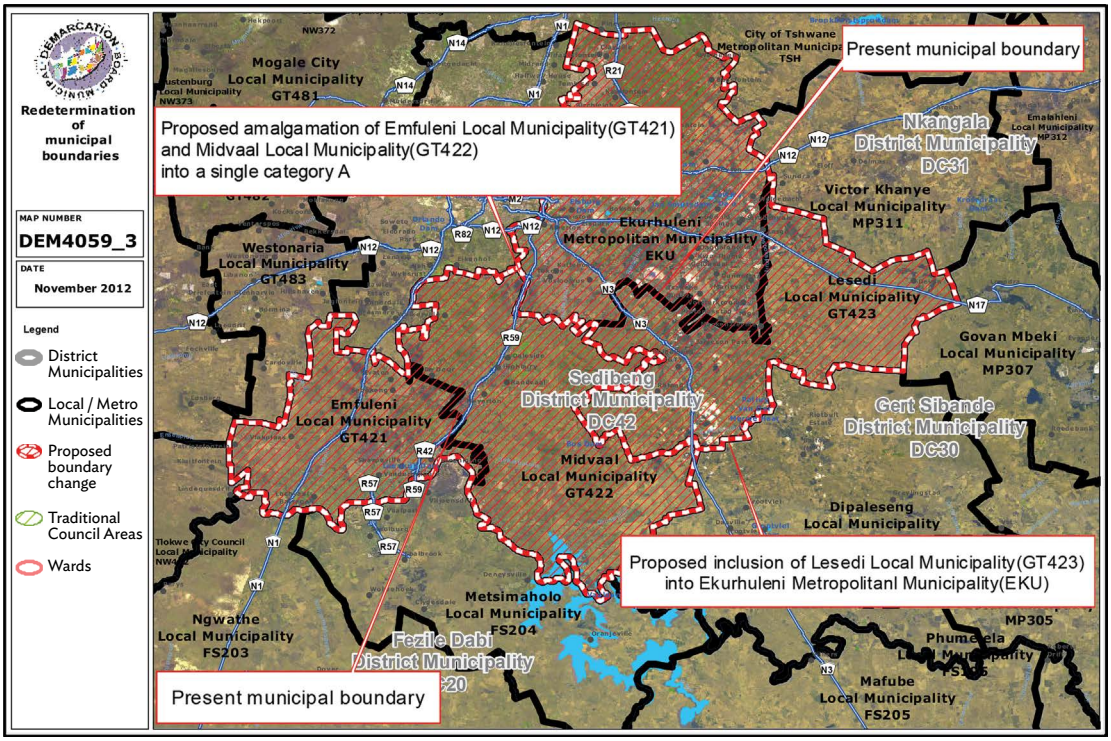
The year 2020 marked two decades since the final phase of local government restructuring. While elections for newly defined municipalities in 2000 were understood to mark the 'final' form of local government, municipal reorganisation has in fact been an ongoing phenomenon and there has been considerable dynamism and controversy since then. Since the consolidation to 284 municipalities in the early 2000s, the number of municipalities has been further reduced to 257, comprising eight Category A, 205 Category B and 44 Category C municipalities (Mkhize and Khanyile, 2020). Gauteng has undergone a significant spatial metamorphosis largely as a result of municipal rescaling/recategorisation and major municipal boundary changes effected by the Municipal Demarcation Board (MDB) (see Mkhize and Khanyile, 2020 ; also see Figures 3A to 3F). These boundary changes – both approved and proposed – have not only had significant implications for the geographical and administrative shape of municipal government in the province, but have generated considerable controversy and been met with fierce resistance on the ground. The focus of this Occasional Paper is the controversial proposal in 2011 to dissolve Sedibeng District Municipality, in the south of Gauteng province, and recategorise it as a Category A (metropolitan) municipality.

1 Although the interim Constitution of 1993 allowed for metropolitan municipalities as two-tier municipal structures, the final Constitution of 1996 and subsequent pieces of legislation defined them clearly as single-tier 'unicity' municipalities (Cameron, 2006). This unicity model was argued in the White Paper on Local Government 1998 as the best way to facilitate service delivery, economic growth and development of metropolitan areas in South Africa (see section, 'Demarcation in post-apartheid South Africa').

Background: Sedibeng's proposed restructuring

Figure 1 shows two of the three Gauteng cases proposed by the MDB for possible re-demarcation after the 2016 local elections: merging Emfuleni and Midvaal, two of the three local municipalities within the Sedibeng District Municipality, into a single Category A (metropolitan) municipality; and incorporating Lesedi into Ekurhuleni Metropolitan Municipality. Initially proposed in 2011 by the former Gauteng Provincial Government (GPG) Member of the Executive Committee for Local Government and Housing, Humphrey Mmemezi, the municipal merger was later supported by then national Minister of Cooperative Governance and Traditional Affairs (CoGTA), Pravin Gordhan, shortly before the 2016 local elections. Had the proposal gone ahead, it would have created a fourth metropolitan municipality for Gauteng, unofficially named the Greater Vaal Metropolitan River City by Sedibeng District Municipality (Sedibeng District Municipality, 2012).

Figure 1: MDB's proposed re-demarcation and recategorisation of Sedibeng District Municipality
SOURCE: Map © MDB (2012), used with permission



The African National Congress (ANC), the leading political party in Sedibeng and Gauteng, hailed the move for its potential to bring about 'seamless development' across Gauteng, facilitate spatial integration and investment, fast-track housing and service delivery as well as create jobs (Mathebula, 2018, p. 259). Yet, on the ground, the proposal was met with intense political opposition (see Figures 2A and 2B). For instance, residents of Midvaal lobbied against the proposed merger by taking to the streets and lodging 10 000 complaints in the form of a petition (Zille, 2015; SAPA, 2015d; Ntsekhe, 2015). Some residents voiced their resistance to the merger on social media websites using hashtags such as #SaveMidvaal and #StopTheMetro (see Figure 2B). The Democratic Alliance (DA), an opposition political party governing Midvaal, then joined the resistance and took it a step further by taking the MDB to the North Gauteng High Court in 2014 on grounds that the proposed merger reflected the ANC's narrow political interests and was driven by political rather than developmental objectives (R2, Interview, 2017). The DA's opposition to the merger was so fierce that the High Court effectively halted the process in 2015 and set it aside until after the 2016 local government elections. Following this decision, an out-of-court settlement between the MDB, ANC Gauteng and the DA was arrived at (Magubane, 2015; R2, Interview, 2017), and was celebrated by the DA (Ntsekhe, 2015; see Figure 7).

Following the 2016 local elections, the jury is still out as to whether the proposed dissolution of Sedibeng will go ahead, given the MDB's resolution to halt major redeterminations and recategorisations (R2, Interview, 2017). This decision was influenced by the violence generated by demarcation, amalgamation and recategorisation decisions generally (R2, Interview, 2017) and by the fact that pre-2016 election demarcations were extremely costly for the MDB (Magubane, 2017). Mathebula points out that one reason the MDB has limited funds is that so much is 'utilised to defend court cases in relation to municipal demarcation arbitrations' (2018, p. 269). Indeed, the municipal demarcation authority incurred significant costs administratively as well as through litigation such as the Sedibeng demarcation court case (R2, Interview, 2017). The MDB has instead decided to liaise with CoGTA and provincial Members of the Executive Council (MECs) in lobbying Parliament for a review and reassessment of demarcation-related statutes – the Municipal Structures Act 1998 and the Municipal Demarcation Act 1998 – particularly the criteria for determining metropolitan municipalities (R2, Interview, 2017).

Residents of Midvaal lobbied against the proposed merger by taking to the streets and lodging 10 000 complaints in the form of a petition

Figure 2A: Midvaal residents picket outside the municipal offices in Meyerton in protest against the proposed Emfuleni–Midvaal merger and recategorisation

SOURCE: Mfaco (2012)



Figure 2B: Social media poster urging Midvaal residents to oppose the Emfuleni–Midvaal merger

SOURCE: Kotze (2015)



Demarcation changes and controversies in Gauteng: A brief overview

Municipal mergers and re-demarcation proposals, as well as the tensions associated with them, have been a nationwide phenomenon post-2000. There have been contested demarcation cases in various provinces in South Africa. These include Limpopo's Vuwani demarcation case, which has been violently festering since 1999 (Mathebula, 2018; Mathoho, 2015), and the Matatiele boundary dispute between the Eastern Cape and KwaZulu-Natal, which 'precedes the democratic and the apartheid eras' (Narsiah, 2019, p. 401). The demarcation of local government in Gauteng has also been remarkably dynamic since 2000 (see Figures 3A, 3B, 3C, 3D and 3E), attracting considerable contestation. For instance, in 2005, the decision to exclude Merafong City, at the time a cross-border municipality, from the West Rand District Municipality and Gauteng province and incorporate it wholly into a district municipality within North West province was fiercely opposed on the ground (Figure 3B). Residents of Merafong, most notably in the township of Khutsong outside Carletonville, boycotted the 2006 municipal elections and took to the streets in violent protests, which saw the burning of public schools, clinics and libraries (Mohlahlana, 2016). After sustained protests by residents of Khutsong as well as a Constitutional Court challenge, a constitutional amendment in 2009 enlarged the Gauteng provincial boundary to wholly incorporate Merafong City (Figure 3C). Mohlahlana (2016) argues that the Merafong case has set a somewhat 'precarious precedent' for subsequent demarcation-related protests – the success of unrelenting opposition in halting re-demarcation has inspired numerous merger oppositions elsewhere in the country.

In Gauteng, a rescaling of municipal arrangements has clearly aimed at reducing the number of smaller municipalities in the province. In one case, this meant the amalgamation of smaller Category B (local) municipalities, as evidenced by the merger of Randfontein and Westonaria to form Rand West City shortly before the 2016 local government elections (Figure 3E). In another case, this occurred through incorporating Category B (local) and Category C (district) municipalities into Category A (metropolitan) municipalities. Such was the case when Metsweding – a district municipality comprising Kungwini (Bronkhorstspruit) and Nokeng tsa Taemane (Cullinan) – was amalgamated with the City of Tshwane Metropolitan Municipality just before the 2011 local elections (Figure 3D).[2] The rescaling of municipal arrangements in Gauteng is also demonstrated by the proposed incorporation of Lesedi, a local municipality within Sedibeng District Municipality, into Ekurhuleni Metropolitan Municipality (Figure 3F).

Municipal mergers and re-demarcation proposals, as well as the tensions associated with them, have been a nationwide phenomenon post-2000

2 The amalgamation saw Tshwane, one of three existing metropolitan municipalities in Gauteng, become the municipality with the largest land area in Africa and the third largest in the world (after New York and Tokyo/Yokohama) (City of Tshwane, 2020).

Figure 3A: Gauteng's local and provincial boundaries, 2000–2005

DATA SOURCES: MDB (2001) Local municipalities; MDB (2006) Local municipalities; MDB (2006) District municipalities; MDB (2009) Local municipalities; MDB (2009) District municipalities; MDB (2009) Provinces; MDB (2011) Local municipalities; MDB (2011) Provinces; IEC (2016) Local municipalities; StatsSA (2001) Provinces. Map drawn by Samkelisiwe Khanyile

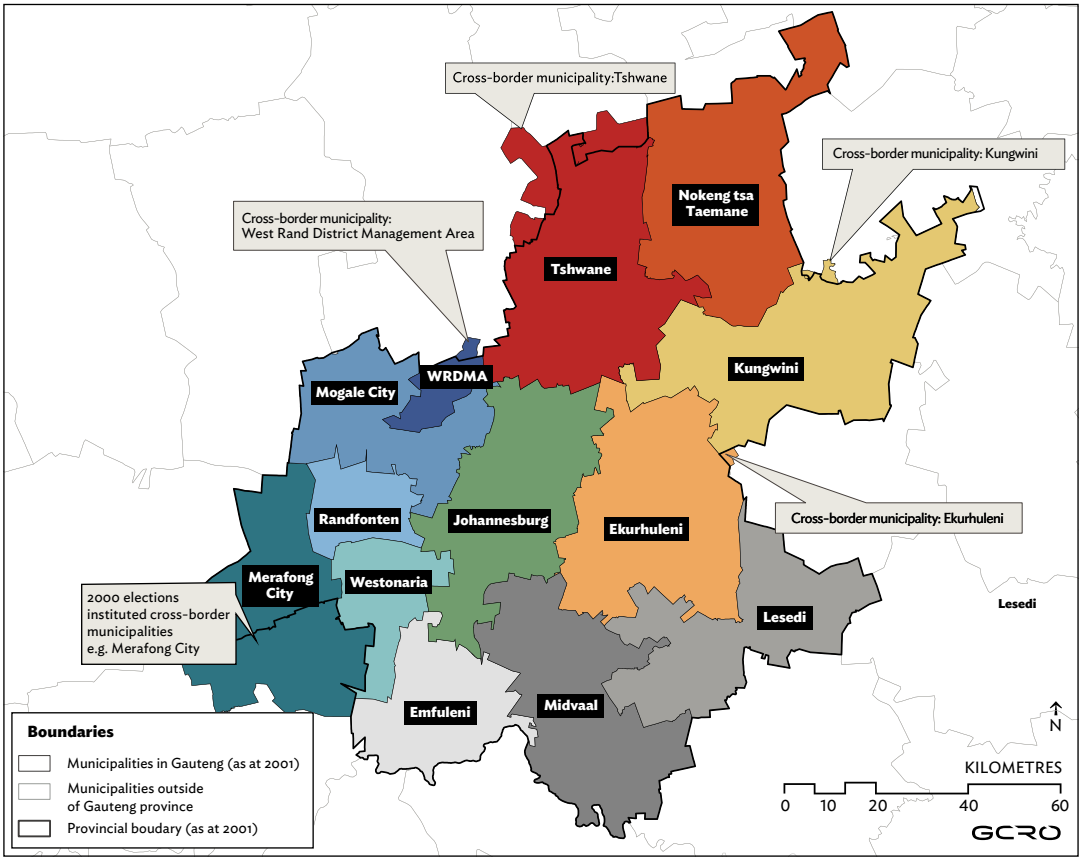


Figure 3B: Gauteng's local and provincial boundaries, 2006

DATA SOURCES: MDB (2001) Local municipalities; MDB (2006) Local municipalities; MDB (2006) District municipalities; MDB (2009) Local municipalities; MDB (2009) District municipalities; MDB (2009) Provinces; MDB (2011) Local municipalities; MDB (2011) Provinces; IEC (2016) Local municipalities; StatsSA (2001) Provinces. Map drawn by Samkelisiwe Khanyile

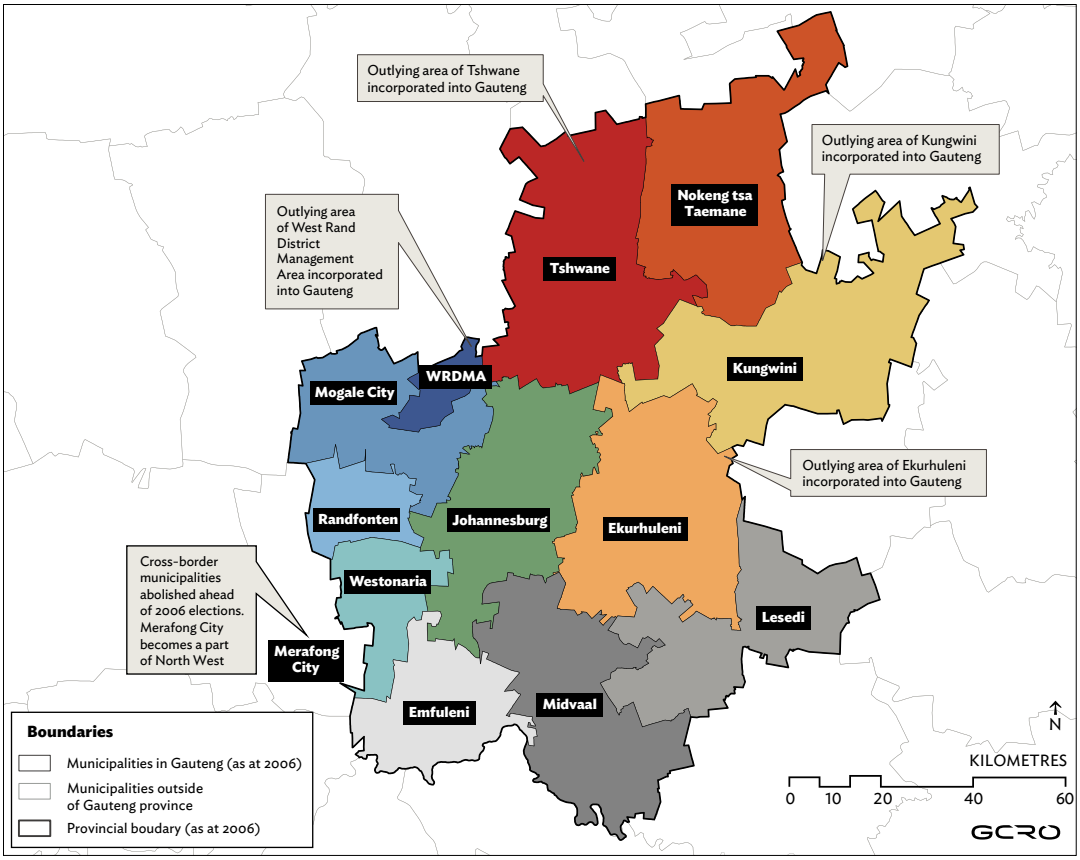


Figure 3C: Gauteng's local and provincial boundaries, 2009

DATA SOURCES: MDB (2001) Local municipalities; MDB (2006) Local municipalities; MDB (2006) District municipalities; MDB (2009) Local municipalities; MDB (2009) District municipalities; MDB (2009) Provinces; MDB (2011) Local municipalities; MDB (2011) Provinces; IEC (2016) Local municipalities; StatsSA (2001) Provinces. Map drawn by Samkelisiwe Khanyile

