



# SCHOOL OF SOCIAL SCIENCES

**Discipline:**            *Anthropology*

**A COMPARATIVE ANALYSES: CONTESTATION OF TWO  
SYSTEMS OF POLITICAL REPRESENTATION:  
ISIPHAKANYISWA AND NGCOLOSI TRADITIONAL  
COMMUNITIES**

**Submitted in fulfilment of the requirement for a PhD (Anthropology), in the  
College of Humanities, School of Social Sciences at the University of KwaZulu-  
Natal, Howard Campus**

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**May 2015**

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Signatures: \_\_\_\_\_

\_\_\_\_\_

## **DECLARATION ON PLAGIARISM**

I Mlungisi Ngubane declare that, the research reported in this thesis, except where otherwise indicated is my original research. This thesis has not been submitted for any degree or examination at any other university. This thesis does not contain other person's data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons. This thesis does not contain other person's writing unless specifically acknowledged as being sourced from other researchers. The Thesis has been put through TURNITIN software.

Signed \_\_\_\_\_

Date: \_\_\_\_\_

M. Ngubane

## **DEDICATION**

**To my late parents, Aaron Mbeswa and Gertrude Zodwa Ngubane for their  
motivation and the expenses they incurred to make me a better person.**

***May God raise them during His Son's Return to us Home***

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## ABSTRACT

Governance requires the support of different ‘categories’ of stakeholders. One such ‘category’ is comprised by the traditional leaders, who are potentially significant players in the implementation of governmental policies and services, within the contemporary democratic South Africa. As such, they represent a community that is potentially able to contribute to the shape and the implementation of the government’s policies and service plans within their local communities.

Their possible role, however, has continued to be limited by both, certain sectors of the government as well as the public. This ‘limitation’ comes in the form of challenge on the capability of traditional leaders in conducting policy implementation within a democratic system and on the legitimacy of the leaders, especially the non-elected traditional leaders – *isiPhakanyiswa*, regarding tradition leaders and the system as mundane, “old fashioned”, and archaic, thus meant to be done away with the relics of the past society. Local communities also tend to question the legitimacy of the traditional leaders. Thus, two is contesting views are created based on the ability of traditional leaders or institutions to contribute to the promotion of good governance and the role of the government and its personnel in carrying out its services.

This study explores this contestation by showing the role played by traditional leaders, both elected and non-elected, in contributing and promoting the government’s services in their local communities, probing the embedded assumptions about their inability to play such a role in a democratic society. The study looked at two local government areas, Ngcolosi and Kholwa - Ntumeni in eThekweni Municipality and uThungulu District Municipality, who have elected and non-elected traditional leaders, respectively.

# TABLE OF CONTENTS

	PAGE
DECLARATION ON PLAGIARISM.....	ii
DEDICATION.....	iii
ACKNOWLEDGEMENTS.....	iv
ABSTRACT .....	v
TABLE OF CONTENTS.....	vi
CHAPTER ONE.....	1
Introduction and Literature Review .....	1
1.1 Introduction .....	1
1.2 Traditional Leadership in Pre-Colonial South Africa.....	2
1.3 Traditional Leadership during Colonialism.....	6
1.4 Traditional Leadership during Apartheid .....	9
1.5 Post-apartheid Traditional Leadership.....	12
1.6 The merging of Modern and Traditional political systems .....	17
1.7 Background and Rationale of the Present Study .....	24
1.8 Research Problems: Key Questions that the Study Asks .....	29
1.9 Research Problems: Broader Issues Investigated .....	30
2.6 Structure of the Dissertation .....	32
.....	Error! Bookmark not defined.



<b>CHAPTER TWO.....</b>	<b>34</b>
<b>Research Methodologies and Theoretical Frameworks .....</b>	<b>34</b>
2.1 Introduction .....	34
2.2 Research Design and Methods of Data Collection .....	35
2.2.1 Research site .....	36
2.2.2 Sampling and sample selection techniques .....	41
2.2.3 Data collection .....	41
2.2.4 Data processing and analysis .....	44
2.3 Ethical Considerations .....	45
2.4 Study Limitations .....	46
2.5 Principal Theories, Models and Frameworks .....	49
2.5.1 Theory of Practice .....	49
2.5.2 Social Constructivism .....	50
2.5.2 Social Identity Theory.....	51
<b>CHAPTER THREE .....</b>	<b>54</b>
<b>The <i>iNkosi</i>: Leading Based on Inheritance .....</b>	<b>56</b>
3.1 Introduction .....	56
3.2 Historical Perspective .....	56
3.3 Historical background of Ngcolosi Traditional Community .....	64

3.4 Rural Community Development.....	66
3.5 Contemporary Relevance of the iNkosi.....	72
3.6 Conclusion.....	89
<b>CHAPTER FOUR.....</b>	<b>90</b>
<b>The <i>isiPhakanyiswa</i>: A Traditional and Political Head .....</b>	<b>90</b>
4.1 Introduction .....	90
4.2 Historical background of Kholweni- Ntumeni Community .....	91
4.3 The Legal Recognition of iziPhakanyiswa Traditional Leadership .....	94
4.4 Impact of <i>IziPhakanyiswa</i> and their roles.....	100
4.5 Conclusion.....	112
<b>CHAPTER FIVE.....</b>	<b>114</b>
<b>Traditional Leaders as Vehicles of Development .....</b>	<b>115</b>
5.1 Introduction .....	115
5.2 Traditional Leadership and shifting of power .....	116
5.3 Models of institutional co-operation.....	127
5.3.1 A diagram illustration of the model (Lutz and Linder, 2004:31) .....	130
5.3.2 Diagram illustration of the model (Lutz and Linder, 2004).....	131
5.4 Local and Provincial Houses of Traditional Leaders .....	132
5.4.1 Table 1: UTHUNGULU DISTRICT MUNICIPALITY LOCAL HOUSE OF TRADITIONAL LEADERS .....	135

5.4.2 Table 2: ETHEKWINI MUNICIPALITY LOCAL HOUSE OF TRADITIONAL LEADERS.....	137
5.5 eThekwin Municipality's coalition for rural development- case of KwaNgcolosi community .....	143
5.5.1 Table 3 .....	<b>Error! Bookmark not defined.</b>
5.6 Conclusion .....	148
<b>CHAPTER SIX.....</b>	<b>149</b>
<b>Challenges in Supporting Government's Service Delivery .....</b>	<b>149</b>
6.1 Introduction .....	149
6.2 Traditional Authorities and Local Governance .....	150
6.3 Negative Public perception.....	161
6.3.1 Segregation of the two types of leaders .....	163
6.4 Lack of Public participation .....	165
6.5 Lack of Resources .....	170
<b>CHAPTER SEVEN</b>	
<b>Lessons for South African Traditional Leadership of other Societies .....</b>	<b>174</b>
7.1 Introduction .....	161
7.2 The role of women: The Ghananian Approach .....	161
7.3 Traditional Leadership in Karnataka .....	162
7.4 Traditional Leadership in Pakistan Punjab .....	164
7.5 Is traditional council a solution or a problem to South Africa's service delivery	

crisis? .....	166
7.6 Women traditional leaders: customs and traditions compromised .....	175
7.7 Makhadzi's in the Bavenda traditional leadership .....	184
7.8 The lessons for South African Traditional System .....	189
7.9 Conclusion .....	190

## **CHAPTER EIGHT**

The misguidance in the agitation for co-operative governance .....	191
8.1 Introduction .....	191
8.2 The democratic pragmatists approach .....	192
8.3 The organic democratic approach .....	199
8.4 The blurring lines .....	203
8.5 Reaching towards a new approach .....	207
8.6 Conclusion .....	212

## **CHAPTER NINE**

Conclusion .....	214
9.1 Introduction .....	214
9.2 Review of literature .....	215

9.3 Synopsis of chapters .....	218
9.3.1 Chapter one .....	219
9.3.2 Chapter two .....	222
9.3.3 Chapter three .....	223
9.3.4 Chapter four .....	224
9.3.5 Chapter five .....	225
9.3.6 Chapter six .....	226
9.3.7 Chapter seven .....	227
9.3.8 Chapter eight .....	227
9.3.9 Chapter nine .....	228
9.3.9.1 Recommendations .....	233
9.3.9.1.1 Structured Authority .....	233
9.3.9.1.2 Access to information .....	234
9.3.9.1.3 Promotion of Accountability .....	235

