



**Address by the South African Local Government Association  
(SALGA) President, Cllr Parks Tau, at the Local Government Week,  
Parliament, Cape Town**

*'Theme:- Land Use: Towards Integrated Spatial Planning'*

08 May 2018

Session director, Hon. Dikgale,  
Minister of CoGTA, Dr. Zweli Mkhize,  
Chairperson of the NCOP, Hon. Thandi Modise,  
Ministers and Deputy Ministers,  
Distinguished guests, and  
Ladies and gentlemen:

**Introduction**

It is a distinct honour to address this august assembly to give our input, as the South African Local Government Association (SALGA), on the theme of *Land Use and Integrated Spatial Planning*.

Honourable Chairperson, the National Council of Provinces (NCOP) as a pinnacle in our cooperative governance system, is the only institution in South Africa's constitutional construct that plays an integrative role of bringing representatives of the three spheres of government together under one roof within the legislative sector.

This week is one of the key mechanisms established by the NCOP to dedicate time to focus exclusively on local government. It is set aside to engender the principles of co-operative governance and intergovernmental relations in dealing with matters affecting the local sphere of government.

We hope that the discussions of the next three days will provide an opportunity to propose lasting, practical and sustainable solutions.

We trust that this platform, offered by the NCOP, will also offer a platform to mobilise all the three spheres of government to plan together, implement jointly, and monitor in harmony the urgent matter of land use management and spatial planning.

The question of land is an important issue which underlines the struggle against colonialism and apartheid. Similarly, twenty-four (24) years after the ushering of political freedom, the land question remains a critical matter in defining the struggle for economic and social justice. At the same time, we cannot ignore the fact that this issue has become an emotive and polarising issue as we battle to address the consequences of, among others, the epochal Native Land Act No. 27 of 1913.

Why is the land use and spatial planning important?

To underscore its centrality in the struggle against apartheid, and in the fight for democracy, the retired Deputy Chief Justice of the Constitutional Court, Dikgang Moseneke, counsels, “the fact is that we have land inequity and land injustice in this country, and we have to look it in the face and find practical steps to make sure that there is a greater spread, access and use of land in a sensible and smart way”.

But land matters beyond utilitarian and existential ends. This is because for the majority of our citizens and communities, again quoting the former Deputy Chief Justice, “Land is very spiritual. It is in land that we bury our people, we connect and speak to our ancestors”.

For us at the local government sphere, which is a coalface of basic service delivery and realising public goods, land use and spatial planning literally defines our mandate and *raison d'être*.

As such, as SALGA we welcome public, legal and parliamentary discussions on linking the spatial transformation agenda with tangible empowerment of municipalities to comprehensively address challenges of development, access and opportunities to services, urban inclusivity, and better resource allocation.

Ladies and gentlemen,

### **Contextualisation of land use and spatial planning**

Without the land, we cannot do reasonable justice to the theme at hand if we do not contextualise what we mean by land usage and spatial planning.

Land is a tradeable asset that has economic and commercial value. It is a commodity that can be marshalled by the state and in the market for both inclusion and exclusion.

The social engineering project of apartheid was based on leveraging land use, for some, while denying wealth generation through land use or production, for many. In the democratic dispensation, our task hinges on reversing racialised land allocation at the same time as we deal with emergent spatial class divisions.

The post-1994 dispensation has taught us that it is no longer tenable to deal with provision of land and tenure of security by dependence on pure market principles as the economist, Thomas Piketty highlights in his book *Capital in the Twenty-First Century* (2014). Rather, targeted state intervention is necessary, and unavoidable, if

we are to address policy flaws and persistent unequal spatial patterns in our cities, towns and informal settlements.

The linkage between spatial mismatch and spatial justice cannot be denied.

Therefore, inclusive spatial planning or transformation talks about, greater inclusion of groups to redress apartheid segregation, equitable resource flows in basic services. The role of local government in actualising these common goods is seminal if it is premised on planning efficiency and fiscal equity.

As SALGA, it is with this in mind that we welcome policy discussions and strategic interventions meant to deal, catholically, with spatial mismatch and spatial equity that manifests itself in, for example, urban sprawl, disproportionate services provision, disintegrated transport systems, densified semi-urban settlements.

As we all know what is meant by the 'spatial mismatch hypothesis', it simply refers to what the Socio-Economic Rights Institute of South Africa (SERI) calls the poverty-periphery trap that says, "living on the periphery leads to poverty, while poverty ensures living on the periphery."

SALGA endorses the principles of spatial planning transformation enshrined in the Spatial Planning and Land Use Management Act No. 16 of 2013 or, in short SPLUMA.

Fellow South Africans,

### **Spatial Planning and Land Use Management Act (SPLUMA)**

As you are fully aware, SPLUMA is a most critical legal intervention needed to undo, reverse and transcend apartheid spatial patterns and promote efficient planning and land use management.

In fact, spatial justice is a cardinal pillar of SPLUMA as underlined in the section stipulating that "spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation".

Such a policy framework intervention synchronises with other legislation frameworks, such as the National Development Plan (NDP) and the Integrated Urban Development Framework, which CoGTA is leading in, with other social partners, in its conceptualisation, implementation and monitoring.

It must be remembered that these policy frameworks – namely the National Development Plan (NDP), the Integrated Urban Development Framework (IUDF) and SPLUMA – are strategic responses to resolve the land question and spatial injustices

One hopes that the implementation of these strategic interventions and related legislations would be efficiently harmonised in all the three spheres of government, and more so, at local government level - since that is the engine of basic service delivery.