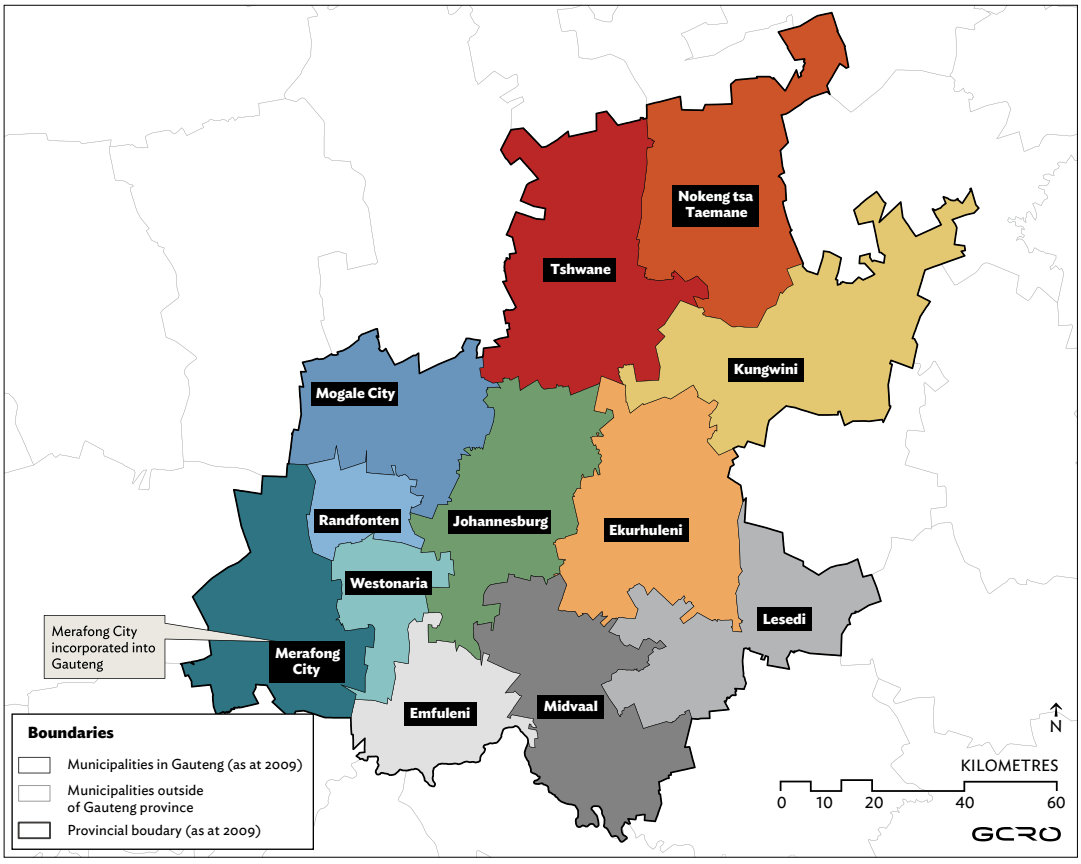


Figure 3D: Gauteng's local and provincial boundaries, 2011

DATA SOURCES: MDB (2001) Local municipalities; MDB (2006) Local municipalities; MDB (2006) District municipalities; MDB (2009) Local municipalities; MDB (2009) District municipalities; MDB (2009) Provinces; MDB (2011) Local municipalities; MDB (2011) Provinces; IEC (2016) Local municipalities; StatsSA (2001) Provinces. Map drawn by Samkelisiwe Khanyile

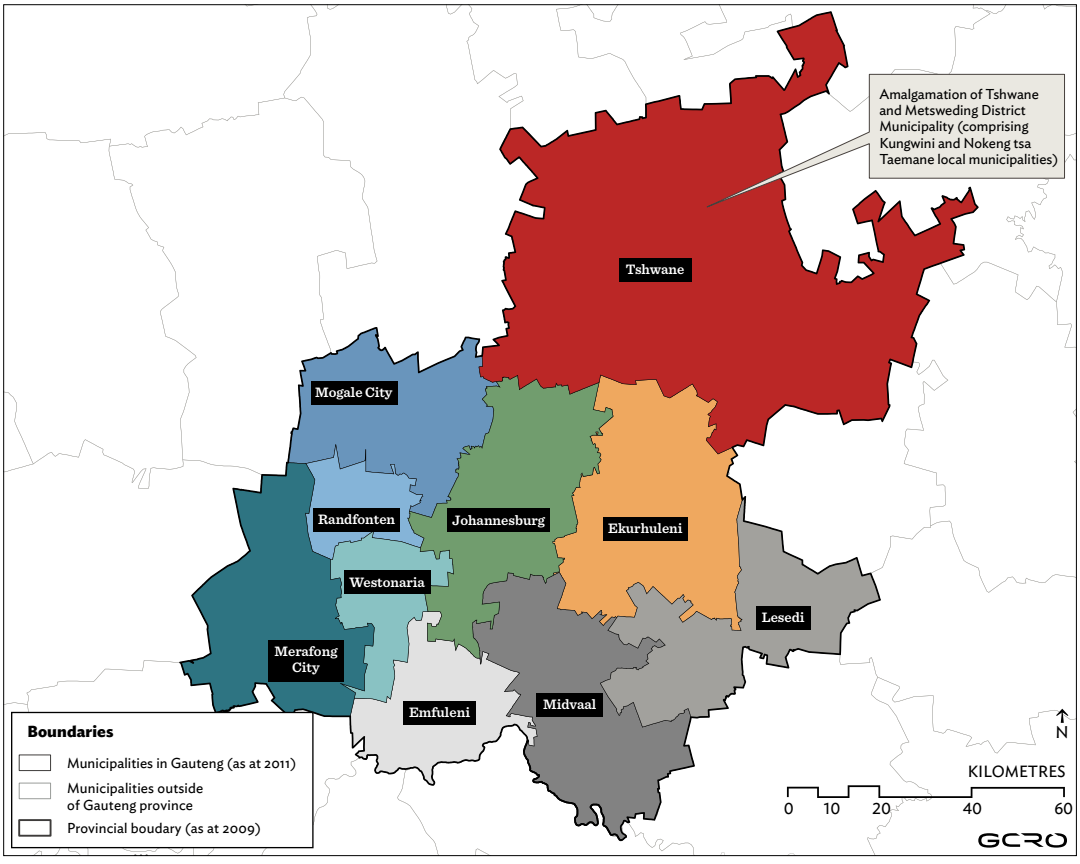
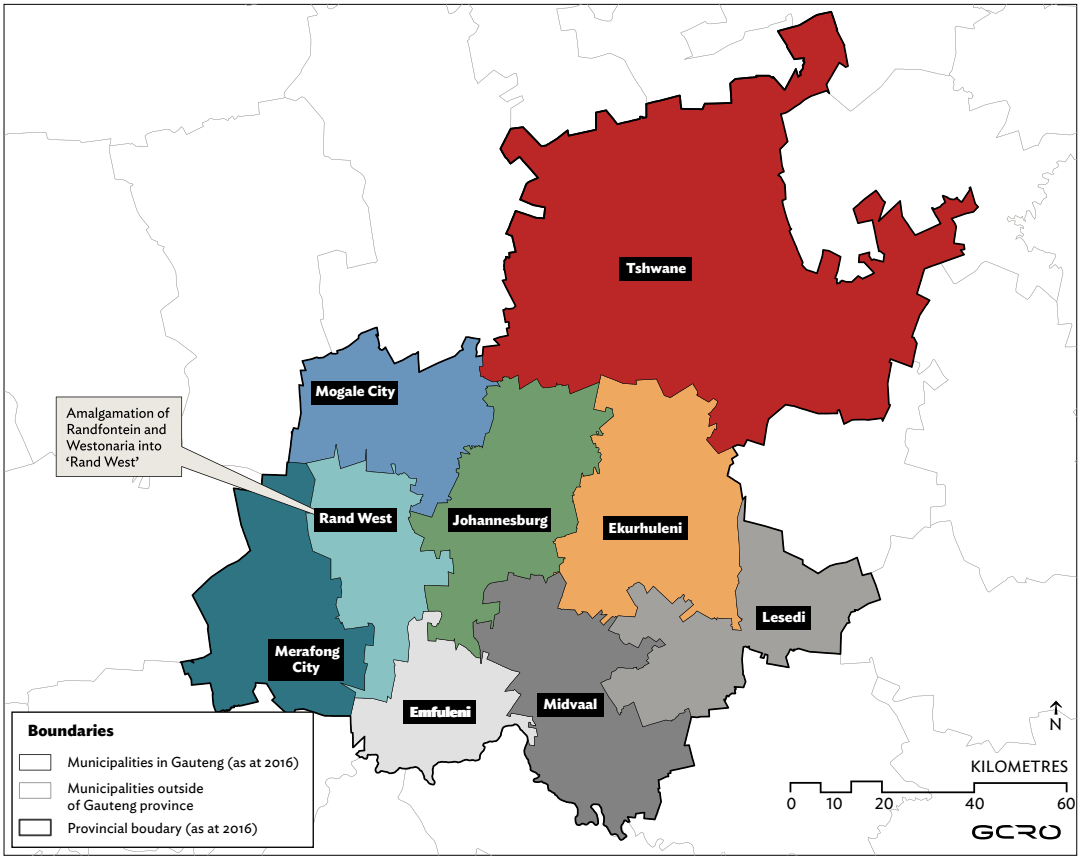


Figure 3E: Gauteng's local and provincial boundaries, 2016

DATA SOURCES: MDB (2001) Local municipalities; MDB (2006) Local municipalities; MDB (2006) District municipalities; MDB (2009) Local municipalities; MDB (2009) District municipalities; MDB (2009) Provinces; MDB (2011) Local municipalities; MDB (2011) Provinces; IEC (2016) Local municipalities; StatsSA (2001) Provinces. Map drawn by Samkelisiwe Khanyile



Besides the attempts to reduce the number of municipalities in Gauteng through amalgamations, there has also been a push for a province comprised only of metropolitan municipalities (Figure 3F). The GPG has been a key player in the unfolding drama of municipal demarcation over the last two decades and has at various points expressed a clear interest in seeing a 'province of metros', effectively eliminating the two-tier district/local model in Gauteng. This first became evident in 2005 when the ANC-controlled GPG attempted, albeit unsuccessfully,[3] 'to shed its rural areas to neighbouring provinces and become a province of metropolitan authorities only' (Cameron, 2006, p. 94). In 2011, the MDB published a proposal detailing 157 cases for public consideration of possible changes to be made to municipalities in different parts of South Africa after the 2016 local elections. Three of these were in Gauteng: the merger of West Rand's local municipalities and recategorisation of West Rand as a metropolitan municipality; the merger of Emfuleni and Midvaal local municipalities and establishment of a single Category A municipality, which would see the dissolution of the Sedibeng District Municipality (Figure 3F); the exclusion of Lesedi from Sedibeng and its incorporation into Ekurhuleni (Figure 3F). As Magubane (2015) notes, the proposed mergers and recategorisations have all been projected by the ANC government, either provincially or nationally, '[as] part of the ANC's plan to create wall-to-wall metros in Gauteng'.

The three proposed changes to Gauteng's local boundaries remain unresolved, due in part to the contestations they generated. Given that the ANC or ANC-affiliated institutions have proposed most of the boundary redeterminations in Gauteng, it is unsurprising that many have been opposed by opposition political parties. Much of this resistance over the past several years has been from the DA. For instance, the party successfully opposed the proposed incorporation of Lesedi by Ekurhuleni via court action on the grounds that this was tantamount to incorporating the municipality's debt and socio-economic problems (Rice, 2015). In another example, prior to the Randfontein–Westonaria merger, the West Rand District Municipality had prepared several motivations over a number of years for a West Rand metro (Mkhize and Khanyile, 2020). Ultimately, the MDB disagreed, choosing instead to amalgamate only Randfontein and Westonaria. Once again, the decision to merge the two local municipalities was against the backdrop of resistance from opposition parties, who argued that a West Rand metro would be unviable.[4]

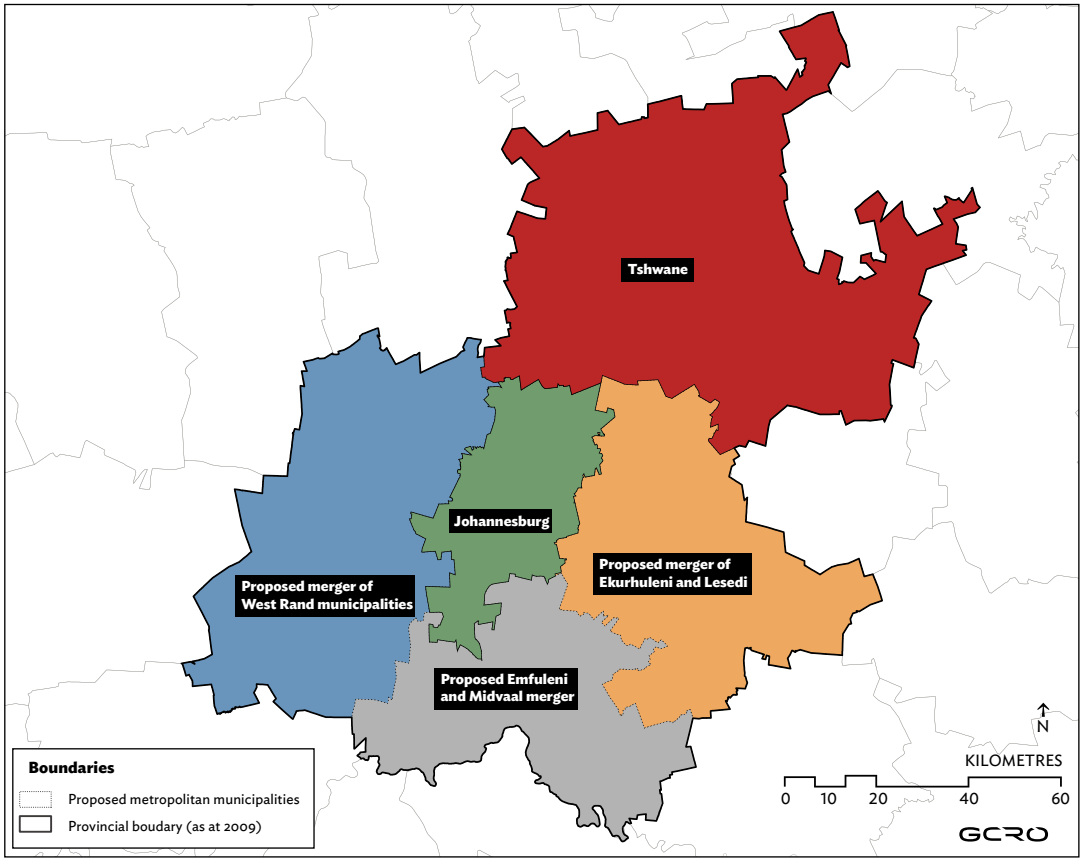
The three proposed changes to Gauteng's local boundaries remain unresolved, due in part to the contestations they generated

3 Following an amendment of the South African Constitution in 2005, cross-border municipalities were abolished. In Gauteng, this affected Merafong Municipality, which the GPG attempted to incorporate into North West province (discussed above). In comparison to other municipalities within Gauteng, the economy of Merafong and the West Rand is driven by the mining sector (primary industry), whereas bigger municipalities' economies are driven by the tertiary sector (finance, tourism) and secondary industry (manufacturing). There is also not much industrialisation in Merafong, and the abolishment of cross-border municipalities may have provided an opportunity for the GPG to 'shed it' to a neighbouring province.

4 This decision was also supported by some members of the ANC in Gauteng, among them the premier of Gauteng, David Makhura (Rice, 2015).