## **10 . BIBLIOGRAPHY**

### 10.1 Books

### 10.2 Journals and periodicals

10.3 Legislation

10.4 Official documents and reports

10.5 Dissertations and thesis

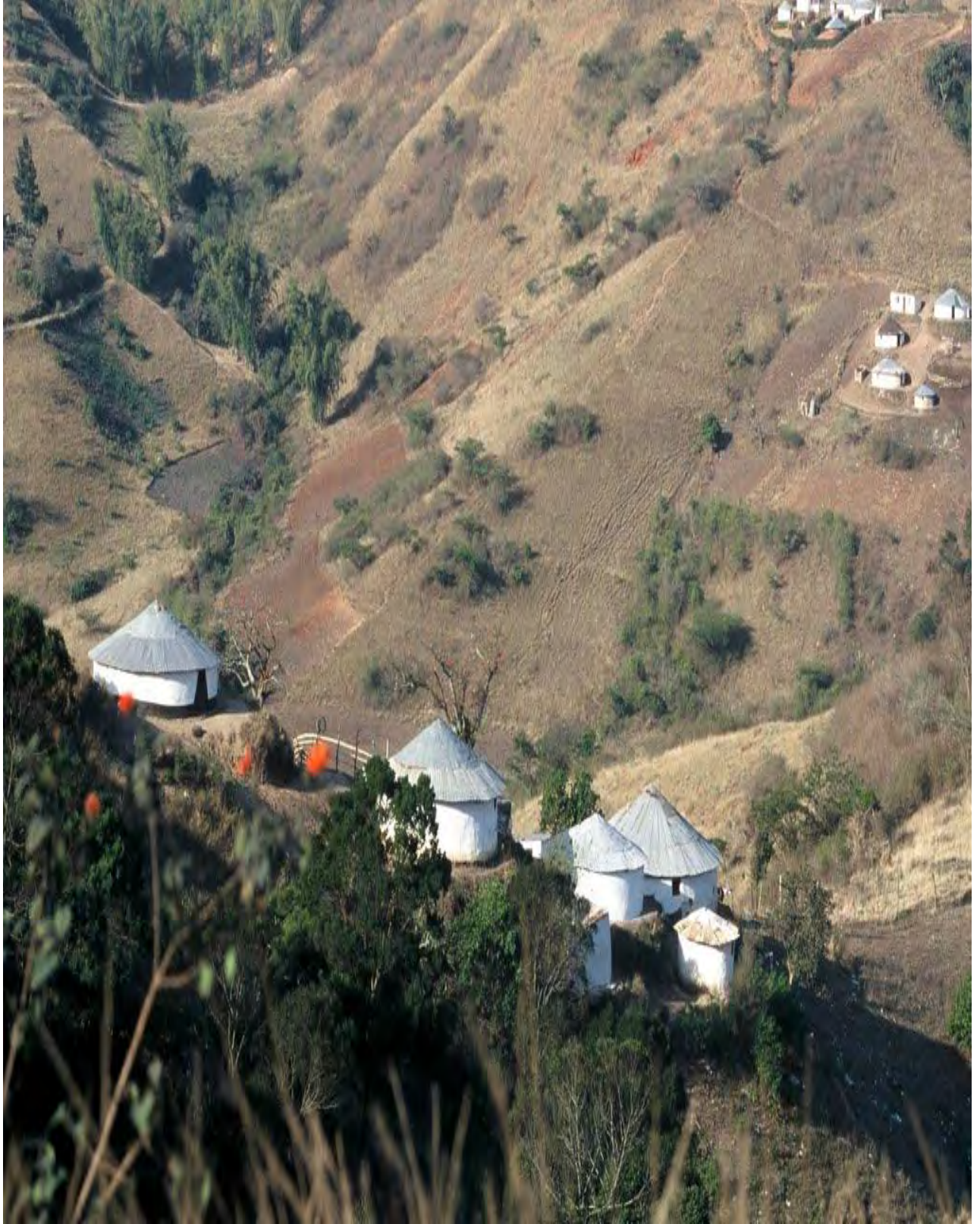
10.6 Conference papers

10.7 Internet sources

10. 8 Newspaper clippings

## **11. APPENDICES**

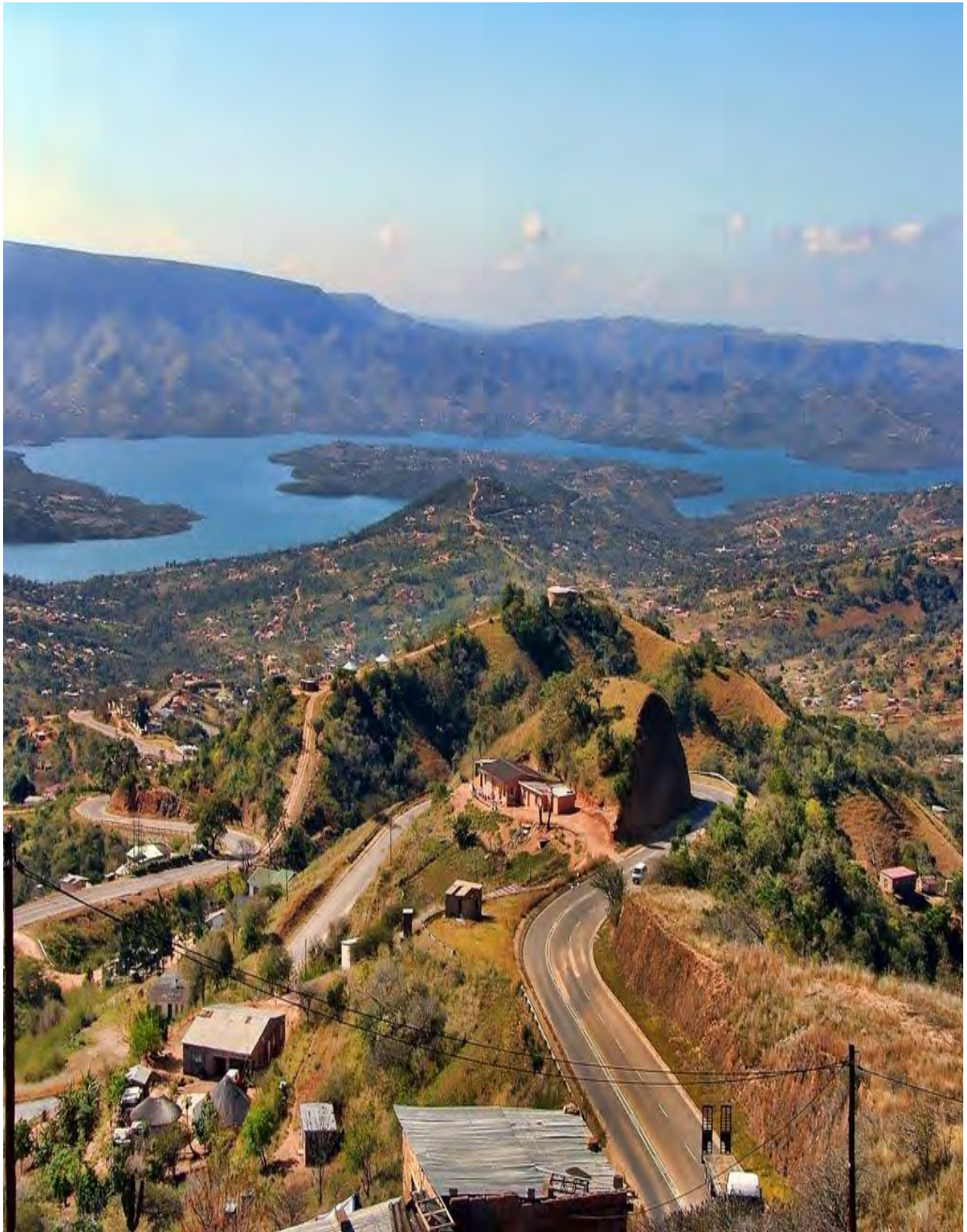




## **KwaNgcolosi**

~ xiv ~





**KwaNgcolosi Main Road –**



**Kholweni –  
Ntumeni Homestead**

~ xvi ~





## **Kholweni –Ntumeni Resident**

**\*(Informant-consent given for use of image)**





## **Kholweni – Ntumeni Children Playing**

**\*(Parental consent given for use of image)**

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**KwaNgcolosi –**

**\*(Informant-consent given for use of image)**

~ xix ~

# CHAPTER ONE

## Introduction and Literature Review

### 1.1 Introduction

In “Traditional Leaders in Modern Africa: Can Democracy and the Chief Co-Exist?” (2008

1) Logan, asks;

*Are Africa’s traditional chiefs and elders the true representatives of their people, accessible, respected, and legitimate, and therefore still essential to politics on the continent, and especially to the building of democracies? Or is traditional authority a gerontocratic, chauvinistic, authoritarian and increasingly irrelevant form of rule that is antithetical to democracy?*

This chapter explores the historical background of South Africa’s political system and how it evolved to its current democratic state. The chapter takes a retrospective look through the country’s pre-colonial, colonial/apartheid, and post-apartheid eras/periods to show how the country’s political system has evolved and to show the dynamism that has been at play in the country’s political system, its organization and the delivery of its services (within the context of the areas of Ngcolosi and Ntumeni). Exploring these periods and the manner of service delivery of each system especially in the communities mentioned will reveal the possible gap/s that can be filled by traditional leaders.

In this study, the two systems of traditional leadership, that is, iNkosi and isiPhakanyiswa<sup>1</sup>, practiced in the areas of Ngcolosi and Ntumeni respectively will be used as case studies.

## 1.2 Traditional Leadership in Pre-Colonial South Africa

South African communities in the pre-colonial era were formed and led by clan heads. In most cases these leaders had a ‘military’ background which was the positive attribute in terms of commanding respect and authority within and amongst the community. According to Arhin, the clan leader was an individual that might have delivered his people from slavery or was able to find them a land to settle on (Arhin, 2001). This was later transformed into the institution of traditional leadership with ‘proper’ governing structures instead of a single dominant clan head. This form of governance, for many years, was accepted by people as the appropriate system until the arrival of a new system which came with the colonial era (see Rugege, 2009; Vilakazi, 2003 and Sharma, 2003; Reddy and Mkaza, 2007).

Over the years, there have been different and competing/contesting assertions as to what ‘governance’ means and what it entails. One of such views states that governance is the steering of the political affairs of a society by a representative body (see Mayntz 2003: 28). Knill and Lehmkuhl (2002), however, assert that governance is not only to be confined to “the political guidance and steering actions of governments - *politische Steuerung*, but also “covers corresponding activities by societal actors” (43). Thus, the government is seen to have an incumbent responsibility to its society that requires such a government to be embedded with what is known as ‘governance capacity’. This position was

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<sup>1</sup> The term isiPhakanyiswa is singular while iziPhakanyiswa is the plural form.

also supported by Mayntz (2003) when he asserted that of recent, governance is not only about steering, rather, it is a co-operative venture “where state and actors participate in mixed public/private networks” (23). ‘*Governance capacity*’, as such, has been defined as “the formal and factual capability of public or private actors to define the content of public goods and to shape the social, economic, and political processes by which these goods are provided” (Knill and Lehmkuhl 2002: 43).

