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EVALUATING THE PUBLIC PARTICIPATION AND CONSULTATION PRIOR TO DEMARCATION AND AMALGAMATION OF MUNICIPALITIES

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ABSTRACT

After the fall of apartheid, the new democratic government came into existence with three spheres of government. The Constitution of the Republic of South Africa (1996) prescribes that municipalities must be established throughout the Republic. The objectives of local government are provided in the Constitution and municipalities must strive to achieve those objectives. In 1998 the government drafted a White Paper on Local Government, which clarified a term 'Developmental Local Government. As described in the White Paper, Developmental Local Government is a local government committed to working with locals and groups within the society to discover sustainable ways to meet their social, economic, and material needs and improve the quality of their lives. After twenty-one years of democracy in South Africa, the municipalities have encountered problems in delivering services in South Africa. These problems are manifested by past protests of service delivery, where some protests were peaceful, and others were violent. The fact is that the locals are not satisfied by performance of municipalities in this country. It is against this backdrop of service delivery protests that this paper reveals that the local government is still in the process of achieving developmental local government. However, people have waited long than they have anticipated. Local government has functions to perform and powers to exercise in terms of the Constitution and legislation. However, these functions and powers are not absolute, the senior governments have been empowered by the Constitution to see to the effective performance by municipalities of their functions. All provinces have suffered service delivery protests and most of the service delivery protests were violent in nature. Therefore, this paper analyses the level of public participation and consultation by governing in South Africa. It is clear from our Constitution that the local government must be developmental, and this is backed up by local government legislation. However, in the process of achieving developmental local government, municipalities are facing number of challenges which hinder them to be developmental. This paper analyses the main persisting challenges of achieving developmental local government in South Africa.

Keywords: Public Participation, Consultation, Demarcation, Matatiele Local Municipality.