Figure 3F: Proposed further changes to Gauteng's local boundaries

DATA SOURCES: MDB (2001) Local municipalities; MDB (2006) Local municipalities; MDB (2006) District municipalities; MDB (2009) Local municipalities; MDB (2009) District municipalities; MDB (2009) Provinces; MDB (2011) Local municipalities; MDB (2011) Provinces; IEC (2016) Local municipalities; StatsSA (2001) Provinces. Map drawn by Samkelisiwe Khanyile



However, most of the DA's arguments against the mergers have been that those proposing them are engaging in political opportunism and gerrymandering. For instance, although Tshwane's incorporation of the mismanaged ANC-controlled Metsweding District Municipality went ahead in mid-2011, it encountered heated resistance from opposition political parties such as the DA, who saw it as an election ploy to help the ruling party retain power (Mohlahlana, 2016).[5] Similarly, the DA dismissed the MDB-rejected merger and recategorisation of the West Rand District Municipality as a blatantly opportunistic effort by the ANC to dilute voters in the district and thus cling on to power in the wake of increasing DA support in parts of Mogale City (Randfontein Herald, 2015). The DA's fierce opposition to municipal mergers and recategorisation has been particularly manifest in Sedibeng which, prior to the 2016 local elections, was home to the only DA-run local municipality in the province – Midvaal.

Objectives

This paper examines the dynamics and challenges of reconfiguring Gauteng's boundaries amidst pronounced party-political competition and political contestations, using the Sedibeng boundary dispute as a case study. The paper explores the impetus for competing rationalities by various parties and the extent to which they influence demarcation-related decisions by the MDB. It also questions how technical institutions such as the MDB resolve unavoidably political issues like demarcation and municipal recategorisation in the context of a politically charged and divided setting such as Gauteng. How do contradictory values and competing party-political claims get captured and mediated in demarcation processes and decision-making? The significance of this paper lies in the fact that over the last two decades, demarcation in Gauteng and South Africa more broadly has had significant ramifications and has negatively impacted municipal governance through related violent protests, destruction of infrastructure and election boycotts. Furthermore, it is clear that with the GPG continuing to push for structural change (Mkhize and Khanyile, 2020; also see Figure 3F), the debate over an appropriate form of local government in Gauteng is far from over. The case of Sedibeng – a municipality whose morphology and demarcation prospects remain uncertain – draws attention to previous mechanisms and attempts at making post-apartheid local government work, their shortcomings as well as what could be done differently going forward.

Research questions

A priority of this study was exploring the dynamics of municipal boundary demarcation at work in post-apartheid South Africa. The study sought to understand the mechanisms (supporting policies and statutes, responsible bodies and authorities, processes) for determining local government boundaries or jurisdiction. Using the Sedibeng case, this paper also looks at both proponents and opponents of Sedibeng's restructuring and unpacks the reasons for their respective stances. It explores the implications that demarcation and municipal restructuring attempts have had for municipal governance as well as the lessons that they present for future determinations of local government configuration in the province. The research is guided by the following broad research questions:

- What are the mechanisms for determining local government jurisdictions in South Africa and how are they intended to work?
- Who supports and who opposes the proposed restructuring of Sedibeng into a metropolitan government? Why?

5 This reasoning may have been informed by the fact that by the time of the 2006 local government elections, the ANC electorate in Tshwane was dwindling (Mkhize, 2012). Metsweding was an ANC stronghold and it may have been thought that including the area in the politically marginal Tshwane metro just before the 2011 local elections would tip the balance of power in the ANC's favour (Mohlahlana, 2016; Mkhize, 2012). From this perspective, the inclusion of Metsweding Municipality into Tshwane may have been motivated by political reasons rather than administrative criteria. Nevertheless, in the 2016 local elections, the ANC marginally lost control of Tshwane to the DA, and the DA went on to govern Tshwane via a coalition with the Economic Freedom Fighters (EFF).

- To what extent are competing claims held by party-political proponents of and opponents to Sedibeng's redemarcation?
- What implications have these competing claims had for municipal restructuring and governance in Sedibeng?
- What do we learn from this case about attempts to make post-transition local government, and mechanisms for determining the configuration of local government, work in Gauteng?

Argument and theoretical lens

Flyvbjerg (1996) asserts that every spatial planning decision, however moral, ideological or technical it may be, engages in realpolitik and is thus practical and political. Based on practical evidence from an extended case study of a Danish city, Flyvbjerg argues that planning rationality is context-dependent and characterised by a 'dark side'. By this, Flyvbjerg (1996) means that regardless of planners' stated intentions, planning works as a manifestation of the 'powers that be' – the dominant political agenda – in any context, and the greater the power(s), the less the (normative) rationality. I argue that Flyvbjerg's insights allow for an unpacking of distinctions and overlaps between normative rationality (rationality as idealised) and *realrationalität* (real-life rationality or rationality as practised), as well as the degree to which power is made manifest by the case of the proposed recategorisation of Sedibeng. This also allows for an exploration of the extent to which power and politics may blur the line between rationality and *realrationalität* (rationalisation) in Sedibeng's controversial re-demarcation case. Although local boundary demarcation matters are determined by the MDB – a technical institution – I argue that despite demarcation processes supposedly being technical in principle, they are in fact (party-)political in practice. The work and stance of the authorities responsible for demarcation may thus become obfuscated and compromised. However, there is still a need for the MDB to either mediate the party-political interests and infighting that threaten to mar its reputation or work above the partisanship for the good of the general public.

Methodology

I used a combination of desktop research and primary research, and relied heavily on archival newspaper material referencing the origins, happenings and latest developments in the Sedibeng case. Academic literature on the dynamics, anomalies, institutions, challenges and controversies of demarcation in South Africa was also reviewed, and I drew extensively from Robert Cameron's literature on demarcation, metropolitanisation and party politics in South Africa (Cameron and Milne, 2011; Cameron and Alvarez, 2006; Cameron 2006; Cameron, 2003). Cameron served on the first Board of the MDB and his writings on his experiences while there provide clear insights into the procedures followed as well as some irregularities that were encountered. I also drew from two one-on-one interviews: one with a former MDB chairperson (R2), who was chair when the interview was conducted, and another with a former Midvaal official (R1) who had attended a seminar in which some of this work was presented. Furthermore, I conducted a group interview with three officials (R3) – geographic information system (GIS) specialists – who had worked at the MDB for some time. Prior to the interviews with the MDB officials, I had attended a series of seminars hosted by the MDB in partnership with the Human Sciences Research Council and the South African Cities Network. One was titled 'Categorisation of Municipalities into Category A (Metro) Municipalities' (17/11/2017) and the other 'Impact of Amalgamation on Service Delivery' (07/11/2019). This Occasional Paper draws from arguments presented at the seminars. Moreover, at the 2017 seminar, MDB respondents were identified and approached for interviews.



Photograph by Brian Boshoff



Sedibeng's morphology, history, challenges and development prospects

Sedibeng's morphology, history, challenges and development prospects

Sedibeng is an ANC-controlled Category C (district) municipality in the southern part of Gauteng (see Figure 4). Founded in 2000, Sedibeng had initially consolidated as Lekoa/Vaal Metropolitan Council in the interim phase of local government restructuring (Cameron, 2006). However, following a conclusion by the MDB that Lekoa/Vaal (encompassing Greater Vereeniging) did not meet the criteria for a unicity, the area was termed an 'aspirant metro' and established as the two-tier Sedibeng District Municipality comprised of three Category B (local) municipalities – Emfuleni, Midvaal and Lesedi (Cameron, 2006). Emfuleni and Lesedi are ANC-run while Midvaal is DA-governed. As of 2016, a total of 957 529 people comprised the district municipality, with 733 445 concentrated in Emfuleni (the most industrialised municipality in the district) and 111 612 and 112 472 in Midvaal and Lesedi, respectively. Emfuleni, Midvaal and Lesedi comprise 45, 15 and 13 wards, respectively. The district municipality encompasses towns such as Vereeniging (its administrative seat), Vanderbijlpark (administrative seat of Emfuleni), Meyerton (administrative seat of Midvaal), Heidelburg (administrative seat of Lesedi), Eikenhof, Nigel and De Deur (Figure 5), and includes the historic townships of Sebokeng, Evaton, Bophelong, Sharpeville, Ratanda and Boipatong.

With an area of 4 173 km^2, Sedibeng's physical morphology comprises large swathes of unoccupied land, largely attributable to the predominantly rural nature of two of its local municipalities (Midvaal and Lesedi) as well as the Vaal Dam and the Vaal River. A significant geographical feature of Sedibeng, the Vaal River integrates all the areas in the region (Sedibeng District Municipality, 2015). Development is concentrated along the river and, thanks in large part to the availability of water and land for greenhouse development in Sedibeng, the district municipality offers good opportunities for agricultural, residential and commercial growth. These characteristics have formed part of the municipality's motivation for a metropolitan system of governance (Sedibeng District Municipality, 2012).

The fourth largest contributor to Gauteng's economy, Sedibeng covers part of what is known as the Vaal Triangle: Vanderbijlpark, Vereeniging, Sasolburg (south of the Vaal River, in Metsimaholo Municipality) and, to a lesser extent, Meyerton (Pieterse, 2020). The Vaal Triangle has the sixth largest manufacturing economy in the country, outperforming metropolitan municipalities such as Nelson Mandela Bay (Port Elizabeth), Buffalo City (East London) and Mangaung (Bloemfontein) (South African Cities Network, 2014). Sedibeng is home to various prominent industries, including the ArcelorMittal steel plant (formerly the Iron and Steel Corporation, or ISCOR), the Cape Gate Davsteel Wire and Steel plant, DCDDorbyl Heavy Engineering and the Ferromanganese plant of Samancor (Municipalities of South Africa, 2018). Sedibeng's predominant economic sector is fabricated metal and chemicals manufacturing (30.8%), although this has been on the decline in recent years. The concentration of these secondary industries in Sedibeng, coupled with the fact that the national road network to all provinces in South Africa cuts across the district, ensures the municipality's good connection to other economic nodes in Gauteng and South Africa, as well as its reputation as Gauteng's industrial hub (Municipalities of South Africa, 2018). Government (17.8%), business services (17.8%) and trade (13.7%) also contribute considerably to Sedibeng's budget (Municipalities of South Africa, 2018).

Figure 4: Proposed 'Greater Vaal Metropolitan River City' (lower map) relative to Gauteng (upper map).

DATA SOURCES: 2018 Municipalities of South Africa (2018); IEC (2016) Local Municipalities; IEC (2016) Wards. Bottom map drawn by Samkelisiwe Khanyile



Emfuleni	Midvaal
966 km²	1 722 km²
45 wards	15 wards
733 445 residents	111 612 residents
Predominantly urban	Mostly rural (farmland)

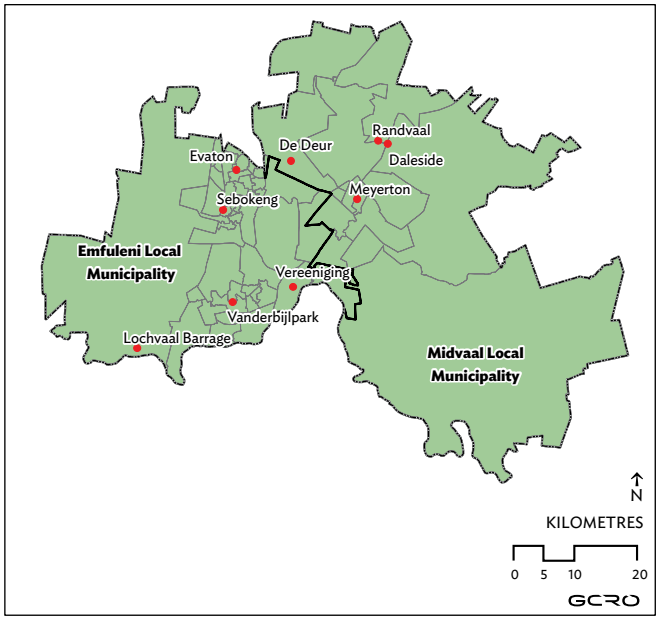
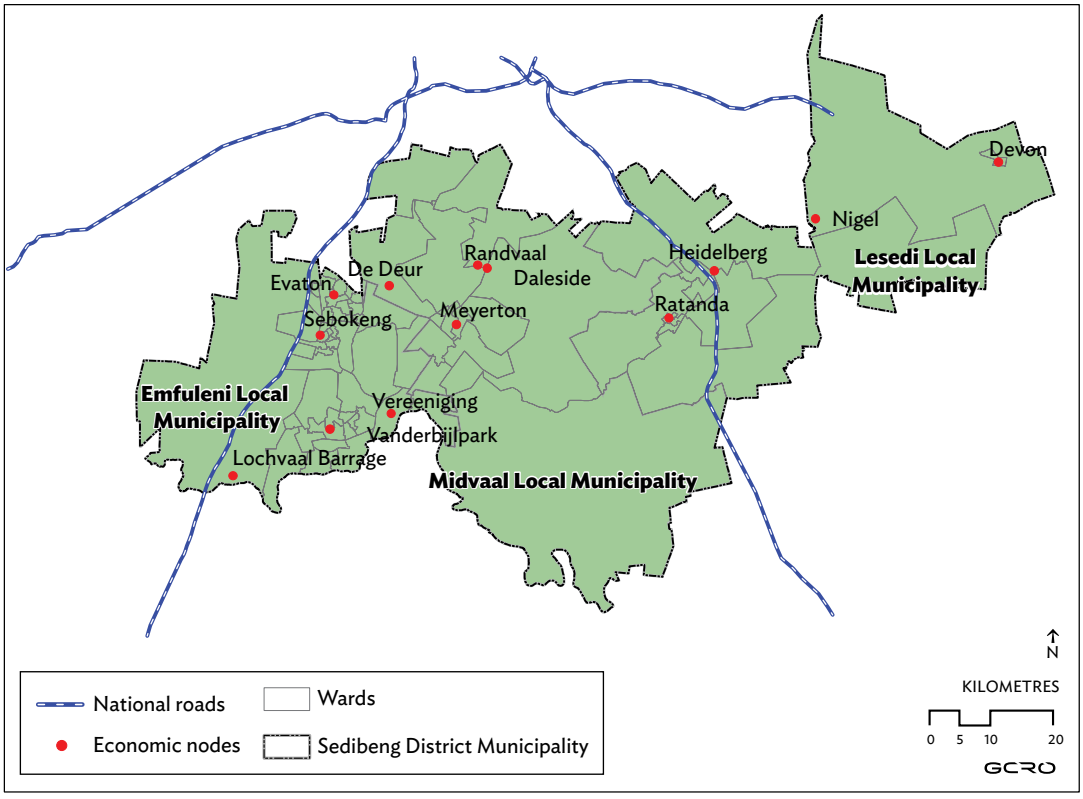


Figure 5: Local municipalities within Sedibeng District Municipality

DATA SOURCES: 2018 Municipalities of South Africa (2018); IEC (2016) Local Municipalities; IEC (2016) Wards.
Map drawn by Samkelisiwe Khanyile



Sedibeng's physical morphology comprises large swathes of unoccupied land, largely attributable to the predominantly rural nature of two of its local municipalities

Sedibeng's history of urbanity and development is largely attributable to state-led industry dating back to the late 19th century (Harrison and Dinath, 2017). The discovery of gold deposits in parts of present-day Midvaal ushered in the establishment of Meyerton in 1891 (Harrison and Dinath, 2017). In 1892, coal deposits were discovered in present-day Emfuleni, which led to the establishment of Vereeniging 15 kilometres south of Meyerton (Harrison and Dinath, 2017). The availability of water and coal in Vereeniging, coupled with the area's close proximity to gold fields in Meyerton and the Witwatersrand, led to the development of a coal-fired power station as well as South Africa's first steel manufacturing plant in the town (Pieterse, 2020). More than half a century later, around the time of the Second World War, the state-owned ISCOR was founded on the outskirts of Vereeniging, as a result of increased demand for steel (Pieterse, 2020). In 1949, the need to house ISCOR's white workers led to the building of another town – Vanderbijlpark. It was also in 1949 that Sasolburg, another purpose-built town, was established to house white workers for Sasol, a parastatal that extracted oil from coal (South African Cities Network, 2014). Notably, these two towns were established a year after the National Party (NP) came into power, and were designed as racially segregated 'apartheid towns' (Pieterse, 2020). There were thus separate residential areas (townships) for African workers – Sebokeng and Evaton in Vanderbijlpark, Sharpeville in Vereeniging, and Zamdela in Sasolburg (Pieterse, 2020).