Traditional leaders during this period, labelled in the literature as the ‘pre-colonial era’, were tasked with enacting justice and engendering stability by settling disputes amongst community members, allocating lands, leading war fares, the collection of taxes, and organizing community and festive activities (Sakyi, 2003). They had political, social, welfare and economic power and responsibilities. As stated by Krige (1974: 218), during the pre-colonial era, traditional leaders had the privilege of (seemingly) unlimited and (seemingly) undefined power over communities. The taxes and other valuables collected by or given to the traditional leaders were in turn used for the upkeep of the leaders’ family, his ‘army’ and also for community projects such as community meeting squares, purchase of community lands from other communities or weaponry (see Krige 1974: 220). In a relatively recent Gooloba-Mutebi (2007), for instance, showed how the traditional leader of the Buganda people of Uganda, conducted works, constructed palaces and built roads for its people.

The institution of traditional leadership of the pre-colonial period has thus been arguable regarded as the ‘local government’ that allowed the participation of communities in governance through the public gatherings/*izimbizo* (Molotlegi 2006). In these public gatherings important decisions were taken. The institution of traditional leadership was thus, according to this view, seen as an institution that embodied people’s history, customs and traditions.



This institution is currently (and for the past two decades or so) *re-demanding* its legitimacy. However, scholars such as Thornton (2003) the institution of traditional leadership cannot claim legitimacy and indeed has no legitimate authority. Thus the institution's to claim legitimacy has been and continues to be contested by segments of people in the local communities, and perhaps this is what scholars such as Thornton allude to when claiming that '*the institution of traditional leadership cannot claim legitimacy*'.

Furthermore, the institution of traditional leadership in the pre-colonial had also to contend with its own challenges. Krige's early study (1974) documents that it had to deal with what Krige notes as 'power struggles' as opposed to the issues of roles and responsibilities. Krige notes that there were conflicts and wars for the control of the land and people; succession disputes, characterised by war and forceful removal of leaders (by those who sought power and for the extension of community territories). The pre-Shakan period leading to King Shaka's usurping of power was the period marred with wars due to the forceful expansion of territories. King Shaka in his quest for absolute control of the land and its people went on a rampage to incorporate smaller clans into what later became the powerful Zulu nation. Some smaller clans fled away from King Shaka to establish themselves as kingdoms (see Krige 1974: 260). People such as King Moshoesheo of the Basotho people fled to the mountains to establish his kingdom known as Lesotho today. King Mzilikazi left with his group of people to settle in kwaBulawayo Zimbabwe. The institution of traditional leadership was thus in some instances also relatively unstable in the pre-colonial period<sup>2</sup>. It is, however, against this background that the institution of traditional leadership and leaders came to be formed or so called 'formalised', and which continues to exist.

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<sup>2</sup>Unpopular decisions often led to uprisings and killings. King Shaka's brothers conspired to oust him because he was not democratic and had occupied himself with fighting instead of providing for his people. He had not been elected by his family but had gained power through the killing of his half-brother Sigujana.

Thus historically, a traditional leader was meant to be seen by the people as the custodian of their land, customs and traditions. Although there were of course exceptions, largely the leaders enjoyed the support of their people. African people had not known or experienced a different form of governance other than the institution of traditional leadership (see Krige, 1974).

However, successive imperial and colonial regimes developed policies and created structures aimed at dismantling the traditional leadership institution. These regimes, however, appear to have failed to completely destroy the social organizational structures of the traditional leadership. Although contested by scholars and lay alike, the institution continued to exist and operate within its original area of jurisdiction and continued to subscribe to embedded cultural norms and traditions. Traditional communities continued to vest (where it existed) the institution of traditional leadership with ‘absolute’ powers. In consultation with people through public gatherings, traditional leaders were able to perform their functions of providing for people. The institution had through various headmen and traditional policemen discharged responsibilities in a structured traditional government manner (Krige 1974: 218). These headmen were like the modern local government municipal councillors. In order to carry out some of his duties, a king appoint council members who assist him in discussing community issues and decision making, but most importantly, acted as “eyes and ears of the king” (Krige 1974: 220). There used to be a traditional prime minister, this person was close to the king and oversees all the operations of the institution. Some of these departments were headed by general headmen who were responsible for land allocation and the administration of justice. The military department on the other hand was headed by a headman who was in charge of the security and the groupings of regiments. The health and welfare of the community was taken over by the senior traditional doctor who also looked after the health of the traditional leader. This pre-colonial traditional local government existed into the colonial era and post-colonial

era with major interference and curtailed authority. According to Beknink (2006), the institution of traditional leadership was based on the principles of African system of transparency and accountability in traditional leadership. In this system, although a king has supreme powers, he makes decisions and policies in consultation with his council members and gives feedback to the people<sup>3</sup>.

### **1.3 Traditional Leadership during Colonialism**

The institution of traditional leadership in South Africa was heavily affected by the arrival of colonialists. Many changes were made to the institution-especially regarding communal land, customary law and pre-colonial structures of the institution. Numerous legislations were passed, which in the end worked against the ownership of certain properties such as land, by most South Africans.

The conquest of Africa by Colonial and European forces in the early twentieth century meant the beginning of the '*subordination*' of the institution of traditional leadership to the new 'colonial masters'. This 'subordination' of the institution had a negative impact on the pre-colonial African governmental system as it overlooked the power and authority that was previously enjoyed by traditional leaders. Powers and authority of traditional leadership were removed and those (previously powerful) kings were reduced to 'ordinary' traditional leaders (see Bekink, 2006; Ray, 2003). The king of the Zulu nation, for instance, was confined to a

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<sup>3</sup> That is not to say; however, that there were no instances of dictatorial leadership in some African societies. Krige (1974: 219) for instance, states how King Shaka Zulu rules with a strong fist and made sole decisions for the people even without consulting them at times.

small area of kwaNongoma and was no longer referred to as King but as the chief of oSuthu. This effectively meant that, the amaZulu people who were outside the boundaries of oSuthu were no longer his subjects, and he could not impose or collect levies and tributes from these people.

The institution of traditional leadership was in turn ‘transformed’ into becoming an *extension* of colonial rule. Aside from weakening the powers of traditional leaders, they were also used by the colonial government to enact its policy of indirect rule. As stated by Myers (2008: 1) “in the 1840s, British colonial rule in South African became ever increasingly dependent on indirect rule as a policy”. Through individuals like Sir Theophilus Shepstone, the British were able to control so called native affairs, especially in Natal Colony where indigenous customs were regarded in terms of chieftaincies. This recognition of chieftaincies, says Myers (2008: 1) was strategically planned with the hope that the chiefs’ subjects will obey their commands without critically questioning the intentions or real sources of such commands. Thus, the colonial authors were able to decide what goes on in the colony-*but through the chiefs*. As such, areas that were under traditional leadership were turned into labour reserves. Traditional leadership became the recruitment agencies of the colonial state. The Employment Bureau of Africa (TEBA) was established by colonial and apartheid regimes to recruit labour from areas which were under the traditional leadership government mostly in rural South Africa, Lesotho and Mozambique. These people through their traditional leaders were taken as migrant labourers to the mines in many parts of South Africa.

In its endeavours to destroy African traditional government, colonial regime removed and displaced many people from their land; this was aimed at weakening the relationship between traditional leadership and communities. Nieuwaal points out that effectively traditional leadership structures were destroyed and the institution of traditional leadership assumed the

colonial master's responsibilities and was oppressive to African people (see Nieuwaal, 1996). Colonial regimes assigned the institution of traditional leadership the administrative responsibilities and co-opted them in modern governance structures and politicizing the institution. Traditional leaders, instead of upholding the values of traditional leadership, became civil servants and were used to legitimize the colonial regime. As Myers reminds us, the regime strategically used the institution of traditional leadership to further its extension whilst rendering the institution irrelevant and in conflict with communities (Myers 2008: 2). This further alienated the traditional leadership from people; the institution was regarded as the custodian of the land, yet failed to protect the land or the people.

What was regarded as the “complex” administration of the state became the responsibility of the central colonial government, whilst the institution of traditional leadership was only responsible for issues pertaining traditions and customs (Bekink 2006). The institution of traditional leadership was assigned the bureaucratic role under the homelands system which was established to appoint and remove traditional leaders who were not willing to co-operate with the regime.

A host of studies (see Arhin, 2001; Harvey, 1996; Acquah, 2006) have shown that in Ghana for example, the Bond of 1844 was not signed by their traditional leadership institution. Rather, this important Act was signed by the British colonialists who ensured the incorporation of the traditional institution into the government in pursuance of its indirect rule policy of Africa. In South Africa, the Shepstone Policy of indirect rule was introduced. The policy created new boundaries and traditional leadership structures which did not exist in the pre-colonial era.

Indirect rule policy downgraded the institution of traditional leadership to second class governance institution and it had no total control over communities who in the pre-colonial were under its control. As a result, this policy of indirect rule, the institution of traditional

leadership became the surrogate of the colonial regimes. It was in this period, that South Africa was divided into four provinces namely, Cape Colony, Natal, Transvaal and Orange Free State. Each province had its own legislation dealing with the institution of traditional leadership<sup>4</sup>.

Alhassan (2010) states that the Black Authorities Act was the legislation that was passed to attend to the issues of the institution of traditional leadership and assigned powers to appoint, suspend and depose a traditional leader. The act further allowed for the creation of traditional authorities as supporting structure to the institution of traditional leadership, and gave the institution 'some powers' to preside over 'some limited' criminal and civil cases and exercise fines over people.

