
BOOK REVIEW

Bernard Bekink's Principles of South African Local Government Law*

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Bernard Bekink's Principles of South African Local Government Law*

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Modern times see an increased emphasis on the importance of sound governance in and by the local sphere of government. This holds particularly true for South Africa where, since the coming into effect of the *Constitution of the Republic of South Africa* 1996,² a number of objectives, critical functions and developmental duties have been laid before the door of local authorities. A comprehensive resource book on domestic local government law in South Africa has, therefore, been long-awaited. In his reference and source book entitled *Principles of South African Local Government Law*, Bernard Bekink makes a significant contribution to local government law and governance in South Africa.

The book succeeds in its aim carefully to explain in layman's terms the current legal dispensation for local governments and the subsequent changes in local government administration. Apart from elaborating on the history of local government, the origin of urban development, the process of local government transformation and restructuring as well as the post-constitutional composition of local authorities, the book addresses a number of issues that are currently key in local government administration. These issues include, amongst others, the status, objects, challenges and developmental duties of local authorities; the legal nature and general rights and duties of local government institutions; co-operative governance; the role and importance of traditional leadership in local government affairs; the powers and functions of local authorities;

* Bekink B *Principles of South African Local Government Law* (LexisNexis Butterworths Durban 2006).

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1 *Constitution of the Republic of South Africa*, 1996.

performance management; municipal services and service delivery; accountability and public participation; municipal finance and municipal fiscal management; and some basic legal matters related to local government structures.

Together with a discussion of all possible constitutional provisions that may be relevant for local governance, the author makes comprehensive use particularly of the *Local Government: Municipal Systems Act 32 of 2000*, and the *Local Government: Municipal Finance Management Act 56 of 2003* to underpin relevant and current local government affairs. Parts of the book also devote itself to valuable discussions of the *Local Government: Municipal Structures Act 117 of 1998* and the *Local Government: Municipal Demarcation Act 27 of 1998*. Useful reference is, furthermore, made throughout the book to case law concerning local government, the writings of various authorities and other laws and policies.³

The author does not provide a mere systematic overview of issues and ideas within the existing framework of local government law. He also shares some of his critical observations and views that render *Principles of South African Local Government Law* as an important point of departure for further thought and discourse. In light of this positive attribution, one would have liked to see included in the book a more comprehensive discussion on matters such as the position and role of local government in fulfilling socio-economic rights, such as the right to an environment that is not harmful to health or well-being⁴ as well as the role of local government in fulfilling government's duties in terms of international law instruments, such as Agenda 21 and specifically, Local Agenda 21. To prolong the potential impact of this work, the author could

3 Eg the *Cross-Boundary Municipalities Act 29 of 2000*; *Municipal Electoral Act 27 of 2000*; *Municipal Property Rates Act 6 of 2004*; *Transition Act 209 of 1993*; and *Local Government Laws Amendment Act 51 of 2002*. For further product details see LexisNexis Online Bookstore at <http://ebiz.lexisnexis.co.za/bws/redirect.jsp?isbn=0409050091>.

4 S 24 of the Constitution.

perhaps also have proposed more detailed solutions to the challenges that face local governments as identified in, amongst others, chapter 6 of the book.

Bekink himself states that local government law in the co-operative governance framework is one of the disciplines of law marked with significant uncertainty and various challenges. Local government law is, therefore, expected still to undergo extensive reform and development. The author must, however, be commended for having established a solid foundation from which government officials, students, academics and other practitioners may depart in the aim to not only comprehend the legal *status quo*, but also to contribute to future local government law reform and development in South Africa. In the final instance, it is hoped that the author will strongly consider frequent updates of this work in order for it to remain a practical source of reference.