However, at the same time, it needs to be recalled that SPLUMA is not solely the responsibility of local government to implement and monitor. As we have explained on several occasions, the local government sphere does not have overriding control and jurisdiction over land under its authority. Instead, this power and control resides in either the provincial, national, state-owned enterprises or the private sector.

Distinguished guests and friends,

### **Land Use Management**

Land use and equitable spatial planning is a bread-and-butter matter. It has material significance for all of our people irrespective of race, class, geography or ideological orientation. It is precisely a polarising issue because it is a sensitive and painful subject. The negative effects of its inequitable implementation are witnessed in skewed spatial patterns, inequitable service delivery provisions, unbalanced rate payment systems, and in innumerable service delivery protests - plus land invasions.

The justified anger and frustration felt by largely the urban poor and marginalised communities, not only places pressure on our limited local government resources, but also imply that land policy frameworks have to be converted into tangible outcomes that make a difference in the lives of citizens and communities.

Nevertheless, as we emphasised in our response to the President's 2018 State of the Nation Address (SONA), land use and spatial justice is more than about land redistribution, restitution and redress. As politically legitimate these historical interventions are in 2018, up to 82% of land claims are concentrated in cities.

In other words, addressing historical injustice from, primarily, racialised land redistribution that turned the majority population into aliens from their birthright or interlopers in their own land, what will be required are sustainable and lasting solutions to address poverty, unemployment and inequality.

There are benchmarks and instrumental tools we can use and apply in the local environment, such as those conceptualised by the Global Land Tool Network. These tools include the following:

- access to land and tenure of security that involves family and group rights, enumerations for tenure security, deeds or titles;

- land management and planning which entails, among others, citywide slum upgrading, regional land use planning;
- land administrations and information whose focus is on, for example, modernising of agencies budget approach; and
- land-based financing that encapsulates land tax for financial and land management.

Moreover, land use management and spatial justice is about spatial alignment. What is meant by this over-used, but little-defined concept of ‘spatial alignment’? Given the diminishing state resources and other macro-challenges such as super-urbanisation and unchecked inter and intra-migration patterns, spatial alignment in the three spheres of government should, ideally, speak to better coordination of government interventions and programmes.

It should speak to efficient municipal implementation of Spatial Development Frameworks (SDFs) and Integrated Development Plans (IDPs). It should speak to rationalisation of checks and balances. It should speak to maximising local area advantages; involving civic society and the private sector, or public-private partnerships - following the line of march from the 2018 SONA to renew and revitalise our various governance and delivery mandates.

At another level, discoursing on land use and spatial justice is not about reinventing the wheel, but should remind us of lessons from our pre-colonial past. In our deliberations on refined concepts and phrases such as ‘transit-oriented development’ (TOD) and an inclusive urbanism paradigm, there are lessons we can learn from our history on how to deal with problems accruing from super-urbanisation, aggressive migration and housing backlogs.

As the historian Professor Nomalanga Mkhize advises in a recent Urban Land Dialogue, which was convened by the South African Cities Network, “decolonising the city in part means valuing lessons from our African urban past”. This is such as offered by the decline and eventual fall of the Mapungubwe state-kingdom. This state-kingdom collapsed because the rulers and bureaucratic administrators did not sufficiently reckon with the phenomenon called ‘complexity’ and ecosystem challenges.

## **Fiscal Transformation**

SALGA continues to advocate for an equitable fiscal dispensation that is considerate of the assigned mandate and the many responsibilities undertaken by local government. The, as yet, unresolved issue of Powers and Functions continues to frustrate municipalities as it is upon its resolution that issues of the fiscal framework,

the unfunded mandates and the revenue instruments of municipalities, particularly the districts, could be resolved.

We argue that the slashing of R 3, 5 billion municipal infrastructure grants in the medium-term will have a knock-on effect on regional economic development. This is most concerning and frustrating as it is upon infrastructure that our economic turn-around depends. We do need to find urgent alternative interventions in this area so that we don't undermine economic turn-around through unwisely measures in dealing with grants underspending.

Most concerning is also the sufficiency of the two main trading services – electricity and water. Can these two trading services still provide surplus funds for municipalities? If not, what then are the other sources of revenue from which municipalities can cross subsidize other services?

We take into consideration the impact of increases in bulk tariffs of these two services over the past ten (10) years, and how renewable energy and droughts have affected the ability of municipalities to generate surpluses from these services.

SALGA will continue to advocate for effective approaches to debt reduction in the local sphere. We, therefore propose the following:

- A Bill on the write-off of household debts to municipalities;
- Amendments of the Tax Administration Act to allow for access of non-financial data to improve municipal billing and the proposal of payment of municipal debts before tax refunds are made;
- The amendments in the Municipal Systems Act schedule 10 to extend its provisions to all employees and Public Office Bearers benefiting from the fiscus;
- A study on the Financial and Fiscal Repercussions of Eskom's Role in the Electricity Distribution Industry on Local Government.

## **Conclusion**

There is little doubt that what is needed is political will to empower and capacitate the sphere of local government more. We are entrusted to deal and address complex service delivery demands, but as of yet, these issues require a more harmonious coordination and collaboration with both provincial and national governments in functions that local government can more achieve and realise.

With these few words, I look forward to engaging with you in discussions of the next three days.

I thank you.