## **1.4 Traditional Leadership during Apartheid**

In order achieve its aim of subordinating the existing traditional leadership structure in South Africa, the apartheid regime introduced the South African Act of 1909. This act effectively placed the Governor General in control and administration of traditional affairs. According to Bank and Southall (1996) the Governor General undermined the legitimacy of the institution of traditional leadership; he had absolute power to appoint, dismiss and dissolve the institution of traditional leadership as he saw fit. Traditional leaders who were not '*complying*' or '*collaborating*' with the state were dismissed and replaced. Under the apartheid regime, the institution of traditional leadership was 'perverted' and customs and traditions were no longer used as bases for the appointed of traditional leaders. It was no longer based on customary

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<sup>4</sup>The province of KwaZulu-Natal is faced with an enormous task of resolving land disputes and traditional leadership disputes which are the results of Shepstone's Policy of indirect rule.

requirements; rather, it was about the individuals who were prepared to serve the regime (Rugege, 2009).

The institution of traditional leadership under the apartheid era was coerced into joining the regime's political structures. However, there were some resistance such as the formation of the Inkatha Cultural Movement was formed in 1975 by INkosi Mangosuthu Buthelezi in KwaZulu Homeland. This movement was the ruling party of the Bantustan government and members of its legislatures were traditional leaders from rural Zululand and peri-urban areas under the control of the homeland government. The Homeland leaders wanted to place themselves as the true representatives of African communities (Williams 2010). According to Khan and Lootvoet (2001), these political structures were used by the Nationalist regime to support the apartheid policy of divide and rule. Through the apartheid policy, the institution of traditional leadership was manipulated by the regime.

In 1927 the apartheid regime passed the Black Traditional Act of 1927, this Act became an instrument that was used by the regime to further dismantle the traditional system of governance and administration. The Act (1927) empowered the regime to have absolute control of the institution of traditional leadership and traditional affairs. The institution of traditional leadership was placed under the regime and white farm owners were given authority to supervise the institution.

In 1951 the Nationalist regime promulgated the Bantu Authorities Act of 1951. This Act (1951) was the main instrument used by the apartheid regime to create homelands which were to be led by traditional leaders who were supporting the apartheid regime. The institution of traditional leadership supported the apartheid regime's Bantu Authorities and its project of Bantustan (Koelble and LiPUMA 2011).

The institution of traditional leadership is seen by others as having benefited and fitted nicely into the visions of the apartheid regime which promoted separate development. The institution performed the role of an apartheid regime agent and as stated above, created political structures for Africans in the Bantustan reserves (Beall and Ngonyama, 2009; Kessel and Oomen, 1997; Khan and Lootvoet, 2001; IPT, 2006). The Black Authorities Act accorded the institution powers to issue permit for anyone that needed to go in search of a job or work in towns and cities which were reserved for whites. These permits were not given free of charge, especially to black African people. As such, anyone who could not afford the permits was not given. Debatable levies and fines were collected to support the projects and programs of the institution of traditional leadership. The institution was empowered by the Black Authorities Act and exploited free labour for their consumption. According to Koelble and LiPUMA (2011) the traditional institution of leadership abuse of power to benefit and enriching themselves brought about resentment from some community members. According to Kessel and Oomen, “During the apartheid era, chiefs were maligned as puppets of Bantustan rule”. In ANC related circles, it was widely assumed that chieftaincy would not survive in the post-apartheid era (Kessel and Oomen 1997).

Against this background there is a view that is shared by those opposing the institution of traditional leadership. The institution was strategically used by both the colonial and apartheid regimes to implement oppressive laws and policies. The institutions of traditional leadership were incorporated into the apartheid system of government and were used as conduits by the regime to implement its policies. By supporting the apartheid regime the institution of traditional leadership legitimized apartheid regime and its policies. In order to institutionalize the indirect rule policy, the regime had to manipulate the customs and traditions of communities through their traditional institutions (Mamdani 1996). The institution of traditional leadership



received emoluments like stipends from the regime on the basis of their positions (Palmary 2004). Such payments, however affected their credibility before their communities. The apartheid regime undermined the institutions accountability to its people and assigned limited powers of allocating the land and according to Khan and Lootvoet (2001), the institution was responsible for underdevelopment, yet, could not deliver services to its people.

### **1.5 Post-apartheid Traditional Leadership**

Whether to accommodate or not to accommodate the institution of traditional leadership? This was the question that the post-apartheid government had to contend with. According to Molotlegi (2006), the institution of traditional leadership's principles of public participation, consultation and consensus at public gatherings are not so different from those of the democratic local government. A democratically elected councillor usually addresses communities on developments and new developmental initiatives in many South African communities today. The role of the institution of traditional leadership is now subsumed by the municipal official and this has led to its legitimacy and relevance being contested by those who are against the institution. The institution of traditional leadership's role in the co-operative governance is not simple and is faced with challenges.

The African National Congress (ANC), which is the country's ruling party, gets into a state of internal war whenever the issue of traditional leadership is discussed. There are those within the organisation who advocate for the dismantling of the institution while others are in support of it. The institution was seen or is still seen by them as the product of colonial and apartheid policies. Traditional leadership was used by the apartheid regime to support the Bantustan policy and was fighting alongside the regime to wage a war against the mass democratic

movements that were held during apartheid. Another view in the ANC is that the institution of traditional leadership played a significant role in 1912 when the ANC was formed and not all traditional leaders collaborated with the regime. In recognizing the role of the institution of traditional leadership, the African National Congress established what was known as “the Upper House” for those traditional leaders who have joined the organization. Some of the traditional leaders played significant roles during the ANC’s 1952 election, which saw Chief Albert Luthuli ascending into the presidency of the party. Nonetheless, the survival of the institution was not guaranteed with the advent of a democratic dispensation in the country. However, it was noted that the institution was able to survive. Instead of the traditional leadership to be dismantled in the post –apartheid era, it strategically aligned itself with the structures of the new government. The strategy of shifting alliances has worked nicely for the survival of the institution. It had in the past formed alliances with the colonial and apartheid regimes. In the late 1980’s the institution began to shift and lean more towards the African National Congress, it viewed the ANC as the government in waiting. With the formation of the Congress of Traditional Leaders of South Africa (CONTRALESA) in 1987, traditional leadership began to embrace the liberation politics and development. According to Kessel and Oomen (1997), they were able to explain constitutional and other legal guarantees for the institution of traditional leadership and to ensure it was represented in the local, provincial and national spheres of governance. The ANC finds itself compelled to support the institution as it did not want to see the formation of new conservative structures that would have joined the homeland political structures.

The first democratic elections of 1994 saw the ANC winning sixty percent of voters; however, in KwaZulu-Natal the majority of the rural communities supported the Inkatha Freedom Party (IFP). These results strongly indicated that the country was divided between those who viewed

the institution of traditional leadership as an outdated institution with dictatorial tendencies and those that viewed the institution of traditional leadership as the structure that was built on true African democracy. The oligarchy composition of the traditional leadership structure and its exclusion of women and young men necessitated that it must be restructured to reflect the demographics of the community.

Various legislations aimed at attending to the issues of traditional leadership had to be enacted in the new democratic South Africa. Against the contestation and contention from various people, the institution of traditional leadership was retained in South Africa and received recognition and powers. Acts of parliaments like the 1993 Interim Constitution, 1996 Constitution, Traditional Leadership and Governance Framework Act of 2003, Municipal Systems Act and Municipal Structures Act of 1998 recognise the existence of the traditional leadership institution, whether sufficiently or not, it is debatable.

The institution of traditional leadership has been seen by people such as Tshehla (2005) as the institution that is still on the fringes of transformation. Chapter 12 of the constitution remained challenged as it fails to sufficiently define the powers and roles of the institution of traditional leadership. This chapter provides for the establishment of the Houses of Traditional Leaders at Local, Provincial and National levels. I would say arguable, the institution of traditional leadership is supposed to play an advisory role on traditions and customary matters. Despite the fact that the constitution is making such provision, the institution is not consulted by the government on matters of traditions and customs, a view that is often raised by the traditional leaders.

It is claimed that the constitution does not clearly state the roles and duties of the institution resulted in the crafting of Traditional Leadership and Governance Framework Act 41 of 2003 by the government. This was seen as an attempt by government to deal with issues of traditional

leadership. Traditional Leadership and Governance Framework (2003) make the provision for the protection and promotion of the institution of traditional leadership in accordance with the democratic principles of South Africa. In terms of act 41 (2003) section 5(1), partnerships between the municipalities and traditional leadership is to be promoted by national and provincial governments. Not recognised as the fourth sphere of government, traditional leadership is, according to section 20 (1), supposed to promote socio-economic development of its communities. In order to achieve such, traditional leaders are supposed to partner with the elected local government official. As for Chhiber (1997) local government see itself as the sole player in economic and social development of the communities. The institution of traditional leadership sees itself as being closer to communities and is able to exert greater influence which the elected municipalities cannot do (Beall, 2004). According to Beall (2004) the institution of traditional leadership is in a better position to provide governance based on the experienced it has gained over many years in governing rural communities.

The passing of the Municipal Structures Act of 1998 was another quest by the government to resolve what according to Williams (2010) was a power struggle between traditional leadership and elected municipal government over who should control people and land. The impasse according Williams (2010) was created by the 1996 Constitution for its failure to adequately address the roles and responsibilities of the institution of traditional leadership. In terms of the Municipal Structures Act of 1998, traditional leadership is allowed to participate in the municipal meetings but did not clarify their role other than that of participating in the implementation of the integrated development plans. This situation has resulted in the debate which this study is looking into, the contestation for space and legitimacy by these two systems of governance and representations.