Although there was an economic boom in South Africa in the 1960s and 1970s, it was not particularly felt in the Vaal Triangle. For various reasons, the area did not diversify economically. One reason was its proximity to Johannesburg and the towns of the adjacent East Rand – most of the downstream activities from Vaal Triangle industries relocated to these places (Pieterse, 2020). Another significant contributor to the area's economic decline was political upheaval, not least the Sharpeville massacre in 1960 (Pieterse, 2020). The economic hardship was exacerbated by the shock of massive job losses following the privatisation of Sasol in 1979 and ISCOR in the late 1980s, against the backdrop of a national recession in the 1980s (Harrison and Dinath, 2017). The economic hardship continued throughout the 1990s, aggravated by the reintegration of South Africa post-1994, which 'exposed the region to the consequences of the uncompetitiveness of its steel industry and manufacturing sector' (Pieterse, 2020, p. 3). Urbanisation following the democratic dispensation also exerted significant stress on the infrastructure of the area's towns (Pieterse, 2020). Sasol moved its headquarters from Sasolburg to Johannesburg in 2006 (Harrison and Dinath, 2017). ISCOR was taken over in 2004 by ArcelorMittal, a global steel giant whose steel plants continue to keep Vanderbijlpark and Vereeniging economically afloat (South African Cities Network, 2014). Nevertheless, an underinvestment in railway functioning, coupled with the 2008 global economic recession and the oversaturation of the global steel market with Chinese exports, almost demolished the steel industry in the area and nationally (Harrison and Dinath, 2017). In 2015, the national government intervened by introducing import tariffs following ArcelorMittal's threats to close shop in the face of its underperformance (Pieterse, 2020).

Present-day Sedibeng has many socio-economic, socio-spatial, environmental and political challenges. The district municipality has a high unemployment rate, environmental problems (such as large-scale pollution of the Vaal River by a collapsed sewerage system), spatial inequalities, unequal access to amenities, out-migration (which has led to a 'brain drain'), infrastructural failures, corruption, allegations of financial mismanagement and failed attempts at improving inter-municipal relations (Pieterse, 2020). Political upheaval and civil unrest in the form of service delivery protests and party-political picketing are also rife (Akinboade, Mokwena and Kinfack, 2013; Pieterse, 2020). These challenges are perhaps most profound in Emfuleni and Midvaal – the two

local municipalities that might be merged into one single metropolitan municipality – albeit to varying degrees. While the two municipalities may appear to have different morphologies and performance, below I argue that their challenges are in effect intertwined.

Emfuleni, as Pieterse (2020) observes, is arguably the epitome of collapsed urban municipal governance in South Africa. Since its establishment in 2000, Emfuleni has been plagued by allegations of corruption, nepotism, poor revenue collection, failed audits, maladministration and bankruptcy (Pieterse, 2020; van Onselen, 2012). The municipality is weighed down by a culture of non-payment for services and property rates, which has its roots in the anti-apartheid struggle and which has resulted in little money for rehabilitation of dilapidated infrastructure (Pieterse, 2020). Owing to the service delivery failures, Emfuleni has on several occasions had violent service delivery protests (Akinboade et al., 2013). As a result of financial mismanagement and the debt that Emfuleni has incurred, it had to be placed under partial administration by the GPG in 2018 (Pieterse, 2020). Pieterse's (2020) study highlights other obstacles to cooperative governance in Emfuleni, including subterranean politics (partisanship, factions within the ruling ANC) and a poisoned administrative–political interface. A combination of these factors has led to the resignation of a number of high-ranking politicians and officials in Emfuleni and Sedibeng over the years. Pieterse (2020) uses the Emfuleni experience to argue for a clear separation of political parties from state institutions. Yet, despite this gloomy picture of governance in Emfuleni, the municipality has redeeming qualities. For instance, a report by the South African Cities Network depicts the local municipality as 'one of a handful of [non-metropolitan] places in South Africa where desegregation is occurring' (2014, p. 6). It is thus interesting to unpack what 'metropolitanising' the municipality would mean for social mixing and social cohesion.

In contrast, Midvaal, a predominantly rural municipality, has since 2000 worked its way up from a resource-strained to an efficiently run municipality with a solid revenue base (due to a 100% rates and taxes collection rate) (Auditor-General, 2020; Ndlovu, 2015). Since then, Midvaal has received consistently clean audits[6] and outperformed all other municipalities in Gauteng (Midvaal Local Municipality, 2017a).[7] It has won awards – some from the GPG – for being the best-run council in the province,[8] and continues to thrive financially year after year.[9] Yet, serious allegations of corruption, maladministration and racism in Midvaal have surfaced in media reports since the late 2000s. In 2011, several complaints of embezzlement, fraud in development initiatives, inappropriate use of municipal assets by political heads, irregular awarding of tenders, and the unlawful appointment of an attorney for the municipality were reported (Ndlovu, 2015; Sosibo, 2011). In 2019, the municipal council's top officials (four directors and a deputy municipal manager) as well as politicians, including one Member of the Mayoral Committee (MMC),[10] were embroiled in a cash-for-jobs scandal that resulted in them going on special leave and being probed by independent investigators hired by the council (Modise, 2019a, 2019b). Moreover, according to Motsai (2016), Midvaal is one of the most socio-spatially, economically and racially fragmented municipalities in the country. If media reports and

6 Based on the latest Auditor-General (2020) report on local government outcomes, Midvaal has received a clean audit for the past six years.

7 This is based on the Municipal Financial Sustainability Index (MFSI), a scoring model that evaluates South African municipalities' performance using criteria such as 'operation performance, liabilities management, budget practices and liquidity position [...] and scores these components out of 100' (Midvaal Local Municipality, 2017a). With a Sustainability Index score of 68, Midvaal was the top-performing municipality for the 2017 financial year; its score trumped the provincial and national averages of 30 and 41, respectively (Midvaal Local Municipality, 2017a). The MFSI indicates that although the municipality's average score fluctuated between 2013 and 2017 – it was 61 in 2013 and dropped to 57 in 2014 – its score for the 2017 financial year was its highest in that five-year period (Midvaal Local Municipality, 2017a).

8 One such commendation is the Quality of Life (QoL) survey – a biennial survey conducted by the Gauteng City-Region Observatory to measure Gauteng residents' psycho-social attitudes and satisfaction with service delivery, among other things (GCRO, 2016). The fourth QoL survey (2015/16) revealed Midvaal to be one of the top-performing municipalities year after year (GCRO, 2016).

9 The municipality has benefited from a high level of institutional knowledge, especially since people in high-ranking management positions such as Municipal Manager, Head of Supply Chain Management and Chief Financial Officer have been at the municipality for the past five years.

10 MMCs are political heads, each heading up different portfolios (e.g. housing, transport, education). There are typically ten MMCs in each municipality and they are appointed by the executive mayor from among the political members of the council.

newspaper sources are anything to go by, racial discrimination and socio-economic segregation in Midvaal are also manifest in the municipal council's offices. For instance, in 2012, a white Midvaal official was suspended and faced a disciplinary hearing after being reported by the South African Municipal Workers' Union (SAMWU) for using a derogatory term to refer to black[11] protesters (SAPA, 2012). Additionally, violent service delivery protests have escalated since 2011 and were rife in the run-up to the 2016 local government elections. However, these have been dismissed by the DA as electioneering by the ANC in its quest to undermine DA governance as well as seize political control of Midvaal (discussed later).

Notwithstanding the structural and socio-economic challenges in Emfuleni, Midvaal and Sedibeng, champions of the region suggest that there are prospects for growth and prosperity. Sedibeng's Integrated Development Plan posits that '[i]t is common knowledge that projected urbanization pattern in Gauteng is towards the south, therefore Sedibeng region' (2015, p. 228). Accordingly, the GPG and the private sector have grand visions for Sedibeng. For instance, in the 2015/16 budget, the GPG allocated ZAR10 billion of its ZAR95.3 billion towards the funding of its five development corridors (Creamer, 2015). For the Southern Corridor, under which Sedibeng falls, ZAR1.5 billion was set aside for, among other things, river tourism, agro-processing, housing and services (Creamer, 2015). Moreover, there are concerted efforts at metropolitanising and integrating Emfuleni and Midvaal, evidenced by two established mega-projects that transcend municipal boundaries – the recently completed Savanna City and the mooted Vaal River City development. Savanna City, 'technically a city on the outskirts of Meyerton' (R1, Interview, 2017), is a mixed-income residential development and has attracted residents from Midvaal, Johannesburg and Emfuleni (R1, Interview, 2017). The project has led to an increased population density in Midvaal (R1, Interview, 2017).

Plans are also under way to create the Vaal River City development, a cross-boundary mega human-settlement project referred to by the GPG as a hydropolis and hailed as South Africa's first post-apartheid city (Creamer, 2015). The development is anticipated to create approximately 7 500 employment opportunities as well as a new economy (dubbed the blue economy by the GPG) in Sedibeng (Creamer, 2015). Moreover, '[t]he development of the new Vaal River City (hydropolis) aims to unlock the potential of the waterfront developments in the Emfuleni and Midvaal areas' (Premier Makhura as cited in Creamer, 2015). The project transcends local municipal boundaries and is expected to integrate Emfuleni and Midvaal.

Both the Sedibeng Integrated Development Plan and the Growth and Development Strategy refer to transforming the district municipality 'into a single Metropolitan City' (Sedibeng District Municipality, 2015, p. 222).[12] Each document contains

Notwithstanding the structural and socio-economic challenges in Emfuleni, Midvaal and Sedibeng, champions of the region suggest that there are prospects for growth and prosperity

11 Black is used in this paper to indicate all races other than white (African, Indian/Asian and coloured/biracial).

12 By contrast, the Midvaal Integrated Development Plan makes no mention of this, hinting at poor intergovernmental relations as well as conflict on the matter within the district (cf. Midvaal Local Municipality, 2017b).

a chapter dedicated to explaining the rationale behind motivating for a metropolitan system of governance. The Integrated Development Plan details the institutional arrangements that would need to be put in place for the district municipality's dissolution, as well as how the MDB would need to be liaised with (Sedibeng District Municipality, 2015). Among other reasons, the proposal to recategorise Sedibeng appears to have been motivated by the financial benefits that Category A municipalities accrue from the National Treasury (Sedibeng District Municipality, 2015). It also seems to have been inspired by the institutionalisation of regional governance in Gauteng as epitomised by the idea of the Gauteng City-Region (Sedibeng District Municipality, 2015). Similarly, according to the Growth and Development Strategy, 'The Gauteng Province is moving inexorably towards a Global City Region made up exclusively of Metropolitan areas. The Greater Vaal Metro would fit appropriately into such a system' (Sedibeng District Municipality, 2012). Ironically, although the Sedibeng District Municipality (2015) states that there are economic interdependencies and connections between former towns and former black townships within Emfuleni, Midvaal and Lesedi, the proposed re-demarcation still excludes Lesedi, with no explanation as to why.

Some commentators have characterised relationships between the different local and provincial governments governing the area as uncooperative. According to Midvaal Trade (2015), one of the challenges facing Midvaal from its inception in 2000 has been its

> ambiguous relationship with Gauteng and virtually no assistance from the Sedibeng District Council. While the provincial department of housing has made RDP [Reconstruction and Development Programme] grants monies available, as required by law, Province has been less than helpful in other ways. There [were] no provincial projects in the municipal area and Midvaal receives no provincial funding. It is wholly dependent on its own sources of funding, which make up 90% of income, and the transfers it is entitled to from the National Fiscus (equitable share and Municipal Investment Grants). Sedibeng District spends most of its money on salaries with very little left for such designated tasks as development planning, dolomite risk assessment and pollution monitoring.

In the Midvaal 2017–2022 Integrated Development Plan, the foreword by former mayor Bongani Baloyi (from 2013 to 2020) portrayed the GPG as an adversary rather than an ally of the local municipality (Midvaal Local Municipality, 2017b). Baloyi depicted the GPG as an antagonistic and 'malicious political force' dead set on destroying Midvaal's economic fortunes:

> I am aware that the Gauteng Provincial [G]overnment still harbours nefarious political plans to destroy Midvaal. This plan would effectively take 80% of our current functions and budgets by centralising these at district level, which would virtually collapse Midvaal and render us a useless local municipality. The strategy is an attempt to neutralise Midvaal and render us powerless. I bank on the united people of Midvaal to fight to the bitter end in defence of our municipality. (Midvaal Local Municipality, 2017b)

The former Midvaal official I interviewed observed that during her time at Midvaal, the municipality had very strained working relations with Sedibeng and Emfuleni and this almost compromised the success of the Savanna City cross-boundary mega project:

> for the Savanna City project, because there are certain linkages, we had to work closely with Emfuleni. But I don't think they were close allies because the municipalities really don't like that, then you'll have the developers step in and say, 'I'll pay for the infrastructure' or 'I'll pay for the cleaning up of this sewer line which was supposed to be cleaned up by this municipality but wasn't.' [...] And even Sedibeng, I'm not sure but it wasn't really a close working relationship. But from the Savanna City development, we had meetings where the guys from Emfuleni and Sedibeng would come and sit in and tell us what their plan for this pipeline was [...] because isn't it the project borders on Emfuleni and Joburg? So, I don't think they really worked together because of politics, party-politics, the ANC versus the DA. (R1, Interview, 2017)

She added that the Midvaal leaders and officials were not very willing to be part of the Savanna City project:

> Even in their spatial development planning, you can see that it's still very segregated. I don't think they're for the struggle and integration. I think they're against integration because even the Savanna City project feels like it was forced on them. They're paying attention to it not because they want to but because they have to. (R1, Interview, 2017)

This leaves the impression that initiatives aimed at effecting socio-spatial and racial residential integration are shunned or, at best, tolerated. It would also appear that political antagonism (discussed later) – both horizontally (Midvaal versus Emfuleni) and vertically (Midvaal versus Sedibeng and Gauteng) – may have had negative consequences for urban development, governance and attempts at recategorising this district. Given the district's high unemployment rate, spatial disparities and unequal access to amenities, allegations of corruption and financial mismanagement, poor inter-municipal relations as well as political upheaval and civil unrest in the form of service delivery protests (Akinboade et al., 2013), the interests of the general public and the quest to address these challenges need to be at the forefront. However, in the fight for political power and political territory, the public's interests may be neglected, as almost happened with the Savanna City project. Later, I explore the impetus for political competition in Sedibeng by examining the dynamics and controversies of the two municipalities that the GPG wants merged. Much of the focus is on Midvaal as a lot of the demarcation-related violence and opposition has taken place in that municipality.



Photograph by Kate Joseph



Photograph by Clive Hassall



Demarcation in post-apartheid South Africa

Demarcation in post-apartheid South Africa

Several studies have addressed political contestations and party politics as they relate to demarcation and metropolitanisation (see Bénit-Gbaffou et al., 2013; Low, Ballard and Maharaj, 2007; Narsiah, 2019). There is also a burgeoning literature on the dynamics and politics of merging and reconfiguring urban spaces internationally (see, e.g., Hamilton, 2013; Savitch and Vogel, 2009), including a significant literature on South Africa (cf. Cameron, 2003; Cameron and Alvarez, 2006; Magi and de Villiers, 2008; Slack and Bird, 2013). A growing number of works also highlights the increasing need for metropolitanised governance arrangements for the national economy of states such as South Africa (Cole and Payre, 2016; Götz et al., 2010). Some literature touches on the increasing importance of metropolitan cities and re-demarcations for political parties to further their agendas[13] (see, e.g., Cole and Payre, 2016; Hamilton, 2013; Low et al., 2007; Mathebula, 2018; Narsiah, 2019; Savitch and Vogel, 2009; Sellers and Walks, 2013). Indeed, scholarship on demarcation, metropolitanisation and amalgamation argues that these 'rescaling' processes are deeply political, and portrays merged spaces as socio-political constructs resulting from socio-political struggle (see, e.g., Slack and Bird, 2013; Cameron, 2006; de Visser, 2009; Magi and de Villiers, 2008; Martin and Miller, 2003).

As it is impossible to do justice to all of these arguments in this Occasional Paper, I have drawn selectively on scholarship illustrating the politics of local government reorganisation in South Africa post-1994. Described by some scholars as 'internationally unique' (Swilling et al., 1995, cited in Low et al., 2007, p. 249), post-apartheid South Africa's local government reconfiguration is defined by three phases: the pre-interim phase (1993–1995), the interim phase (1995–2000) and the final phase (2000 onwards) (Cameron, 2006; de Visser, 2009; Low et al., 2007). I have drawn on literature that presents demarcation, municipal amalgamation and metropolitanisation as intertwined spatial processes that are not only socially produced but also embroiled in the 'contentious politics' of the space–place–scale triad as well as political partisanship (Martin and Miller, 2003, p. 143).

13 For instance, Sellers and Walks's analysis of metropolitan spaces' implications for urban and electoral politics shows that 'the territorial shifts associated with metropolitanisation have played a critical role in changing [...] the landscape of party competition' (2013, p. 16). Old established parties – now faced with stiff competition from 'emergent' parties regionally – are losing support and have found themselves competing with 'the new stalwarts [...] for the support of groups that were once taken for granted as core supporters, such as working class and middle class constituencies, or particular ethnic groups' (Sellers and Walks, 2013, p. 16). Savitch and Vogel (2009) posit that the scale of Toronto's reterritorialisation and restructuring, although motivated by economic factors, was punitive and largely underpinned by political partisanship. Prior to the amalgamation of the City of Toronto, all core cities within Greater Toronto had been controlled by the Ontario New Democratic Party, a progressive, labour-oriented, leftist, regional party (Savitch and Vogel, 2009). The ruling Progressive Conservative Party of Canada had won no seats in Central Toronto but had a solid support base in Greater Toronto, albeit in areas outside the core city where residents strongly influenced the ruling party and were against the amalgamation. As the ruling party wanted to extend its control beyond the periphery, it amalgamated the city in such a manner that all Greater Toronto Area (GTA) governments controlled by the opposition were subsumed by ruling party strongholds, albeit without the GTA governments whose residents supported the ruling party and opposed the amalgamation (Savitch and Vogel, 2009). Thus, while held up to be metropolitan-wide, Toronto's amalgamation appears to have been anti-metropolitan as it seems to have been specifically targeted at central Toronto (City of Toronto), the stronghold of the opposition.

Local government reform in post-apartheid South Africa

Local government restructuring in South Africa was preceded by provincial demarcation in 1993 (Isandla Institute, 2013; Magi and de Villiers, 2008). This was around the same time that the interim Constitution was being negotiated (Cameron, 2006). The provincial demarcation process was driven largely by the Commission on the Demarcation/Delimitation of States, Provinces and Regions (Isandla Institute, 2013), an institution that 'functioned as part of the constitutional negotiations leading up to democratic rule' (Harber and Joseph, 2018, p. 13). The work of this Commission was

> preceded by intense political debate and compromise as well as by extensive research and consultation at local and international levels. It was arguably the most contentious part of the negotiating process [...] The demarcation process of the provinces in 1993 took place against the backdrop of an absence of generally accepted historic boundaries that could form the basis for provincial demarcation. Provinces therefore had to be 'created' artificially. (Magi and de Villiers, 2008, pp. 36, 40)

Harber and Joseph (2018) shed light on some of the criteria that influenced the delineation of the nine provinces comprising South Africa today. They write that,

> [a]lthough there was contestation on what criteria would be used to determine provincial boundaries, the Commission ultimately settled on the 'nine development regions' delineated by the apartheid government in 1981. These development regions were simply functional regions, defined by the contours of emergent labour supply and demand areas which have become interconnected by the various mechanisms of apartheid spatial planning. (Harber and Joseph, 2018, p. 13)

'Region H', a region which later became institutionalised as Gauteng, 'was largely extensive with the PWV [Pretoria–Witwatersrand–Vereeniging][14] although, based as it was on a more recent analysis of the functional region, [...] included areas not hitherto considered part of the PWV' (Harber and Joseph, 2018, p. 13).

Following the provincial demarcation in 1993 and South Africa's first democratic elections in early 1994, the process of local government boundary reconfiguration began. Municipal re-demarcation sought to address the injustices of apartheid planning – racial fragmentation, spatial segregation, socio-economic disparities, and unequal access to resources and opportunities for different races – by creating single, merged, wall-to-wall municipalities (Cameron, 2006; Cameron and Milne, 2011; Clarno, 2013; de Visser, 2009). What paved the way for this imperative was the principle of 'one city, one tax base', a 'national rallying cry' (Cameron, 2006, p. 76) that accompanied the rent and services boycotts in 'the long-neglected former black townships' (Clarno, 2013, p. 1194) during the late 1980s. The cry was a resistance to the slogan 'own management for own areas' (de Visser, 2009, p. 8), which had arranged municipal jurisdictions at a small scale so as to be able to run black, white, Indian and coloured areas entirely separately as well as ensure that white local authorities remained materially privileged (Cameron, 2006; de Visser, 2009). The 'one city, one tax base' slogan was most pronounced in big cities such as Johannesburg, and led to the creation of

14 The three urban centres that made up the region. The PWV region encompassed the land mass of Gauteng before the establishment of the province in 1993/94 (Rogerson, 1996). Johannesburg also formed part of this region. PWV was a widely used term in apartheid South Africa in the 1980s, at the peak of industrial decentralisation, which encouraged industrial development and economic growth in peripheral areas (bantustans). Although the PWV was known as South Africa's economic heartland, its economy lagged behind that of other metropolitan centres such as Durban and Cape Town in the mid to late 1980s largely because of industrial decentralisation (Rogerson, 1996).

local negotiating forums, the most prominent being Johannesburg's Central Witwatersrand Metropolitan Chamber (Cameron, 2006; City of Johannesburg Metropolitan Municipality, 2001).

Owing to the realisation by those who were negotiating the interim Constitution in 1992/93 that the local forums would not be able to substantively address the central aspects of the apartheid urban system, it was agreed that a national framework would be the most effective in guiding local government transition in the country (Cameron, 2006). This then led to the creation of the Local Government Negotiating Forum in 1993. The Forum comprised 30 state actors (central, provincial and local government representatives) and 30 non-state actors (South African National Civic Organisation, which also comprised numerous prominent ANC figures) (Cameron, 2006). Seen by some scholars as 'the midwife of local government democratisation' (Cameron, 2006, p. 77), the Local Government Negotiating Forum made recommendations which were mostly included in the Local Government Transition Act (1993) – a statute that provided the framework for the dismantling of race-based municipalities and the scrapping of apartheid laws pertaining to local government – as well as the interim Constitution (Cameron, 2006; Low et al., 2007).[15]

Preparations for the country's first local government elections in 1995/96 constituted the pre-interim phase. This phase entailed the establishment of institutions in 1994 – provincial ministries of local government and nine local government demarcation boards – tasked with the political responsibility of dismantling apartheid boundaries and creating single, merged, wall-to-wall municipalities (Cameron, 2006). During this time, there were approximately 1260 black and white local authorities which, during the pre-interim and interim phases, were merged to form 843 municipalities in the lead-up to the local government elections in 1995 (Cameron, 2006). Prior to the promulgation of the final Constitution in 1996, the interim Constitution had made provision for three different types of local government – metropolitan, urban and rural – that each had different structures, powers and characteristics, thus making provision for metropolitan government for the first time in South Africa. Metropolitan governments were created in the three most industrialised provinces: Western Cape – the Cape Metropolitan Council; KwaZulu-Natal – the Greater Durban Metropolitan Council (Cameron, 2006; Cameron and Milne, 2011); and four metropolitan councils in Gauteng – Greater Johannesburg, Greater Pretoria, Khayalami and Lekoa/Vaal (Cameron and Alvarez, 2006). These metropolitan areas were organised into two-tier administrative structures comprised of upper-tier transitional metropolitan councils and lower-tier transitional metropolitan substructures (subsequently metropolitan local councils) (Cameron and Milne, 2011; Cameron and Alvarez, 2006). Transitional local councils were created in the urban areas while district councils – accompanied by a myriad of options for local government – were created in the rural areas (Cameron, 2006). The final Constitution advanced the local government provisos made by the interim Constitution by providing for Category A, B and C municipalities. The defining characteristics of each municipal category are spelt out in section 155(1) of the final Constitution:

- Category A is a municipality that has exclusive municipal executive and legislative authority in its area.
- Category B is a municipality that shares municipal executive and legislative authority in its area with a Category C municipality within whose area it falls.
- Category C is a municipality that has municipal executive and legislative authority in an area that includes more than one municipality.

15 The interim Constitution – the predecessor to the Constitution of the Republic of South Africa Act 108 of 1996 – resulted from much negotiation and compromise between the then ruling NP and the ANC (Cameron, 2006). It 'contained a number of power-sharing mechanisms to protect minority (largely white) interests in the interim phase' (Cameron and Alvarez, 2006, p. 4).

The final Constitution 'vested local government with a great deal of decentralisation', uplifting it, at least in principle, from 'a subordinate level of government' (Cameron and Milne, 2011, p. 30) dependent on provincial laws during apartheid to a 'significant sphere with original powers in its own right. Provision was no longer made for levels of government. Instead, a three-sphere system of government was introduced in which the spheres are distinctive, interdependent and interrelated' (Cameron and Milne, 2011, p. 30). Whereas South Africa had historically had 'a centralist form of government with provincial governments controlling the scope of local government through provincial ordinances that defined their functions and powers' (Cameron and Milne, 2011, p. 30), the Constitution now granted governing powers and functions to local government (Cameron and Alvarez, 2006; de Visser, 2009; Low et al., 2007).

Although the final Constitution made provision for both single-tier and two-tier local government, unlike the interim Constitution, it did not make provision for separate categories of metropolitan, urban and rural local government or prescribe any criteria in that respect (Community Law Centre, 2007; Cameron and Alvarez, 2006). This was made clearer by section 2 of the Local Government: Municipal Structures Act passed in December 1998. The Act was a culmination and embodiment of the goals set out by the White Paper on Local Government 1998, which



Photograph by Brian Boshoff

'showed a clear preference for a single-tier system of local government' (Cameron and Milne, 2011, p. 30). Accordingly, section 2 of the Municipal Structures Act 1998 equates single-tier municipalities with metropolitan areas and states the following as criteria:

> An area must have a single Category A municipality if that area can reasonably be regarded as:
> (a) a conurbation featuring:
> i. areas of high population density,
> ii. an intense movement of people, goods and services,
> iii. extensive development, and
> iv. multiple business districts and industrial areas;
> (b) a centre of economic activity with a complex and diverse economy;
> (c) a single area for which integrated development planning is desirable; and
> (d) having strong interdependent social and economic linkages between its constituent units.

The move to do away with the two-tier system in metropolitan areas was aligned with the ANC's long preference for single-tier authorities as a way of redistributing resources and services and ensuring just economic and social development on the grounds that 'a two-tier system led to fragmented metropolitan governance' (Cameron, 2006, p. 80). As the final constitutional phase was shorn of power-sharing clauses, this enabled the ANC to push through the unified, single-tier metropolitan government option (Cameron, 2006).

As the criteria in section 2 of the Municipal Structures Act clearly defined characteristics of metropolitan areas, this meant that Category A municipalities would be introduced in such areas only. It also meant that the two-tier system would be done away with in such areas (Community Law Centre, 2007). Preceding the Municipal Structures Act 1998 was the Municipal Demarcation Act 1998, section 3 of which made provision for the dissolution of the nine local government boards and establishment of the MDB (Low et al., 2007). Entrusted with the authority to demarcate local government boundaries in the country as well as make categorisations, the MDB undertook a feasibility study in 1999 of metropolitan areas as well as large transitional local councils with the objective of evaluating them against the aforementioned criteria as well as criteria in sections 24 and 25 of the Municipal Demarcation Act (Cameron and Milne, 2011). The Board set up an urban conurbation working committee to examine possible metropolitan options based on Statistics South Africa[16] data as well as submissions from stakeholders applying for metropolitan status (Cameron and Milne, 2011). Based on its findings, the MDB created six single-tier metropolitan municipalities or 'unicities'[17] in the country: Greater Johannesburg, eThekwini (Greater Durban), Tshwane (Greater Pretoria), Greater Cape Town, Ekurhuleni (East Rand) and Nelson Mandela Bay (Port Elizabeth–Uitenhage–Despatch) (Cameron and Milne, 2011; Community Law Centre, 2007).

Section 3 of the Municipal Structures Act 1998 stipulated that areas that did not comply with the criteria set out in section 2 were to have both Category C and Category B municipalities (Cameron, 2006). This meant that areas with transitional local councils – mostly secondary cities and small towns – and district councils (rural areas) would be Category B (local) municipalities falling under Category C (district) municipalities (Cameron, 2006). In preparation for the second local government elections, a second round of municipal delimitation took place and culminated in further consolidation, from 843 to 284 municipalities – six metropolitan municipalities, 232 local municipalities and 46

16 The national statistical service of South Africa.

17 Around this time, a Category A (metropolitan) municipality was also commonly referred to as a unicity. The defining feature of a unicity is the entire legislative and executive power it has for the whole metropolitan area. In some journal articles that use these six 'original' metropolitan municipalities as case studies, the metropolitan authorities are still referred to as unicities [see for instance Cameron 2003; Cameron 2006; Low et al., 2007; Cameron and Alavarez, 2006].

district municipalities (Cameron, 2006). However, following the 2000 local government elections, several urban areas were considered 'aspirant metros': Lekoa/Vaal (Greater Vereeniging), Pietermaritzburg (Msunduzi), East London (Buffalo City) and Richard's Bay (Mhlathuze) (Community Law Centre, 2007; Cameron, 2006). These secondary cities had some characteristics of metropolitan areas but did not meet the criteria for a metropolitan area listed in section 2 of the Municipal Structures Act; they could, however, in future become metropolitan areas (Community Law Centre, 2007; Cameron, 2006; R2, Interview, 2017).

Lekoa/Vaal Metropolitan Council had been deemed as not meeting the criteria for a unicity on the basis that the district was 'too small and [...] its level of economic activity was comparable to that of large TLCs [Transitional Local Councils]' (Cameron, 2006, p. 87). Lekoa/Vaal was thus re-established as Sedibeng District Municipality, a Category C municipality comprised of three Category B municipalities: Emfuleni, Midvaal and Lesedi (Sedibeng District Municipality, 2012). This meant that Meyerton (the largest town in the Midvaal geographical area) had to split from neighbouring Vereeniging (the largest town in Emfuleni and the Vaal) and be merged with five surrounding rural local area committees (Ndlovu, 2015). The Midvaal Local Municipality argues that administratively, this had negative implications for Midvaal because it

> represented a division of resources that massively disadvantaged the new municipality. The local area councils had no resources bar a few tractors as all their services had been delivered by outside contractors. All the assets in Meyerton – vehicles, computers, desks, chairs and even the lightbulbs – were spirited away to neighbouring Vereeniging. The then Chief Financial Officer (CFO) had to open the local authority's bank account with R50 out of his own pocket. The new municipality had effectively been left destitute. [Former] Executive Mayor Tim Nast recall[ed] that a decade ago, 'very few people were interested in living [in Midvaal], infrastructure was badly neglected and there was no investor confidence'. (Midvaal Local Municipality, 2013, p. 27, 2017b, p. 469)[18]

Ndlovu (2015) also observes that, upon inception, the Midvaal municipality was financially strained and comprised of understaffed and under-resourced local councils, especially compared to neighbouring Emfuleni. Midvaal thus 'had to balance its limited resources properly in order to successfully meet the social needs of the public as well as improve infrastructure' (Ndlovu, 2015, p. 51). Being 'notably poor even by South African local government standards' (Midvaal Local Municipality, 2017b, p. 469), and allegedly receiving very little help from district and provincial governments, Midvaal has had to be strategic in its spending, land pricing and collection of rates and taxes (Ndlovu, 2015).

Municipal demarcation and further consolidation continued after the final phase of local government restructuring. There are currently 257 municipalities in the country (Municipalities of South Africa, 2018). Some of the demarcation includes major recategorisations and amalgamations, chief among

The move to do away with the two-tier system was aligned with the ANC's preference for single-tier authorities as a way of redistributing resources and services

18 This excerpt is particularly from Annexure D: LED strategy (draft) and Annexure D: Final LED strategy of the Midvaal 2013-2018 Integrated Development Plan and the Midvaal 2017-2022 Integrated Development Plan, respectively.

them the recategorisation of local municipalities as metropolitan municipalities. For instance, in 2011, the MDB separated Buffalo City Local Municipality from the Amathole District Municipality and recategorised it as a Category A municipality (Municipalities of South Africa, 2018). That same year, Mangaung Local Municipality was separated from the Motheo District Municipality and recategorised as a metropolitan municipality (Municipalities of South Africa, 2018). These major redeterminations occurred prior to the fourth local government elections in 2011 and around the same time that the Gauteng Department of Local Government and Housing submitted the proposal to the MDB to re-demarcate and recategorise Sedibeng as a metro. Inspired by the MDB's decision to 'award' 'Metropolitan status' (Sedibeng District Municipality, 2012) to Buffalo City and Mangaung, Sedibeng District Municipality began lobbying for the MDB to reconsider the decision it had made in 2000 that it should not be a metro in its own right (Sedibeng District Municipality, 2012). The municipality embarked on a 'feasibility study' which entailed an 'extensive analysis and consultation' (Sedibeng District Municipality, 2012) of the viability of its three municipalities for metropolitan status. It ultimately decided that 'a more feasible demarcation for a future Metro would be the consolidation of the current Emfuleni Local Municipality and the Midvaal Local Municipality' (Sedibeng District Municipality, 2012). This resolution was in large part reached by evaluating the characteristics of Emfuleni and Midvaal combined – 'geographic size, municipal budgets, population and economic contribution' (Sedibeng District Municipality, 2012) – and comparing them with those of the two municipalities that had just been recategorised as Category A municipalities (Sedibeng District Municipality, 2012; see Table 1).