As such, traditionalists or supporters of the institution of traditional leadership hold the view that the institution of traditional leadership has the significant role to play in the democratic dispensation. According to Sakyi (2003), the institution of traditional leadership was in good charge of the social, economic and political systems that were governing the traditional communities. To ensure safety and order in the society the institution has system to control social behaviour which is based on traditions and customary laws. The institution of traditional leadership was able to maintain order and stability and upheld democratic norms and standards of openness and accountability (Ansere 1993; Ayittey 1992; Keulder 1998 and Tangwa 1998). According to Makgoro (1994), though the institution of traditional leadership was not open to electoral system, it applied powers and authority through traditional councils which repudiate authoritarianism. According to this view the institution of traditional leadership was based on accountability, consultations through public gatherings and decentralization through traditional councils (Williams 2002).

Modernists or supporters of the institutions of the modern government on the other hand hold the view that the institution of traditional of leadership has no place in the modern government institutions. Modernism is a movement that started around the mid-19<sup>th</sup> century. This movement erupted due to the “volatile relationship between ‘high art’ and mass culture” (Huyssen, 1986: vii). This movement operated in form of a conscious exclusion of ideas that are regarded to be in line with mass culture. The media, during this era, had a great influence in creating and maintaining the popular culture within the society. As such, the term “modernism” became almost like a synonym to this wave of change and how its shaped society (Jameson, 1979). They claim that the institution of traditional leadership by its nature disregards the norms held by modern political bodies and has anti-democratic principles (Bekker, 1993; Mamdani, 1996; Ntsebenza, 2005, Rugege, 2002 and Walker, 1994).

As such, so called modernists view the institution of traditional leadership as dogmatic, despotic and irrelevant to contemporary governance. Modernists argue that the institution of traditional leadership was contaminated by oppressive regimes of the colonial and apartheid governments. They claim that traditional leaders supported colonial and apartheid way of governance and that people who lived under the rule of traditional leadership were not regarded as citizens but as subjects. The continued existence of this form of governance, they claim, will impede the service delivery and development initiatives of the democratic government and render the institutions of the state irrelevant and reinforce traditional allegiances.

These views enunciated by traditionalists and modernists, perceive the institution of traditional leadership and democratic government institution as contestants. According to Molutsi (2011), there will always be tension in the relationship between traditional and modern political systems and ultimately one will always become dominant over other. The democratic government by incorporating the institution of traditional leadership into the constitutional democracy was trying to recognise that the institution of traditional leadership as a vital stakeholder in service delivery.

## **1.6 The merging of Modern and Traditional political systems**

The post 1994 democratic government declared that elected local municipalities must cover all districts and regions of South Africa and this included areas which were under the jurisdiction of the institution of traditional leadership (Rugege 2009). In terms of section 151 (1) of the 1996 Constitution the local sphere of government consists of municipalities which were

established for the whole of the territory of the Republic of South Africa. This section in the constitution makes no reference of the traditional leadership.

An attempt to merge the two political representations, the modern government and the institution of traditional leadership, has given rise to multifaceted questions (Ngcolosi and Dube, 2013). The understanding of the concept of democracy is what makes the two systems different. Democracy is and has been popularly defined as the “government of the people, for the people and by the people” (Rancière, 2006: 7), based on its belief that the people, masses, chose amongst them whom they want to represent them. This form of governance has overtaken many forms of governance such as oligarchy, theocracy and monarchy. Israel, for example, was well respected in the early 18<sup>th</sup> century as a democratic state for its promotion of “individual freedom and the participation of the greatest number (of its citizens) in public life” (Rancière, 2006: 4). The state had declared human rights as a value to be respected by all. This declaration brought a balance to individual respect within a collective society, a practice strongly held by pro-democrats worldwide. An opposite to democracy can be considered as totalitarianism, authoritarianism or tyranny whereby individual rights are limited or are even completely non-existent.

All the relevant affected parties in African society are part of the decision making process and it is consensus driven. Rather than being the actual decision makers, traditional leadership structures are regarded as catalysts of the community consensus. The institution of traditional leadership and the modern elected local government derive legitimacy and authority which is based on different factors. Modern elected local government authority is based on democracy and constitutional legality, which inherited from the colonial era, notwithstanding that colonialism was perceived anti-democratic.

The institution of traditional leadership derives its legitimacy on custom and traditions. Historically, traditional leadership institution is seen to represent indigenous, African values and authority. Religiously, they claim links to the divine, god, a spirit or the ancestors (Jackson and Marquette, undated article: 3).

The modern and traditional political systems form integral parts of local government in South Africa. These structures by and large complement each other. Local government structure in South Africa stands out on three pillars: Municipal councils, traditional councils and traditional leaders. These pillars perform separate functions but relate to each other in different forms for harmonization of their activities (Ndhlovu, 2012). The people receive different services from both the modern and traditional structures and both have legitimacy in exercising authority.

Traditional leadership has re-emerged as an important vehicle for more or less indigenous political expression. Any change on traditional leadership must be to integrate the system into the modern government's institutional structures. According to Ndhlovu (2012) the important issue is the integration of traditional leaders into developmental projects. Although people in the rural areas continue to have faith and respect for traditional leaders, the same cannot be said of young and educated people from urban areas (Sharma 1999). Some people from the urban areas do not feel comfortable with some characteristics of traditional institutions such as the assumption into a king's position by heredity.

In a very stimulating work on traditional leadership in Zambia, Van Binsbergen (1987) states that traditional leadership is no longer relevant. He asserts that it is obsolete and should be allowed to die out as it has happen in Europe where its remnants can only be seen in the most backward countries. According to Tonah (2006), the continuing allegiance of large sections of the population including the educated elite, to their traditional leadership, the inability of the state to create a national identity out of the numerous ethnic groups who have been forced



together into a nation-state, the continuing association of traditional leadership with power and wealth and the flexibility of the institution and its viability to adapt to the changing political order of the postcolonial period affects governance in today's society. Ray (1996) states that, in the light of the comparative failure of the African government to bring about democracy and development, the government has been undermined by greedy and violent elites within and without Africa, traditional leadership has re-emerged as an important vehicle for more or less authentic indigenous political expression.

In a democracy, leaders are not chosen on the basis of hereditary entitlement. In such a system, leaders are accountable to the people and may not be voted into office through elections at periodic intervals. According to Mthethwa (2011), one of the difficulties for traditional leadership is its incompatibility with the democratic ideal. From the general elections of 2004-2014, traditional leadership institutions have been effectively used by the African National Congress as vote banks. Traditional leaders would in essence become ordinary politicians pre-occupied with electoral politics rather than providing leadership that embodies the traditions and social values of the community.

In the view of other scholars (see Acquah, 2006), the popularity of traditional leadership is due to the administrative and political problems of many African states. It is argued that despite the resistance against traditional leadership, it continues to expand or maintain its authority to the detriment of the modern state apparatus. In this regard, some scholars link the perceived dichotomy between modern and the traditional with the urban-rural divide and suggest that while Africa's urban centres are part of an emerging civil society, rural power continues to be represented by the decentralised despotism of local leaders whose legitimacy is entrenched by notions of community and culture.

Although many scholarly works question the need for the existence of traditional leadership even in South Africa, the evidence so far suggests that the perceived dichotomy between traditional and state authority does not characterize all of Africa. If traditional leadership remains relevant even in African countries that have made considerable advances in modernisation and liberal democracy, then the assumption that the institution is incompatible with modernity and democracy has no empirical foundation.

Again the extent to which the traditional leaders and traditional councils are involved in local government is an important issue in the context of modern state governance. The institution of traditional leadership is perceived by many as challenging the democratic state because it is in the centre of local political life in rural areas. It is further argued by the modernist, that traditional leaders have parallel power to the state and that this will create problems for elected councils who should enjoy legitimacy in the eyes of the community.

In many areas, development has to be routed through traditional leadership otherwise there shall be no development, though excluding traditional leadership from local government is inconsistent with theories of political development. It is therefore needed to look the position of traditional leadership in an effort to decentralize and provide a meaningful role for traditional leaders in local government.

According to Vos (2012), the 1951 Bantu Authorities Act formed the lynchpin of the system of indirect control of the rural poor by the apartheid government through the system of traditional leaders. Power rested with a hierarchy of mostly compliant traditional leaders, who were utterly dependent on the patronage of the Department of Native Affairs. Traditional leaders were no longer accountable to their communities but to the Department of Native Affairs (Vos 2012). Their powers were increased while their legitimacy was being eroded.

According to (Bekink, 2006) the modernistic view, traditional leadership should play only a ceremonial and advisory role in governmental structures. Traditionalists, on the other hand, argue that traditional leaders should participate directly in all activities of government. The constitutional text reveals that the constitution favours the modernistic view that, though traditional leadership is recognised and protected, it is subject to the constitution and plays only an advisory role in the new democratic structures.

In the early years of a democratic South Africa, various attempts have been made to incorporate traditional leadership into the modern system of government. At National, Provincial and Local levels the government has set up houses or chambers of traditional leaders. The issue of the role of traditional leaders in the modern government was hotly debated during the drafting of the 1996 constitution and after its adoption. In the end a compromise was settled upon. The constitution contains in chapter 12 a clause stating that a house of traditional leaders could be set up on the national and provincial levels.

The legal groundwork has been laid to give traditional leaders a formal role in the government, although some people in South Africa feel that a move in this direction would appear to be a return to the country's pre-democratic era. The 2013 KwaZulu-Natal Traditional Leadership and Governance Bill Chapter 5 (34) states:

The Department (of traditional leaders) must promote partnership between municipalities and traditional councils, which must be – (a) based on the principles of mutual respect and recognition of the status and roles of the respective parties; and (b) guided by and based on the constitutional principles of co-operative government and the constitutional basic values and principles governing public administration.

If traditional leaders are to be connected to the modern government, it should be rather at the local level than the national level, some are arguing. After all, there are no traditional leaders at the National level. But even at the local level there has been no strong movement to provide traditional leaders with a power base in the modern government. This is however different from what we see in other parts of South Africa. In uThungulu and Ethekekwini District Municipalities, for instance, traditional leaders have maintained a strong presence within the governmental system of the areas, whether through their membership in the local government or their monopoly over other political forms. Some traditional leaders have extended their power base by running for elective office. One of the famous examples was when INkosi Mangosuthu Buthelezi ran for president of South Africa. There have been other traditional leaders like Lucas Mangope who have done the same. Most people seem to feel that there is something wrong with traditional leaders running for political offices in the modern world.

As the modern political system developed, the power of elected officials increased. This is in large part due to the increased powers of these officials and the access they are enjoying to government funding. The modern and traditional leaders seem to have staked out separate spheres of influence, with traditional leaders retreating to the domain of customary rule and elected officials becoming major agents in development programs. But these areas are by no means distinct; there is sometimes much overlapping of powers. In KwaNgcolosi and Kholweni for instance, the traditional leader once had the authority to impose levies and taxes in order to raise funds, but since the inception of municipal councils the traditional leaders cannot effectively utilize this power any longer.

Two systems of political authority remains in effect today, but the contestations between the two continue to occur to some extent. It would appear inevitable that the two political systems, although they seem to operate on parallel tracks, will collide from time to time.

The role of traditional leadership in a democratic South Africa has thus been debated extensively, and seemingly it is yet to be ‘resolved’. Both the Draft White Paper and the Traditional Leadership and Governance Framework Bill of 2003 failed to provide a ‘solution’ of sorts to the contestation of the actual role by traditional leaders. According to Rugege (2009) traditional leaders need to accept the (sic) ‘*reality*’ and settle for co-existence and cooperation with elected local government, and this will assure them greater participation in public affairs and a ‘meaningful’ contribution to rural communities. Rugege (2009) further states that, if traditional leaders cooperate with all spheres of government and participate fully in the new traditional structures, they can gain much for their communities (in terms of lobbying for better services and developments in their areas).

## **1.7 Background and Rationale of the Present Study**

This study takes as a back drop the assumption that governance of any society needs the co-operation of all stake holders in such a community. Traditional leaders as stake holders in the affairs of South African communities are a significant category of people that can promote good governance and the implementation of governmental services and policies within rural South African communities. The Ngcolosi and Kholwa-Ntumeni are two traditional communities which have two systems of political representations. Ngcolosi community has an iNkosi as its traditional leader, while Kholwa-Ntumeni has an isiPhakanyiswa as its traditional leader. An iNkosi is a Zulu traditional leader who assumes his office through inheritance, mainly from his father.

This position is only given to the eldest male child of a King after the King's death. IsiPhakanyiswa on the other hand, is a form of traditional leadership practiced with some South African communities such as the Kholwa-Ntumeni. An isiPhakanyiswa assumes the office of traditional leadership through the process of an election by community members. Any member of the community can become an isiPhakanyiswa regardless of their gender or clan. However, such a person ought to be a respected member of the community who has a well-built reputation.

The existence of these two systems of political structures is further challenged by the arrival of the elected municipal councils. Despite the challenges faced by these systems of traditional governance, however, they remain a vital aspect of society that can be arguably incorporated into the country's governing system as a way of promoting inclusion in governance and working towards the promotion of service delivery by all stakeholders. However, there has been great struggle for political power and legitimacy between traditional leaders and elected municipal councils. Traditional leaders and local government officials are often perceived as being in direct competition "like two bulls in a kraal" (see Oomen 2000: 14).

The roles of traditional leaders are multi-faceted. Fallers stated some time ago that on the one hand, they have series of roles in the indigenous institution of African society, while on the other hand, they occupy roles in the institution of government (Fallers 1966). According to Rugege, traditional leadership has been the basis of local government in Africa (Rugege 1998). Maylam states that, before African states were engulfed by European colonialism, they were rooted in tradition (Maylam, 1986). It has also been illustrated how difficult it was for people in the rural communities to object to the chief and his decisions (Ntsebeza 1999). Nonetheless, over the years, traditional leaders have been an important aspect of governance and community development in South Africa. However, with the advent of democracy and other modern forms of governance, traditional leadership seems to have taken a back seat.

The enactment of the Traditional Leadership Framework Act 41 of 2003 did not halt the debate surrounding the role, the legitimacy and the relevancy of the institution in the new political dispensation. According to Xaba, two opposing views are still dominating this debate. There are those who say that the institution and its representatives are archaic structures which have no place in the modern world (Xaba 2006). They continue to say that the institution of traditional leadership have no role to play in democratic South Africa. For them this institution deprive rural communities their rights to participate and benefit in democracy, particularly in the local government. To support this claim, they refer to the fact that traditional leaders are not elected but inherit their positions (see Xaba 2006).

On the other hand there are those who argue that traditional leadership institution is not only part of African culture but is able to perform some of the functions which the state departments are unable to perform. This faction demands more role and functions for institution.

According to Keulder's work in the late 1990s, (1998), traditional leadership institution is a simple form of government; it is more accessible, better understood and more participatory. He claims that it is closer to the people than any system of government, subjects have direct access to their leaders because they live in the same village, and decision making is based on consensus. He goes on to say that it is open and transparent and any member of the society is free to attend express his views (Keulder, 1998). In contrast, the so called 'modernists', described these systems as unaccountable, and based on a coercive demand for consensus rather than freely given consent (Mattes 1997). They further argued that traditional council is an anti – democratic or a non-democratic form of governance (see Mattes 1997).

Some viewed traditional leaders as collaborators, painting a more positive picture of their essential importance to the stability, solidarity and dignity of their communities. Some traditional leaders often align themselves, whether wholeheartedly or for tactical reasons, with powers that seem to offer the best chances of safeguarding their positions (Van Kessel and Oomen, 1997). But others suggest that, this ability to straddle the state-society dichotomy and serve as necessary intermediaries for their people is strength of the institution that helps to explain its survival (Williams 2004). British colonial administration, however forbade traditional leaders from assuming any political power (Omer & Cooper 1994). The Bantustan system further curtailed powers of traditional leaders. Bantustans were organs of apartheid regime and traditional leaders had to pay allegiance to apartheid government (Omer-Cooper, 1994). Traditional leaders were used by the apartheid government as state agents. They were rewarded with little power and material comforts of high office (Hyslop 1999). Actually traditional leaders in apartheid era have no role except that they were used by the regime as the platform to carry out its divide and rule policy.

Traditional leadership today stands at a delicate confluence of tradition and (post)modernity. Paradoxically, there is in some instances an increasing appeal in traditional leadership today. We find number of professionals and educated people accepting traditional leadership positions (see Adjaye, 2006). According to Jonsson, tradition as we shall, see is a concept open to contestation. Such contestation can be intensely political. In South Africa the power of IziPhakanyiswa and hereditary traditional leaders overlap and interrelate, making direct competition over access to traditional state structures crucial to these conflicts (Jonsson, 2007).



## **1.8 The Relevance of the Study**

There have been many studies carried out on the development and existence of traditional governance in South African and how it relates to the modern system of government. However, there have also been calls for the collaboration of coopting of traditional leaders into the South African political system. Molotlegi (2004) sounds the warning that should we attempt to ‘modernize our societies and ignore our traditional institutions we will be doing it at our own peril. According to Misawa, in order to transform the nature that characterizes the institution of traditional leadership, it has to be made responsive to the changing forces of modernity which always question its legitimacy. Commonality must be found between traditional leadership, on the one hand and the modern democratic government on the other (see Misawa 2006).

In order to modernize the institution of traditional leadership, Patience Elabor-Idemudia says, they have to rise above their traditional values, institutions, and forms of production which were preventing them from adopting so called modern values and technology (Elabor-Idemudia, 2000). On the other hand, according to Koelble, a group of hereditary leaders in South Africa are attempting to ‘modernize’ an institution that has roots in the pre-colonial period (see Koelble, 2005).

None of these studies, however, assesses the possibility of recreating the possible roles played by traditional leaders in community development and how such roles can be utilized by the current system of government in the country.

This thesis attempts to present the views of traditional leaders towards the possible roles they can play in governance of the country and how they can incorporate their unique system of governance into the modern system of governance, thus allowing, as Misawa states,

transforming memory associated with traditional leadership so that the image of the 21<sup>st</sup> century traditional leaders becomes the new model that integrates contemporary imaginings (Misawa 2006).

A new vision of the traditional leader that is global, modern, entrepreneurial must thus possibly be constructed. To achieve this, the institution of traditional leadership must recognize that it is capable of re-inventing itself, of negotiating and modifying itself to sustain into the future. One supports Adjaye when he says that traditional leaders must continue to be considered not only as guardians of public interests and custodians of the traditional state but also as brokers of the present and into the future (Adjaye, 2006).

## **1.9 Research Problems: Key Questions that the Study Asks**

1. What is the role/roles of traditional leaders in contributing to the promotion of service delivery in Ngcolosi and Kholwa –Ntumeni communities within the frame of a democratic South Africa?
2. What are some of the challenges of service delivery faced by Ngcolosi and Kholwa –Ntumeni communities?
3. What is the difference between an *INKosi* and an *isiPhakanyiswa* and how do they rate their legitimacy and usefulness in contributing to government's projects in their communities?
4. What are some of the challenges faced by traditional leaders, elected and non-elected, in contemporary South Africa?