Indeed, Sedibeng motivated strongly for the district municipality's re-demarcation and recategorisation. Given that the economy of Sedibeng is largely based on the manufacturing industry, which is on the decline (Harrison and Dinath, 2017), proponents of the Emfuleni–Midvaal amalgamation and recategorisation looked elsewhere for their justification. They cited 'several developments since 2000' (Sedibeng District Municipality, 2012) – new planned towns; residential development projects; intensified movement of people, goods and services into and out of the two municipalities – as factors that, collectively, 'have revived the aspirations of the region towards being demarcated as a Metropolitan area' (Sedibeng District Municipality, 2012). It would appear that municipalities that were labelled aspirant metros, such as Sedibeng, interpreted 'aspirant' to mean they would become metros sooner rather than later.

Table 1: Comparison of Mangaung, Buffalo City and Emfuleni/Midvaal

Municipality	Geographic area (km^2)	Municipal budget 2011/12	Population	% of national Gross Value Added
Buffalo City	2 527	ZAR3.9bn	880 000	2.0
Mangaung	6 604	ZAR4.0bn	850 000	2.0
Greater Vaal Metro	2 712	ZAR3.8bn	745 000	1.6



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Challenges, controversies and commitments

Resistance to redistributive rescaling

Local government reform in urban South Africa has not been without its challenges, including campaigns against internal amalgamations as well as resistance to redistribution and cross-subsidisation in transitional metropolitan councils/metropolitan areas such as Johannesburg (Clarno, 2013). The urban rescaling ushered in by the ANC aimed to create unified metropolitan regions that would each be characterised by one tax base. This meant that the 'fiscal mercantilism' that characterised local government during apartheid would be nullified, and revenue generated in the unified city's affluent areas would be used to cross-subsidise lagging, impoverished areas (Clarno, 2013; Wilson, 2019). Yet, the road to accomplishing a 'unicity' was bumpy and fiercely opposed. Since the metropolitan governance system comprised two tiers, there were contestations over the structure and morphology of the upper and lower tiers (Clarno, 2013). On the one hand, the Greater Johannesburg Transitional Metropolitan Council's (the Council) ruling party, the ANC, preferred a stronger central Council and smaller, weaker sub-councils (City of Johannesburg Metropolitan Municipality, 2001). On the other hand, northern suburb representatives were against city-wide cross-subsidisation and thus favoured the division of the city into large, financially autonomous municipal substructures (Clarno, 2013).

Although the court ruled in favour of the northern suburb representatives (Wilson, 2019), disputes erupted again in 1996 after the Council imposed huge increases in property rates throughout the metropolitan area, as part of its efforts to raise funds to improve the impoverished sections of the city (Clarno, 2013). The rates were accompanied by a levy on the Council's wealthiest substructure – the eastern substructure, which included affluent Sandton and economically distressed Alexandra. The surplus generated would not remain within the eastern substructure but 'would be used to finance development throughout the four substructures' (Clarno, 2013, p. 1196). This aggravated Sandton stakeholders – white property owners, residents and businesses – and culminated in the Sandton rates boycott (Wilson, 2019). Clarno argues that motivations for boycotting the rates had racial undertones – it was held that 'white people had always been law-abiding, tax-paying citizens whereas black South Africans boycotted their rates during the struggle against apartheid and then developed a "culture of nonpayment"' (2013, p. 1197).

Around this time, Johannesburg experienced a major financial crisis that threatened its viability as South Africa's industrial heartland (City of Johannesburg Metropolitan Municipality, 2001). The two-tier system of governance in the city was blamed for 'contribut[ing] to a lack of clarity between functions, power and finance, which in turn led to serious problems' (Cameron and Milne, 2011, p. 31). The City of Johannesburg Metropolitan Municipality (2001) cited competition among the sub-councils, working in silos, non-cooperation between the central Council and the sub-councils, political contests, failed cooperative governance, divided powers and lack of an integrated cash-flow system of governance, among others, as the main factors contributing to Johannesburg's 1997 financial crisis. The rates boycott, which 'continued, at least partially, from 1996 to 1998' (Clarno, 2013, p. 1198), only aggravated the city's dire financial situation. Although the Constitutional Court upheld the equalisation of tax rates in 1999 – so freeing the eastern substructure from having to pay additional levies – the wealthy suburb's efforts to remain autonomous proved futile as the two-tier system was replaced in 1999 with the single-tier system, in line with national legislation. Although the suburban residents did not achieve

The levy aggravated Sandton stakeholders and culminated in the Sandton rates boycott

their main objectives – the unicity model was adopted in 2000 – the Sandton rates boycott still shows the agency of civil society organisations in working collectively and ensuring that government addresses their issues (Wilson, 2019). Clarno argues that the case is an articulation of the centrality of race as well as 'a new relationship between race, class and space in the northern suburbs. At stake were the racial, spatial and class dynamics of redistribution as well as the scale of governmental authority' (2013, p. 1198). It is apparent that

> [t]he size of metropolitan government and the principles underpinning its organization are at the heart of many controversies. There are winners and losers from the choice of specific institutional forms. There are fierce, ultimately inconclusive debates about the appropriate size of a metropolitan council. (Cole and Payre, 2016, p. 12)

Similar controversies and racial debates underpin the Sedibeng–Emfuleni–Midvaal merger. Residents of Midvaal, a sparsely populated, predominantly white municipality, have actively opposed being merged with neighbouring Emfuleni, a dense, populous, primarily black municipality. Midvaal is allegedly one of the South African municipalities where 'racial residential segregation has been getting progressively worse since 1996' (Motsai, 2016). According to Motsai (2016), black residents in towns such as Meyerton observe that many white former residents left their homes following the arrival and settling of black people in the town. Moreover, an interviewee reflected on her past experiences as a Midvaal resident and municipal official:

> The other thing with Midvaal – I got there in 2012 – is the whites who reside there are from the 1980s I tell you [*laughs*][…] Primitive and they have an apartheid mindset. So, I think the merger will force them to integrate with black people so that they're not shocked when a black person shows up in the neighbourhood and they don't ask, 'What are you doing here? What do you want here?!' […] Because that's the attitude I got there in 2012, in the 21st century! Imagine! […] So I think the merger will force those people to change their mindsets and attitudes. Yes. (R1, interview, 2017)

Given that one of the objectives of South African local government – as mandated by the Constitution – is to ensure racial and residential desegregation as well as facilitate developmental local government, merging Emfuleni and Midvaal may be necessary to fast-track social integration and spatial development, at least in principle.[19] By taking to the streets and actively resisting the proposal, some residents may be resisting broader social change. This resistance and the racial undertones accompanying it appear to have been indirectly endorsed by the DA, the political party controlling Midvaal. According to Berkowitz, the DA's opposing submission to the MDB 'simply claim[ed] that the two municipalities have separate economies and *communities that are not naturally integrated*' (2013; emphasis added) and they thus had to co-exist separately. With these opposing views of local government existing within one district municipality whose future is uncertain, the rescaling of urban governance may indeed become party-political and filled with tension. Sellers and Walks (2013, p. 3) have dubbed urban rescaling the 'metropolitanisation of politics'.

Given that Midvaal, as noted earlier, has had to actively work its way up from a resource-strained municipality to a financially viable one characterised by a high quality of life, its resistance to being merged with an allegedly financially mismanaged municipality such as Emfuleni may be justified (discussed below). In light of these

19 While these are laudable goals, the reality is much more complex. The 'Impact of Amalgamations on Service Delivery' (07/11/2019) seminar I attended highlighted that the MDB had over the years combined richer municipalities with poorer ones in the hope that the former would improve service delivery, facilitate economies of scale (more residents, more service outputs per unit) and 'optimise geopolitical space, facilitate good governance, improve quality of life'. However, in many cases presented at the seminar, poorer municipalities had dragged better-off municipalities down to the same level of dysfunction and poor service delivery. Demarcation processes had also proved to be very costly for better-off municipalities and had not affected their equitable share – the transfers that municipalities receive from national government. This raised many questions as to whether merged municipalities were entitled to a higher equitable share to help facilitate merger processes, among other things. Questions were also raised as to whether future redistribution should best occur through national government rather than local government.

reflections, it would appear that issues of politics, race and finance are inescapably tied to demarcation debates and redistribution disputes.

Gerrymandering claims

Other challenges encountered pertained to party-political dynamics such as partisanship and gerrymandering accusations. Cameron's analysis of the history of party politics in South African local government pre- and post-apartheid confirms this. Cameron argues that although 'there was substantial behind-the-scenes involvement by political parties and even factions of parties' in policy production and implementation during apartheid, councils were in effect characterised by 'strong bureaucratic power. Most policy originated in the respective departments. [...] bureaucrats wielded excessive control over policy compared with councillors' (2003, p. 116). The introduction of party politics into local government by the interim forums not only resulted in the forums and transitional local councils being dominated by political parties – the ANC, the NP, the Inkatha Freedom Party (IFP) and the Democratic Party (DP) – but also ensured that 'the first democratic local government elections [would be] fought largely on party political lines' (Cameron, 2003, p. 116). As the electoral system that was put in place in the interim phase favoured political parties, this culminated in conflicting rationalities over which boundaries would facilitate better service delivery and development. Political party heads and members held divergent views from those of the local government demarcation boards, in some cases attempting to go against the boards' decisions (Cameron, 2006). This not only resulted in litigation actions but also stalled the local government elections in provinces such as KwaZulu-Natal and the Western Cape (Cameron, 2003, 2006).

> Some provincial ministers of local government attempted to demarcate local government boundaries which would have advantaged their respective parties' electoral chances rather than support provincial demarcation boards' proposals for more rational boundaries that would, at least theoretically, have facilitated service delivery and promoted development. A study of the interim process in the three major cities of South Africa, namely Johannesburg, Cape Town and Durban, showed that the respective provincial ministers of local government attempted to gerrymander metropolitan boundaries in each city. The three provinces were in fact controlled by three different political parties, namely the ANC, the NP and the Inkatha Freedom Party (IFP) respectively. Boundary disputes had in fact led to boundary deadlocks being



Photograph by Darya Maslova

> sent to the special electoral court, which led to the delay of local government elections in KwaZulu-Natal and the Western Cape. (Cameron, 2006, p. 79)

Party politics clearly played an important role in compromising the good of the general public – elections, service delivery and development. Furthermore, by going against the decisions of the demarcation boards and attempting to gerrymander metropolitan boundaries, political figures at provincial level showed disregard for the institutions tasked with the responsibility of drawing boundaries. Moreover, some provincial ministers abused the control they had over their respective local government demarcation boards. For example, according to Cameron, the NP's Peter Marais, after becoming the Western Cape's Provincial Minister for Local Government in 1994, 'became embroiled in a major local government boundary controversy when he attempted to gerrymander districts in 1995' (2003, p. 125).

This was also the case in Johannesburg. Following the Greater Johannesburg Local Negotiating Forum's agreement on the two-tier governance system in August 1994, the issue of Johannesburg's internal boundaries – which had been arbitrated – was reopened in mid-1995 (City of Johannesburg Metropolitan Municipality, 2001). Different political parties had 'different understandings of how the metro would work' and there were 'bitter and strange disagreements during this period' about how many substructures Johannesburg would be comprised of (City of Johannesburg Metropolitan Municipality, 2001, p. 13). The Board's decisions were questioned and dismissed by some political parties and the provincial cabinet at the time. For instance, when the demarcation issue was reopened, the ANC argued for three substructures and presented these to the Gauteng Demarcation Board. Although the Board agreed, the provincial cabinet and MEC for Housing and Provincial Government 'had expressed disquiet about the empirical basis for the recommendations and asked the Board to consider further possible models for internal boundaries' (City of Johannesburg Metropolitan Municipality, 2001, p. 13). Opting for four substructures, the provincial cabinet took the matter to the Electoral Court. Although citing insufficient evidence to conclusively support any of the demarcation options before it, the Court nevertheless 'ruled … in favour of the [Metropolitan Sub-Structure] model on the basis that it was "better balanced" in racial terms' (City of Johannesburg Metropolitan Municipality, 2001, p. 13). The presence of many stakeholders in demarcation-related decision-making – advisory provincial boards, provincial ministers of local government, provincial committees and the Electoral Court – thus led to a cumbersome process that made the work of the local government demarcation boards difficult.

Yet, the provincial demarcation boards appear to have been disjointed due to their respective political preferences and political partisanship. Such was the case in Gauteng after the reopening of the internal boundaries issue in Johannesburg:

> The 22 person Demarcation Board was characterised by major differences of opinion reflecting their party positions. A sub-committee had set out to explore criteria for boundary determination, but these were never formally considered by the Board, which proceeded on the basis of personal opinion and political slant. (City of Johannesburg Metropolitan Municipality, 2001, p. 13)

Party politics clearly presented an obstacle to the Board's impartiality and institutional capability as well as the governance of Johannesburg. Indeed, gerrymandering played a significant role in the removal of demarcation responsibilities from provincial control and the establishment of an independent national body that would make the final demarcation decisions (Cameron, 2006).[20] As a result of such controversies, it was concluded that 'removing demarcation from provincial control would prevent future gerrymandering' (Cameron, 2006, p. 84). As such, South Africa's municipal demarcation authority, the MDB, was established in 1999 as 'an independent authority responsible for the determination of municipal boundaries' (MDB, 2018).

20 This was in line with the 1996 Constitution and the Demarcation Act. One reason that motivated it – other than prevention of future gerrymandering – was that one centralised board system would be less costly than the multiple provincial board systems (Cameron, 2006).

Municipal Demarcation Board

Established in terms of Chapter 7 of the Constitution, the MDB is protected by section 3 of the Municipal Demarcation Act 1998 (MDB, 2018; R2, Interview, 2017). Comprised of eight Board members who are appointed in five-year cycles, the MDB is constitutionally mandated to facilitate a system of developmental local government via determining municipal and ward boundaries that enhance communities' quality of life without fear or favour (MDB, 2018). The organisation also provides advisory services in municipal boundary matters to state entities and other stakeholders, and works very closely with CoGTA and local government MECs in the provinces (MDB, 2018). The MDB reports to Parliament and is responsible for three types of boundary delimitations: Type A (technical and minor boundary redeterminations); Type B (consolidations and annexations); and Type C (amalgamation and categorisation) (MDB, 2018). Although mandated by Chapter 7 of the Constitution, the institution has an obligation to adhere to section 2 of the Municipal Structures Act (already discussed) as well as sections 24 and 25 of the Municipal Demarcation Act (R2, Interview, 2017). The latter two sections pertain to criteria for demarcation objectives as well as factors to be taken into account in the (re)demarcation process. The organisation's establishment 'was [...] supported by the ANC for political reasons, which felt that a national Board could promote transformation more strongly' (Cameron, 2006, p. 84). The MDB derives its funding from the National Treasury via CoGTA (R2, Interview, 2017).

Although enjoying constitutional protection as an independent neutral body overseeing demarcation, amalgamation and categorisation issues without party-political influence, the MDB operates 'in a politically charged environment' (R2, Interview, 2017). As such, it is inescapably tied into the politics of demarcation processes. Over the years, many of the MDB's demarcation proposals and decisions have been very unpopular and, because the organisation 'usually succumbs to pressure from the public' (Mathebula, 2018, p. 269), it has been seen as 'spineless' and bowing to political pressure (Mathebula, 2018). Respondents from the MDB attributed this largely to the Board's financial situation. For instance, the former/fourth MDB chairperson and the MDB GIS specialists blamed the criticisms levelled against the MDB on its lack of financial resources to 'embark on serious public education to make sure that people on the ground understand demarcation' (R2 and R3, Interviews, 2017). Although the MDB works hand-in-hand with other stakeholders – for instance, municipalities are 'expected to extend invitations and provide venues' (Magubane, 2017) for demarcation-related community meetings – they do not provide any direct financial support to the organisation (R2, Interview, 2017). Magubane (2017) reports that municipal mergers ahead of the 2016 local elections were very costly for the MDB and resulted in the organisation calling for more funding and changes to the demarcation legislation.