## **1.10 Research Problems: Broader Issues Investigated**

Over the recent years, despite the existence of a democratic system of government in the country; there have been many strikes and demonstrations by communities, groups and organizations displaying their dissatisfaction with the government and its level or quality of service delivery. This study looks at the broader issue of power governance, delivery of services and the role of the community and other stake holders in helping the government achieve its service delivery plans and successful enactment of developmental policies.

### **CHAPTER ONE: - Introduction and Literature Review**

This chapter explores the historical background of South Africa's political system and how it has evolved to its current democratic state. The chapter takes a retrospective look from the country's pre-colonial, colonial/apartheid, and post-apartheid eras to show how the country's political system has evolved and to show the dynamism that have been at play in the country's political system, its organization and the delivery of its services. Exploring these eras and the manner of service delivery of each system to the current system will enable us see the lack in the government's service delivery, especially in rural communities, thus showing the gap that can be filled in by traditional leaders, a prospect that has been less written about.

### **CHAPTER TWO: - Research Methodology and Theoretical Framework**

This chapter explores the methodology and research approach used in this study. It states what research tools were used, how participants were recruited, how the research data was gathered

and how it was analysed in order to attain the conclusion of the study. Understanding any phenomenon needs the use of theories and frameworks as a yardstick in understanding the phenomenon and the data gathered from it. As such, this chapter also looks at the theories that guided this study by looking at their meanings and direct relevance to this study. The study is further looked at through the perspective of political anthropology and considers some of the early work in political anthropology with its focus on power and process.

### **CHAPTER THREE: - The *iNkosi*: Leading Based on Inheritance**

This chapter looks at the iNkosi traditional leadership in South Africa, from its ancient form of being hereditary and how it is being practiced within a democratic society where election is the order of the day. Thus, this chapter explores the contestation around these two styles of traditional leadership as practiced in South Africa today, demonstrating how their legitimacy has been questioned over the years.

### **CHAPTER FOUR: - The *isiPhakanyiswa*: A Traditional and Political Head**

The introduction of a new approach to traditional leadership, that is the election of some leaders, has brought some level of dispute to the legitimacy of either the ancient form whereby a person becomes a leader by inheriting the position to the new form of elected leadership. This chapter explores the role of the isiPhakanyiswa as an embodiment of both traditional and political will and power.

## **CHAPTER FIVE: -Traditional leaders as vehicles of development**

Although elected, the iziPhakanyiswa play important roles within their communities. As such, this chapter also explores the numerous roles they play within their communities in supporting and promoting government's service delivery and policies, especially within Ntumeni and Ngcolosi communities. Their closeness to their communities and the high level of power and control they have amongst their people makes them a formidable force and players in promoting good governance in the contemporary South Africa.

## **CHAPTER SIX: - Challenges Faced by Traditional Leaders in Supporting Government's Service Delivery**

This chapter looks at the challenges faced by traditional leaders in their attempt to aid in promoting the government's services and policies within their communities. It looks at both the challenges faced by the traditional leaders from post-modernists and other community critics who may or may not value their legitimacy.

## **CHAPTER SEVEN: - Lessons for South Africa Traditional Leadership of other Societies?**

This chapter uses Moore and Unsworth's (2010) study on governance to probe traditional leadership of different societies. In understanding whether traditional leadership can be regarded as a 'problem' or a 'solution', this chapter looks at traditional leadership systems in other societies and how the positive aspects of such governance in those societies can be

‘borrowed into’ the South African approach of traditional governance and collaboration with politically elected officials.

## **CHAPTER EIGHT: - The Misguidance in the Agitation for Cooperative Governance**

In fighting for a collaborative government or cooperation between traditional and the democratic system of government, certain schools of thoughts have arisen. Two schools of thoughts have been singled out in this chapter. They are the pragmatists and the advocates for organic democracy. Although both schools agitate for collaborative governance, they seem not to reach consensus in what democratic governance entails and what it should be. This lack of agreement or understanding between proponents of cooperative governance, one may argue, can work against, rather than in promoting this venture. Hence, this chapter explores how the ideas propounded by these two schools can be harnessed towards the development of a more acceptable and unified school that will holistically promote collaborative governance for the betterment of development and good governance.

## **CHAPTER NINE: - Conclusion**

This chapter embodies the conclusive summary of the research discussions and findings. In this chapter, the purpose of the study is revisited and how this purpose has been achieved in the course of the study together with its impact on the societies been looked at.

## **CHAPTER TWO**

### **Research Methodologies and Theoretical Frameworks**

#### **2.1 Introduction**

Conducting research is a demanding challenge, and can only be properly conducted if one has a strategic research plan on how to go about the venture. Kothari (2004: 1) has defined research as a “scientific and systematic search for pertinent information on a specific topic”. The topic being studied here is the contestation that exists between the traditional two types of traditional leaders and government officials in delivering services to communities. As such, this chapter looks at the methods and approaches that were used in the course of this study and how they helped in the data gathering and analysis of the study. Research methodology has been defined as approaches used in systematically solving a (Kothari 2004: 8). Carrying out this study, which involves people, demanded the use of theories. They are necessary in research as they become the guiding principle of the study and shaping the backdrop to which data is analysed and understood. The importance of theories in research has been written about by many scholars especially Barnard (2000:1) and MacGee and Warms (2003: 1).

## **2.2 Research Design and Methods of Data Collection**

This study was a qualitative and descriptive ethnographic study which made use of data collected from a sample group of traditional leaders and data from desktop materials. As a qualitative research, this study sought to balance documentation of actions in natural settings with insight from research participants. Ethnographic study is a form of research whereby a researcher goes to the research site to carry out his or her study (Blommaert 2006). This form of research allowed me to be physically at the research site and observe some of the developmental projects being carried out within these communities as they are spoken about by the research participants. Using ethnography, I was able to understand the cultural and symbolic aspects of the participants' behaviour and the context of that behaviour (Punch 2005).

Participant observation is defined as a form of research which enables the researcher to live or spend time among the people he/she is studying (see Smith and Fischer 1970: 34). This method of research combines two processes, which are "participation" and "observation". Pure observation as used in the sciences, "seeks, to the maximum extent possible, to remove the researcher from the actions and behaviours (he or she is observing) so that they are unable to influence him or her" (DeWalt and DeWalt 2002: 19). Participant observation, the hallmark of anthropology, was invaluable in helping me naturalize to the research site and to broker a relationship with the participants, gaining as I did, a level of familiarity through the time spent 'getting to know' them through sustained observation.

My presence helped me to not only create contact and rapport with the research participants, but it also helped me to build strong evidence to what they say through my observation. As



Gray (2003) asserts, data has strong associations with evidence, information and proof as well as being associated with the products of more conventional research methods.

This method of research replaced the pre-Malinowskian and ‘missionary derived’ so called anthropological research, which was a kind of armchair anthropology, where there was no visit to the field or meeting and observing the lived contexts of the participants. I also spent some time with some of the participants, especially visiting their homes, for those who were comfortable to let me. Doing this helped me to be a part of both their profession and non-professional lives, as the environment they were could have influenced their ease and openness to me and the study. I informed them that I was there as an academic researcher and sought permission to hear their stories and experiences.

### **2.2.1 Research Site**

This study was conducted at Ngcolosi and Kholwa-Ntumeni communities in EThekweni Municipality in Durban, South Africa. Kholwa-Ntumeni is also known as a mission reserve area due to the previous strong presence of Lutheran Missionaries in that area. Till date, there is a strong Lutheran representation in the area. My rationale in choosing the site was partly based on the fact that I had a level of familiarity with both the area and some of the inhabitants (although not all the participants were pre-known to me).

The demise of apartheid in South Africa in 1994, meant a new form of governance was introduced. We witnessed the collapsed of homelands or Bantustans, black town boards and the incorporation of black townships into newly created municipalities. These structures (homelands) were undemocratic and were used by the apartheid regime to legitimise the apartheid policy of segregation. The apartheid policy left African ‘reserves’ undeveloped and

impoverished. Townships and ‘homelands’ were used by the apartheid regime as the labour reserves. Homeland governments were in turn ruled by traditional leaders who were viewed by some as agencies of the apartheid regime.

The creation of new municipalities excluded traditional leaders and new boundaries incorporated traditional areas into municipalities and district municipalities. Traditional leaders in KwaZulu –Natal threatened to boycott the first democratic municipal election of 1995 protesting against the Municipal Demarcation Board which was assigned to redraw municipal boundaries.

The majority of traditional leaders within the Ethekewini Municipality who were politically aligned with the Inkatha Freedom Party fought against their areas being incorporated into the municipality. INkosi Bhengu of the KwaNgcolosi clan in the outer west of Ethekewini Municipality was the leader of the resistance. He was the staunch supporter of the Inkatha Freedom Party. However his allegiance shifted towards the African National Congress after intense lobbying from INkosi Mlaba who is the ANC supporter and whose area was developing. INkosi Bhengu was then able to convince all other traditional leaders to join the Ethekewini Municipality. He in turn canvassed the municipality to establish the traditional leader’s chamber and was elected the chairperson. INkosi Bhengu progressed to become the chairperson of the KwaZulu-Natal Provincial House of Traditional Leaders until 2012 and he is currently representing the Provincial House in the National House of Traditional Leaders. Since the incorporation of his area in the Ethekewini Municipality a significant development has taken place. The area is now electrified, the main road is tarred, a community hall, clinic, crèches have been constructed. There appears, a level of cooperation between the elected council and the traditional council. This level of seeming ‘cooperation intrigued me, and his area became

the focus of my study. This to me indicated that cooperative governance can promote service delivery for the rural communities.