Grootes (2013) observes that the MDB was in the past 'run by people who've been deployed by the ANC', one being Dr Mike Sutcliffe (Cameron, 2006). Before becoming the Board's first chairperson, he was an ANC politician. The DA and the IFP considered him to be 'a Trojan horse for ANC policy' (Cameron, 2006, p. 99). The MDB's integrity and independence are increasingly being questioned since the body today stands accused by opposition political parties of either being bullied by the ANC or colluding with the ANC to gerrymander (Mathebula, 2018). Yet, do these accusations carry any weight? Based on his experiences as part of the first MDB, Cameron (2006) disagrees. He notes that Sutcliffe, who was the chairperson at the time, allowed him and the other Board members 'a great deal of operational autonomy to determine the boundaries of their respective provinces' (2006, p. 99). Furthermore, Sutcliffe holds a PhD in geography and has taught in a planning department, and was thus an expert in this field notwithstanding his political affiliations (Cameron, 2006). The claims that the MDB was 'political machinery for the ANC to win local government elections' (Mathebula, 2018, p. 265) were also dismissed by the former MDB chairperson I interviewed:

> Whenever we determine or redetermine or even before we start, one of the key entities that we engage is political parties. We use the IEC's [Electoral Commission] political liaising committees because already the IEC has established this because of elections over the years. They have political liaising structures at national level involving all parties that are national; and at provincial level they also have those structures because in provinces you'd also have other many parties that play a role within a province but are not necessarily national. [...] In a way, they keep us on guard because once they understand our processes very well, our political democracy will thrive [...] because if they are knowledgeable, they'll be able to challenge us [...] But then the good thing that came out of [the 2016 demarcation processes] was that we were blamed by all the parties! It's just that when the DA was unhappy with what we did in some areas, they took us to court. So, in some areas like the North West, you'd be challenged by an ANC-led municipality to say, 'We're not happy with how this ward is and how this municipality is going to change.' So, because for example, the ANC-led municipality that challenged us didn't go to court and the matter wasn't publicised, people didn't know that we face some challenges or there are some people in the ANC-led entities who are unhappy with our work. (R2, Interview, 2017)

However, 'the question of metropolitan areas was probably approved by high-level ANC structures before being approved by the MDB [and] there was less interest in non-metropolitan boundaries, including secondary cities' (Cameron, 2006, p. 99). This is in line with Flyvbjerg's (1996) argument that planning decisions such as metropolitanisation, however 'normatively rational' and well-intentioned, are still liable to favour the dominant political agenda. Given that party-political problems such as gerrymandering have been at play in demarcation and recategorisation processes in metropolitan areas post-1994, to what extent can the MDB be safeguarded from them in the politically charged setting within which it works?



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Party politics in Sedibeng, Emfuleni and Midvaal

Party politics in Sedibeng, Emfuleni and Midvaal

Impetus for political competition and party politics in Emfuleni and Midvaal

Speaking at an ANC campaign rally in Meyerton (Midvaal) in the run-up to the 2011 local government elections, former Gauteng MEC for Local Government and Housing, Humphrey Mmemezi, advised:

> If you vote for the DA, you will just be going back instead of going forward because Verwoerd's apartheid is still in some people's minds. The youth of 1976 came together and said enough is enough, and it's time for you residents of Midvaal to form a united front and fight for an end to the DA's reign in this area. (cited in van Onselen, 2012)

At the same campaign rally, struggle stalwart Winnie Madikizela-Mandela told the crowd, 'The ANC has never been defeated by anybody. This area, this municipality, belongs to the ANC' (van Onselen, 2012). This was ten years after the 2000 local government elections as well as the establishment of Midvaal Local Municipality following Meyerton's split from Vereeniging (Emfuleni), and shortly before a local election that would mark the ANC's fourth unsuccessful attempt at winning Midvaal after three successive losses to the DA. Soon after these utterances were made, a cartoon depicting Madikizela-Mandela as an ANC representative seeking to 'capture' Midvaal by any means necessary appeared in *Beeld*, an Afrikaner newspaper (Figure 6). The Afrikaans text in the cartoon loosely translates to 'Winnie wants to anchor Midvaal for ANC'.

Indeed, popular media portrayed Sedibeng's Midvaal as hotly contested territory and the ANC as having gone to great lengths to gain control of it. Various newspaper articles claimed that in 2011, shortly before the election, the ruling party – under the GPG banner – provided food parcels and 1 000 portable toilets worth between ZAR3.6 million and ZAR5.7 million to residents of informal settlements such as Sicelo Shiceka (Meyerton) (Grootes, 2013; Rawoot, 2011; van Onselen, 2012). Some articles went as far as indicating that the ANC claimed the move was a response to the DA's lack of service delivery in, and failure to formalise, the area (cf. van Onselen, 2012). There were also implications that the ANC had used racial(ised) rhetoric to discredit the DA's governance as well as dissuade black Midvaal voters from voting for the DA (van Onselen, 2012). Former DA leader Helen Zille (2015) and former DA employee Gareth van Onselen (2012) argued that the ANC had repeatedly advised against voting for the DA – which it called a 'white party' – on the basis that doing so would be tantamount to reverting to apartheid as the DA in Midvaal had 'served the interests only of whites and [had] sought deliberately to oppress, ignore and even worsen the circumstance of black Midvaal residents' (van Onselen, 2012). Despite this, the DA continually emerged victorious in Midvaal, even claiming victory in some formerly ANC-run wards in the 2016 local elections.

Party-political competition clearly manifests vertically in Midvaal, Sedibeng and Gauteng. This vertical political competition is perhaps more evident in the Midvaal context than anywhere else in Sedibeng. In the late 2000s and early 2010s, Midvaal was plagued by allegations of corruption and maladministration. In 2011, several complaints of embezzlement, fraud in development initiatives, inappropriate use of municipal assets by political heads, irregular awarding of tenders, and the unlawful appointment of an attorney for the municipality

Figure 6: Winnie Madikizela-Mandela 'fishing' for votes for the ANC in Midvaal
SOURCE: Cartoon © Frans Esterhuyse (2011)



were presented to the then Public Protector, Thuli Madonsela (Mulder, 2011; Ndlovu, 2015; Sosibo, 2011). When these allegations came to light, the ANC and small opposition parties such as the Freedom Front Plus (FF+) allegedly attempted to gain political capital by discrediting the DA's leadership in Midvaal, with the FF+'s Jaco Mulder (2011) lamenting that Midvaal was probably the most corrupt municipality in South Africa. Given that the Public Protector did not investigate the fraud and corruption allegations as they fell outside her jurisdiction, the national ANC administration reportedly authorised the Special Investigations Unit to pursue the allegations (Ndlovu, 2015). To date, nothing seems to have come of the Unit's inquiries and, despite the allegations, Midvaal has continued to get unqualified audits and

Party-political competition clearly manifests vertically in Midvaal, Sedibeng and Gauteng

outperform all other municipalities in Gauteng (see section, 'Sedibeng's context, history, challenges and development prospects').

Van Onselen (2012) argued that the ANC had targeted Midvaal, using central state apparatuses at its disposal as the ruling party, as a ploy to discredit and delegitimise the DA in Midvaal. To support this argument, he drew attention to neighbouring ANC-controlled Emfuleni, a municipality that, since its establishment in 2000, has been plagued by allegations of corruption that have never been investigated. Drawing on newspaper articles and audit reports since 2000, van Onselen (2012) demonstrated that predominantly urban Emfuleni had a dismal history of debt collection, qualified audits and financial challenges, including maladministration, poor financial management, a bad auditing run and bankruptcy. According to the former Midvaal official I interviewed, merging Emfuleni with Midvaal would not be favourable because of the

> lack of monitoring [in Emfuleni]! If you just go there and just drive, you can just see the difference. There are potholes. So, in terms of the service delivery and what they're doing, people are just building, you know? Whereas in Midvaal, all that is being monitored, there's turnaround times, potholes must be closed in a certain number of days. [...] And people who work in Emfuleni are just chilled, you know? [...] Nothing happens, but people are getting paid! So now if you join people who've been working and those who haven't been working, it's gonna take a while for those people to change. (R1, Interview, 2017)

The suggestion is that Midvaal is an efficiently run municipality which, unlike Emfuleni, 'work[s] according to the book, when it comes to enforcements, meeting targets, developing people' and responding to challenges on the ground (R1, Interview, 2017). Indeed, under the leadership of the DA, Midvaal has, since 2000, worked its way up to building a solid revenue base (from a 100% rates and taxes collection rate) and consistently winning awards for being the best-run council in Gauteng. Grootes (2013) notes that some of these awards 'have even come from the Gauteng provincial government, which is not controlled by the DA' (discussed earlier). The municipality continues to thrive financially but, according to van Onselen (2012), besides Lesedi, the same cannot be said of the other municipalities within the province which, prior to the 2016 local elections, were all governed by the ANC. Van Onselen (2012) argues that the DA-run Midvaal has many accomplishments, trumping all ANC-run councils in Gauteng, which presents a threat to ANC Gauteng and also makes Midvaal a 'source of embarrassment and a real demonstration that its [the ANC's] policy and practice leave much to be desired'.

Nevertheless, Midvaal is still plagued by severe challenges and is one of the most socio-spatially, economically and racially fragmented municipalities in the country (Motsai, 2016). This fragmentation appears to have made the party governing the municipality a target of its political opponents. The racial discrimination and socio-economic segregation in Midvaal are evident in the municipal council offices as well (SAPA, 2012; African News Agency, 2017b). Besides the official who was dismissed for using a racial slur to refer to black protesters in 2011 (discussed earlier), there have been other controversial headlines about the municipality. For instance, in July 2016 – a month before the local elections – the Midvaal council landed in hot water with its black municipal officials who, supported by SAMWU, took to the streets in protest that they had over the years not been promoted as their white counterparts had been (African News Agency, 2017b; Tau, 2016). The former Midvaal official I interviewed resigned from Midvaal in 2017 not only out of a need for professional growth but also because she was frustrated that she had been in the same position since 2012. She had never been promoted, despite having 'ridiculous workloads and many targets to meet' (R1, Interview, 2017). She stated that during her time at Midvaal, she had witnessed several of her white counterparts at the municipality being promoted but had not witnessed the same for black municipal officials (R1, Interview, 2017).

The Midvaal Local Municipality workers' protests in 2016 coincided with violent service delivery protests that erupted in the Sicelo Shiceka informal settlement – an area that falls within an ANC-controlled ward and that benefited from the ANC election campaign's portable toilets (Chiloane, 2016). The DA blamed these two protest actions on the ANC (Chiloane, 2016; Tau, 2016), with DA officials

in Midvaal dismissing the protests as part of the ANC's electioneering to win Midvaal (Chiloane, 2016; Tau, 2016). When asked about the protest actions in Midvaal's informal settlements, the former Midvaal official cited political campaigning as a contributing factor:

> The funny thing about the strikes is that when it came to the voting, people voted for the DA. So, I think the whole strikes or protests thing is politically motivated. It's the unions or the majority who are like, 'Aargh, these people are not doing this for us!' But at the end of the day, when those people go to the voting polls, they vote for the DA because they are happy with the service delivery. [...] Then you think, 'Who voted for these people?' And the DA had a huge majority! It's not just white people who voted. Even the black people from Sicelo Shiceka there wear blue T-shirts when it comes to voting, and they vote for the DA. So I think the protests are just fuelled by the unions. It's electioneering in a way. (R1, Interview, 2017)

In late 2018, violence erupted in Ward 11 in the Savanna City development project when a group of about 15 men said to be ANC supporters brutally assaulted Midvaal mayor Bongani Baloyi at an Arbor Day event (Mulaudzi, 2018; Tsotetsi, 2018). Baloyi pressed an assault charge against an ANC community liaison officer who was identified as one of the group. The community liaison officer laid a counter-assault charge against the mayor (Tsotetsi, 2018). Condemning the incident, the DA blamed the ANC for using 'thug behaviour' (Tsotetsi, 2018) as a last-ditch attempt to win the 2019 elections. The ANC in turn laid the blame on the mayor for politicising the Arbor Day event (Tsotetsi, 2018).

The ANC's critiques of Midvaal were also represented by ANC-affiliated unions. According to the former Midvaal official, during her tenure at Midvaal, she and other officials were 'coaxed' by SAMWU to participate in the remuneration and pro-recategorisation protests on the basis that this would benefit workers professionally:

> I think it was the unions that were for the merger because obviously isn't it the unions are associated with the ANC? [...] And then the members would call and say, 'Let's do it, comrades!' But they don't really explain the logic. So, the thing that we were being told was, 'You'll get better benefits. You'll get high salaries.' That was the motivation from the union side of things. (R1, Interview, 2017)

Indeed, SAMWU appears to have been at loggerheads with the DA-run municipality for a long time, citing among other things poor working conditions, maladministration and corruption in the municipality as reasons for its numerous protest actions (African News Agency, 2017b; SAPA, 2012). These protests were rife in 2016, especially in the run-up to the local government elections, and resurfaced in late 2017, aggravated by SAMWU's 'request that the entire municipality be re-graded to a higher category of municipality' (African News Agency, 2017a).

Meanwhile, DA actors sustained their critiques of ANC actors. In 2017, the DA called on the provincial MEC for Cooperative Governance to investigate the embezzlement of funds by former Sedibeng and Emfuleni mayor Simon Mofokeng during his tenures as mayor of the district municipality and the local municipality respectively (African News Agency, 2017a). The DA argued that Mofokeng, who resigned as mayor of Emfuleni in 2017, had spent approximately ZAR2 million of government money on fast food outlets and hotels (African News Agency, 2017a). Most recently, in 2019 a number of top officials in the municipal council, as well as politicians, including one Member of the Mayoral Committee, were embroiled in a cash-for-jobs scandal. They were put on special leave and probed by independent investigators hired by the council (Modise, 2019a, 2019b).

'I think the whole strikes or protests thing is politically motivated'

Conflicted interests in Sedibeng's demarcation drama: Politics, particularities and peculiarities

Figure 7 illustrates the opposing views held by the ANC and the DA on Sedibeng's proposed re-demarcation and recategorisation. On the one hand, advocating for the merger, the ruling ANC, a centre-left party and the oldest liberation party in Africa (Mkhize, 2012), has long shunned the two-tier system and 'preferred single-tier authorities [and the unicity model] as a way of redistributing resources and services' (Cameron and Alvarez, 2006, p. 80). On the other hand, the opposing DA, a broadly centrist party controlling Midvaal, 'abides to more conservative principles which believe in equity and a society where everyone should be actively involved in looking out for themselves' (Ndlovu, 2015, p. 49). Several conflicting rationales have been offered by both parties regarding their respective stances on the Sedibeng re-demarcation issue – some are technical and appear normative whereas others are party-political and may be conceived as practical. Below, I present some of these reasons and argue that regardless of the normative stance of the different justifications, they are all underpinned by a party-political rationality.

When the ANC motivated for the proposed merger and recategorisation in 2011, it was on the basis that smaller municipalities have difficulty attracting investment, development and financially sustaining themselves over time and thus need to work together towards common goals (Grootes, 2013). The recategorisation was also perceived by the ANC as a means to facilitate better decision-making in the proposed metro 'if the three municipalities merged[,] as there would be one mayor and council' (SAPA, 2013a) – a logical justification given the alleged 'ambiguous relationship' between Midvaal and Gauteng. Moreover, according to the then mayor of Sedibeng, Simon Mofokeng, the merger was necessary for 'a more unified economy in the new metro, which would benefit everyone in the metro' (Berkowitz, 2013). Additionally, as argued by the ANC's Bob Mthembu, the merger and metro would go a long way towards helping Sedibeng cut back on remuneration costs because 'with a metro and only one council, the money usually spent on paying individual municipal leaders could go towards service delivery' (SAPA, 2013a).

These claims ran counter to the DA's argument that the merger would lead to a financially unviable

Figure 7: 'Conflicting rationalities': Opposing views on Sedibeng's proposed re-demarcation
SOURCE: Photograph © *The View News* (Justlicks, 2013), used with permission; poster © Democratic Alliance (2015)





metro as Emfuleni 'has never received a clean and unqualified audit' (Ntsekhe, 2015). The DA in Midvaal thus saw the merger as a threat to the municipality's financial prospects, especially since many firms had allegedly threatened to turn down loan applications if the amalgamation went ahead (SAPA, 2013a). It was on this basis that the DA argued for 'less centralisation and more independence' (Berkowitz, 2013). Yet, the interview with the former Midvaal official suggested that there is more to this resistance than meets the eye – the merger is being fiercely opposed because practically it has many implications for race relations and remuneration in the proposed metro:

> Isn't it once you merge, there's going to be less positions for the people in Midvaal? Like HODs? They're going to have to be downgraded and it's mostly black people in Emfuleni that are going to be in higher positions. Midvaal right now is dominated by whites especially in the senior positions. So, I think from their side, it's like, 'OK, now we're going to be ruled by these black people' [*laughs*]. (R2, Interview, 2017)

The DA's Timothy Nast – former mayor of Midvaal – argued for Midvaal and Emfuleni to co-exist within Sedibeng in peaceful detachment (SAPA, 2013a, d). The DA argued that Midvaal was a predominantly rural municipality comprised largely of farmland, and thus 'metropolitanising' it would contravene section 2 of the Municipal Structures Act (Berkowitz, 2013). Whereas the ANC saw the recategorisation as a means to achieving economies of scale in the region, the DA claimed the proposal lacked empirical research or evidence to substantiate it (Berkowitz, 2013). Instead, the DA associated the merger with an increase in employees' costs per unit, a 30% increase in municipal expenditure as well as an increase in rates as residents would end up paying more for services 'partly to meet the infrastructural developmental needs of the new metro' (Berkowitz, 2013). Claiming to have conducted extensive research on the matter, some of which involved an assessment of the municipalities being merged, the DA considered all the likely changes unsustainable on the basis that residents would most likely not get a high return on the increased costs of rates and services (Berkowitz, 2013). According to the DA, this would culminate in an unsustainable, bankrupt and financially unviable metro (SAPA, 2013a).

The arguments against the proposed merger were politicised when DA political heads in Midvaal – then the only DA-run municipality in ANC-controlled Gauteng, with a population much smaller than that of Emfuleni – accused the ANC of colluding with the MDB to politically gerrymander and thus slant the electorate in the amalgamated council in the ANC's favour (SAPA, 2013a, d; R2, Interview, 2017). They claimed that 'what the ANC cannot have by vote, it is going to steal' (Grootes, 2013). This may have been provoked by the fact that in the proposed new metro, the DA's share of the vote would have decreased significantly and would have been subsumed by the ANC vote in more populous Emfuleni (Berkowitz, 2013). The arguments were further politicised by the ANC's claims that the merger would put an end to corruption in Midvaal since the DA in Midvaal had colluded with firms in illegal property acquisition and, in the process, had 'made communities "suffer for many services", including housing' (SAPA, 2013d). The ANC argued that more than anything, 'The reason Midvaal did not want to become part of a metro [was] primarily because they want[ed] to protect their political terrain' (Mthembu, cited in SAPA, 2013a).

In 2013, the DA called for then MDB chairperson Landiwe Mahlangu to step down, citing conflict of interest as their rationale (SAPA, 2013b). The DA alleged that Mahlangu co-owned two companies that did business in Emfuleni, and was only 'forging ahead' with the merger to pursue his 'lucrative business interests', which the DA considered 'unethical' (SAPA, 2013b). Mahlangu refuted the accusations, stating that he had resigned from one company and did not have a financial stake in the other (SAPA, 2013b).

The DA claimed that 'what the ANC cannot have by vote, it is going to steal'

Additionally, he dismissed accusations levelled against the MDB and the Sedibeng merger as

> actions of desperation [...] aimed at denying development, and to frustrate the area of Midvaal, Emfuleni [and] Sedibeng to grow to its full potential and address the spatial inequalities in the process [...] The stance taken by [...] Mmusi Maimane and others of his ilk is in our view selfish, parochial and [I] doubt if it is equally supported in the area and by the DA itself. (SAPA, 2013b)

Mahlangu further maintained that the decision to merge and recategorise Sedibeng had been purely technical and informed by the criteria stipulated by the Municipal Demarcation Act:

> When an area starts to exhibit characteristics of higher growth and there is evidence of an area becoming a hub of business, it has to be a Category A municipality [...] If we say we would like to hear objections and you come and say this thing will enable certain political parties to have control, you're not saying anything. We were looking at objections based on the criteria used. (SAPA, 2013c)

However, this was contradicted by Mahlangu's successor. On being appointed chairperson in 2014, she and the new Board acquainted themselves with the previous Board's work on the Sedibeng proposal. This entailed 'get[ting] the support of management to get all the documentation to check whether the irregularities that were alleged by Midvaal were indeed correct' (R2, Interview, 2017). They found that the Sedibeng merger case had already been determined by the previous Board, which had appointed consultants to conduct research on Sedibeng's ability to merge into a metro, based on criteria spelt out by the Municipal Structures Act 1998. The consultants' feasibility study had concluded that a feasible case could not be made to form a metro in the Sedibeng District Municipality as Sedibeng did not meet *all* the criteria to be recategorised as a metropolitan municipality (R2, Interview, 2017). The Act clearly states that the proposed area for the establishment of the metro must fulfil *all* and not just some of the criteria (R2, Interview, 2017). The previous Board had nevertheless gone ahead and determined that the district would be recategorised as a metro (R2, Interview, 2017).

The new Board uncovered other discrepancies as well: the MDB had demarcated municipal boundaries before giving public notification, as it was required to do; and the third Board's demarcation procedure had not been in accordance with demarcation protocols outlined in Part 3 of the Municipal Demarcation Act 1998.[21] These protocols emphasise the need to consult concerned parties, but there had been little to no consultation and some information had been withheld from relevant stakeholders:

> Indeed, there were flaws. A number of the things they were alleging in terms of procedure were not adhered to by the Board when they determined. You see, the procedures in the [Municipal Demarcation] Act are very clear. They say whenever you determine whether something can fit as a metro or not, these are some of the things you need to consider, and it means all! [...] It'll say, in application of the criteria, the Demarcation Board may determine that an area must have a Category A municipality *only after* consultation of the minister of CoGTA! Once you miss something here, if you consult with the minister but you consult him after you have already determined, then the law will say, 'No! No! No! But [...] you should have consulted some of these people first – the MECs, SALGA [South African Local Government Association]' [...] meaning that the procedures in the Board had to be rigorous. Every time when you do things, check yourself against the Act. [...] They're not saying you must agree with the minister's views, but you must have consulted with him before taking a decision. You must have consulted with the MEC, you must have consulted with SALGA. If you miss any of this, you will be found. The judges will say, 'You are a constitutional institution. The law says this. You should have done this, and you should have done it before arriving at a decision. Yes, you are independent and your decision will be independent. Your consultation will not mean that you'll agree with

21 Part 3 of the Municipal Demarcation Act outlines demarcation criteria that the MDB must adhere to. Sections 25 to 30 pertain to public notification, considerations to be made by the Board, the need for public meetings and formal investigations as well as the power of investigating committees.

> everything that they're saying but the law says you must consult with them first.' So, procedurally it was clear that a number of things had not been done in terms of the procedure. (R2, Interview, 2017)

Consulting and getting the sign-off of concerned stakeholders such as CoGTA, SALGA and the MEC may, on the surface, appear superfluous, especially given that most stakeholders were in favour of the proposal. Nevertheless, the fourth MDB chairperson stressed the importance of adhering to procedure and legally binding statutes. By going against procedure and not abiding by the Municipal Demarcation Act's provision for thorough consultation, the Mahlangu-chaired Board may have played a role in other stakeholders questioning the MDB's institutional credibility and political impartiality. Moreover, by withholding information obtained from the consultants as well as turning a blind eye to their verdict on Sedibeng's credibility for recategorisation, that Board may have used its power to lean more towards *realrationalität* than normative rationality in making decisions on Sedibeng. Thus, had the Mahlangu-headed Board gone ahead with the re-demarcation, this would most definitely have benefited the ANC politically, whether indirectly or otherwise. And while the MDB's newly appointed Board may have followed appropriate channels in attempting to do damage control, the damage was already done. The new Board reached out to Midvaal political heads and requested an out-of-court settlement, which the DA in Midvaal refused:

> as a result, we tried quite early to try and save money and to save the integrity of the organisation by requesting that we settle this matter out of court with the Midvaal council, but they refused to cooperate. That is why it went on for a long time, and ultimately the settlement – that which we had asked for at the beginning – was only done at the end, very close to the [2016] election. It was realised that we were going to end up disenfranchising people in this area. People will be angry. Some people want to see the metro running. As a result they may go to an election still unhappy that there's uncertainty about this matter. [...] And some don't want it. So, all of them are unhappy because this thing is in limbo. So, the agreement that was reached between the Board and the applicants – the IEC, the Gauteng Provincial Government through its local government department, interested parties like the minister of CoGTA [...] we had to agree with the applicants in terms of the court matter, in this case Midvaal. So, we ultimately agreed that this matter would be set aside and can only be dealt with after the local elections so that there's certainty and people go vote. But obviously the court said that the matter is being returned to the Board, meaning that when the Board reconsiders the matter, it will correct the things that were not done correctly in the initial process. (R2, Interview, 2017)



Photograph by Moeletsi Mabe/ *The Times*

The interviewed former chairperson also recounted some of the particularities of the Sedibeng court case as well as the defence used. She recalled that when the DA had raised the political gerrymandering allegations in the North Gauteng High Court, the MDB dismissed it as a selfish and party-political move aimed at getting the political opposition the result it wanted:

> One of the cases that the minister had proposed was the creation of a metro in the West Rand – Mogale City and other municipalities there – and we didn't approve it. […] When we communicated at the time our decision that we were not going ahead with that, the DA was so happy because they didn't want that. They were so happy that they even wrote in their media statements – which we kept – that, '*Ja*! This is a test of good governance and a show that the MDB is independent!' Because they were happy! That favoured them and it didn't favour the ruling party which, probably, had supported the minister's proposal. To an extent, we used that when we went to court. When we were said to be gerrymandering, we said, 'But these are the people who, when they were happy with an outcome that favoured them, said we were independent and they were happy with what we're doing because it favoured them. When it doesn't favour them, they run to court, you see? So, this is double standards! They just want everything to favour them!' So, that's just how the environment is; and, as I've said, we're protected by the Constitution. That is what makes our lives easier. (R2, Interview, 2017)

Following the out-of-court settlement – and owing to the party-political and violent protests to mergers nationwide – the MDB halted all major boundary redeterminations and, in collaboration with CoGTA, lobbied Parliament for a review and reassessment of the Municipal Demarcation Act. At the 'Categorisation of Municipalities into Metros' (17/10/2017) seminar, delegates noted that the current criteria for determination of metros were 'not robust enough' and thus open to interpretation and appropriation by different parties. Some delegates noted that this may have played a significant role in the recategorisation of Mangaung (Bloemfontein) and Buffalo City (East London) as Category A municipalities. Compared to the six 'original' unicities founded in 2000, these two municipalities have lower population densities and large rural outskirts. Delegates pointed out that the criteria for metropolitanisation needed to be revised. This was reinforced by the former chairperson:

> As it is now, these criteria can be interpreted in different ways by different people; and if you have something like that, it promotes gerrymandering. Then, we can be bought by any politician because today, I can define population density like this when I want to favour a particular area. And then tomorrow when I don't want your area to qualify, I'd change it and say, 'No, population density must be over a million.' So, we need criteria that are not only robust enough but that have been broken down and unpacked in such a way that we ultimately have an instrument that we'll use to determine a metro that will be consistent throughout the country, criteria that will be consistent whether the Board has got me today or not. Something that is more credible, that confirms the integrity of the organisation, and that can help us defend our decisions unquestionably. As it is now, people who are criticising the Board are saying, '*Ja*, you see?! We know the metros being Tshwane and eThekwini and the like. And now the Board is being politically influenced by the ruling party, which means that the ruling party – or some politicians at that time – wanted to make Mangaung a metro and you just went out and made it a metro!' And it becomes very difficult to defend. (R2, Interview, 2017)

In 2017, at the 'Categorisation of Municipalities into Metros' (17/11/2017) seminar, the third Board brought in another consultancy firm to help run a 'conurbation test' on Sedibeng and several cities throughout the country, and thus determine whether the proposed metro meets the criteria for metropolitan status or 'at least strongly motivate why the change will bring about this greater development' (Berkowitz, 2013). The consultancy firm argued that both Midvaal and Emfuleni fulfilled most of the criteria to become metropolitan municipalities in their own right, highlighting the ambiguity of the criteria for municipal recategorisation. The Board was unimpressed and asked the consultancy firm to revise its study (R2, Interview, 2017).

Events since 2016

Following the 2016 local elections, the political terrain in Gauteng changed significantly, with the DA gaining control of the Johannesburg and Tshwane metropolitan municipalities, albeit via coalition with smaller opposition parties such as the EFF and the FF+. Although the political landscape is more or less the same in Sedibeng, and the MDB has resolved to halt major redeterminations while lobbying for a revision of demarcation laws, applications for municipal amalgamations and rescaling have not stopped (R2, Interview, 2017). Various stakeholders remain committed to the idea that Gauteng should be a 'province of metros'. For instance, in a 2019 Budget Speech, Gauteng MEC for Human Settlements, Urban Planning and CoGTA, Lebogang Maile, noted that the GPG would again be engaging the MDB on the rescaling of local government in the province. Maile portrayed the single-tier governance embodied by metros as an antidote to duplication of functions between local and district municipalities, as well as fiscal and administrative weakness in some smaller municipalities:

> We will be re-igniting dialogue with the MDB to move towards a single-tier form of government in Gauteng, in order to ensure effective integration of municipalities which will reduce duplication in the provision of municipal services at the district level. (Maile, 2019)



Photograph by Thulani Mbele/ *The Sowetan*



Photograph © GCRO



Conclusion

Conclusion

The party-political scuffle that has fuelled, and perhaps been fuelled by, the proposed Sedibeng recategorisation makes it clear that in any setting, '[t]he demarcation of local government boundaries will always be a contested issue. This is because boundaries redistribute political power, with some organisations standing to gain power and others standing to lose power' (Cameron, 2006, p. 76). Indeed, as a spatial planning decision, the proposed re-demarcation and restructuring of Sedibeng is a political matter in the sense that its materialisation would benefit certain parties at the expense of others. The re-demarcation and recategorisation proposals in Gauteng, including the Sedibeng case, have all been proposed and endorsed by ANC-run governments, either provincially or locally. Although there have been instances of ordinary citizens taking to the streets and violently opposing the proposals – as was the case in Khutsong and, to a lesser extent, Midvaal – most opposition has been from political parties. For instance, although Sedibeng's proposed restructuring was fiercely opposed by Midvaal residents in the form of protest action and petitioning, it was escalated by the DA through court action against the MDB. Although technical reasons have been given by both proponents and opponents of the merger, they have been eclipsed by political reasons. For instance, proponents of recategorisation initially cited several developmental reasons for supporting the merger (improved service delivery, better chances of attracting foreign direct investment, economies of scale) whereas opponents considered the merger disadvantageous for various reasons (withdrawal of investment plans in Midvaal, likelihood of an expensive and unviable metro). Yet, both opponents and proponents have also cited political reasons for their respective resistance (gerrymandering) and support (the opposition's failure to deliver services to all citizens, and allegations of corruption). The Sedibeng case highlights that the complexities of ongoing municipal re-demarcation and reorganisation in Gauteng are fuelled by the way in which different political interests take up contradictory positions on the matter.

If the re-demarcation and recategorisation of municipalities in Gauteng is an attempt at making post-transition local government in the province work, the case of Sedibeng indicates that the processes are 'dishevelled with various forms of quandaries ranging from political interference, court challenges, violent protests' (Mathebula, 2018, p. 269), with racial and elitist undertones. Municipal demarcation risks being held hostage by party politics, with political parties using any means at their disposal to have things go their way, including by scapegoating the MDB. This jeopardises the work of supposedly neutral authorities such as the MDB that have to work in a politically charged setting to make 'objective' and informed demarcation decisions. The MDB's independence is questioned by parties when things go wrong or when the demarcation authority makes decisions they do not favour. Indeed, whatever demarcation decision the MDB arrives at will probably frustrate certain political parties and thus attract criticism. While the former MDB chairperson argues that the Board appreciates political entities for keeping the organisation 'on its toes' (R2, Interview, 2017), it is important to shield the organisation from political parties' self-interested agendas and negative influences. Nevertheless, it would be idealistic to expect the MDB to separate itself from the political environment within which it works, especially since the demarcation authority has to work with political institutions – political parties, municipalities, provincial governments, national departments – and a heterogeneous civil society. Given this context,

how can we ensure that the MDB works optimally and makes decisions objectively? It is also important to explore how the MDB's processes might be better aligned with developmental imperatives.

The case of Sedibeng also highlights the need for strengthening and revising demarcation-related legislation. The MDB has already begun the process of lobbying Parliament for a revision of demarcation laws. While it is unclear whether this will yield desirable outcomes for the MDB and other entities involved, it is a step in the right direction as it may result in more robust demarcation laws that are less open to interpretation, thus leaving little room for political opportunism.

In the Sedibeng Growth and Development Strategy and Integrated Development Plan, there is no mention of citizen participation in the recategorisation processes (Sedibeng District Municipality, 2012, 2015), although both documents contain chapters outlining how the metropolitan form of governance will be arrived at in Sedibeng. This suggests that such decisions may already have been predetermined and, should participation happen, the powers that be will only be paying lip service to it. There may thus be a need for the MDB and the municipalities involved to thoroughly consult with affected communities. However, as the MDB operates in a context of finite resources – especially limited funds – community participation and consultative processes may be a difficult task to operationalise. Proponents of the merger and metro may need to provide financial support for the MDB's stakeholder consultation processes.



Photograph by Simphiwe Nkwali/*Sunday Times*

Appendix A: Interview schedule

Respondent	Role	Organisation represented	Date interviewed
R1	Former Midvaal official (former building and land use inspector)	Midvaal Local Municipality	2017
R2	Former MDB chairperson (2014–2018)	Municipal Demarcation Board	2017
R3	MDB GIS specialists	Municipal Demarcation Board	2017

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