Kholweni –Ntumeni of uThungulu District Municipality is one of the three communities in the Province that elects its traditional leaders by voting. African communities are patriarchal in nature, but Kholweni –Ntumeni voted in the office for two consecutive terms the women. Before becoming the traditional leader, INkosi Dube was a Proportional Representative council of the Inkatha Freedom Party in the uThungulu District Municipality. Before becoming the traditional leader, INkosi Dube was a Proportional Representative council of the Inkatha Freedom Party in the uThungulu District Municipality. The uThungulu District Municipality was from 1995 to 2006 under the control of the Inkatha Freedom Party and traditional leaders in the district were supporting Inkatha Freedom Party. However this changed when the African National Congress took control of uThungulu District Municipality and the majority of traditional leaders shifted their allegiance. INkosi Dube move away from Inkatha Freedom Party to support the African National Congress and was elected to traditional leadership by the majority of her community members.

Noticeably the Kholweni –Ntumeni is a sugar can farming community and comparatively speaking, the area is much developed. As a focus of my study, I was interested in the community participation in the election of the traditional leader and what impact it has with regard to the delivery of services.

KwaNgcolosi is a clan name of the Bhengu people and the KwaNgcolosi is situated about 40km away from the city of Durban, in the outer west outskirts of the Ethekwini Municipality and is bordering the small town called Waterfall North West of Hillcrest. The terrain of the area is mountainous and from the distance, pots of scattered homesteads could be seen all over area. Inanda Dam and Umgeni River are the source of water for the community and also they are

tourist attraction. In the area there are ten schools, one clinic, one community hall and a traditional court. The population is estimated by popular sources, to be +-65000. The people of KwaNgcolosi are tied by kinship and even share the same surname.

KwaNgcolosi is tucked at the bottom of the mountainous land. Thanks to the newly tarred main road which winds down to the Inanda Dam, this road has made the area easy to access. As you drive through the area you notice herds of cows grazing, sometimes watched by young boys. The scars of apartheid are still evident; communities have been pushed to unproductive land, some have no electricity, no tap water and are 'placed far away from development'.

Many people in search of better opportunities have moved to the suburbs of cities; Durban, Pietermaritzburg and Johannesburg. The oldest high school in area is Hlahlhlendlela, the school is serving people from other areas like Molweni and KwaNyuswa. The only clinic in the area is also serving people from adjacent wards and there is an outcry over the shortage of medical supplies. This area, like many African communities is ravaged by HIV/ AIDS and TB. The Wushwini Community Center cater for the orphans and sick people. For weddings, funerals and other public gathering the only hall is used. The hall is also used by local youth as art centre.

The elected ward councillor does not come from the kwaNgcolosi area, but instead come from Molweni, the area in terms of the traditional boundaries falls under a different traditional leader. As a result of him being far away from people, the KwaNgcolosi people are not seeing him and little 'development' is happening in the area. This is further exacerbated by the political violence which engulfed the area in the 1980's to 1990's which displaced many communities.

Along the main road, there are local 'spaza' shops and bottle stores. These shops are providing the communities with basic necessities, like bread, milk, maize meal and soap. In many cases

some of these shops run out of stocks and people are forced to go to the nearest towns like Waterfall, Hillcrest and Pinetown. Corn and maize fields are the only source of food supplies for the community. During dry season, the community suffers the most and some families even go to bed with empty stomach.

Kholweni – Ntumeni is situated about 25km away from the east town of Eshowe in the UThungulu District Municipality and 200km away from the city of Durban. The Kholweni is a predominantly Christian community and the Lutheran church dominates the area. The terrain of the area is not mountainous and is surrounded by sugar canes plantations. Kholweni community has four schools, one clinic, community hall and the traditional court. The population could number about 30000. The vast area is electrified and some homesteads have running water in their homes.

Just few kilometres away from the flashy shopping center, bustling taxi rank and renovated hospital of Eshowe, lies Kholweni –Ntumeni community with scattered homesteads all over and some plantains of sugar canes. There are four wards which are headed by traditional councillor, and the life of these wards revolves around sugar canes, maize-fields and cow herding.

The post-apartheid dispensation era has brought some elements of ‘development’ to the Kholweni-Ntumeni, at least there is the clinic, and some areas have clean water. The electrification of the area is underway and you could see wires above many of the Kholweni – Ntumeni homesteads. Their community hall and the traditional court have been revamped. As a result many people of the Kholweni –Ntumeni feel that their standard of living has improved.

### **2.2.2 Sampling and sample selection techniques**

Acknowledging positionality and reflexivity demands that I mention how I was positioned in the study. This is important as it aided me in identifying and recruiting the sample community. As an anthropologist in the KwaZulu-Natal Department of Traditional and Local Government Affairs, I was tasked with various responsibilities, namely, to undertake research on histories of clans, to draw up genealogies, to make recommendations to the Head of Department for the appointment of chief/ *iNkosi*, regents, deputy chiefs. In cases where chieftainship is disputed, I would facilitate and mediate. Should the dispute be unsolvable I then recommend for the appointment of a Dispute Resolution Commission which is comprised of legal experts and the ruling of the commission on any case is final and its recommendation are implemented forthwith. This vantage point made it easy for me to identify and create rapport with research participants. None of the research participants however, were individuals that were part of disputes that I had mediated.

The study involved two traditional leaders from Ngcolosi and Kholwa-Ntumeni communities as well as fifteen elders and ten young people from both communities.

I was able to recruit my participants through purposive sampling. Purposive sampling is an ethnographic approach whereby research participants are intentionally chosen by the research participants based on the researcher's conviction of their suitability to the study (Sarantakos 2005).

### **2.2.3 Data collection**

Participatory observation method was used in this study. In-depth Interviews were conducted in the following traditional communities: Dube in uThungulu District Municipality and kwaNgcolosi in Ethekwini Municipality. As asserted by Peacock (1986), in conducting research, the anthropologist cannot simply 'hang around' or 'get absorbed'. He/she must also

record, describe, analyze and formulate culture. Such formulation is the result of fieldwork which will help in the conclusion that is to be reached by the study.

I gathered my data through semi-structured interviews. A semi-structured interview is a method of interview that is designed using a number of interview questions prepared in advance (Polkinghorne 2005: 5). These questions are meant to be open-ended and flexible, thereby differentiating this approach from a structured interview. This approach enabled me to be flexible to the order in which the questions were discussed. Thus, the answers were also open-ended. Each participant was involved in at least two formal interviews with other follow up interviews. Each interview lasted for about 45 minutes, but each participant had a choice of making it longer or shorter depending on their disposal to either discuss further or not.

As such, in gathering my data, in-depth semi-structured interviews were conducted with traditional leaders from both communities. In-depth semi-structured interviews are of great necessity as they gave me room to listen deeply to the participants and allowed them to assert their views about the issues focused on by the research.

The semi-structured interview was employed in this study because it allowed the following:

- That participants and I were able to engage formally
- To use the list of questions that I was going to use during the conversation and in orderly manner.
- Be able to follow interesting lines that may move away from the list of questions and at the same time are relevant to the study.

The semi-structured interview was deemed best since I had a multiple of participants. Semi-structured interviews are able to get the most reliable and comparative qualitative data, allowing for both fluidity as well as the semblance of order and structure.

Being an *isiZulu* speaker, I was able to fluently conduct the interviews in *isiZulu*. This was advantageous to me as it gave me room to let the participants use their natural language, which they were more comfortable with and through which they were able to present their strong views terms that they felt most suitable for such views. My fluency in *isiZulu* enabled me to understand such terms and related them to the study. By being an *isiZulu* speaker, the research participants were also able to easily develop trust in me and I assured them of the confidentiality in which their identity and views would be treated with. As Jones asserted, we as researchers, if we want to get good data, we have to create a trust between ourselves and informants and ensure them that the information will not be used against them or disregard their opinions (Jones 2004). During these interviews, I made use of an audio recorder with the permission of the participants. The use of an audio recorder enabled me to capture as much information as possible while I focused on communicating with the research participant rather than taking notes while speaking. I also my field notes, which I took during the course of my qualitative ethnography.

In gathering my data, I also made use of focus group meetings with seven members. These seven participants were drawn from the 25 core sample participants involved in the face to face interviews. These were individuals who indicated a willingness to continue the dialogue and who often referred (unknowingly) to other community members who were also other participants in the study. It was thus an organic process to bring together participants who indicated either seemingly similar views, or highly divergent views (and who were open to communal sharing). The focus group meetings provided participants with an avenue to be able to air their views within a group setting (Kitzinger 1995: 299). Thus, participants who were comfortable to speak at length during interviews, had the focus group as a motivating avenue,



to express themselves, especially when their colleagues expressed their views about the issues looked at during the focus group meetings. This avenue also provided me with an opportunity to compare what individual participants had shared with me during interviews with what they say in an open group discussion. Such a comparison helped in creating an understanding of the different responses around the research topic, a prospect which has been regarded as necessary by Denscombe (2010: 179). Interviews were conducted at either the homes or the offices of the traditional leaders. The focus group, however, was conducted at the home of one of the traditional leaders with other leaders being in attendance.

In addition to the above, the conventional notions of data, is inclusive of such things as books, archived materials, newspapers, government reports and archival material, which were all used as sources of information for this study. I also drew on public opinion about traditional leaders as encapsulated in the local and national media such as Mail and Guardian Newspapers.

#### **2.2.4 Data processing and analysis**

After collecting my data, I transcribed and translated all the audio recordings into English. I grouped the transcribed interviews into themes based on what the participants had shared and what I had observed and written down in my field notes. I later analysed the formed themes using available literature and governmental documents in form of Acts, Bills and the South African Constitution. Numerous themes emerged from this study; however, I only made use of those directly relating to the topic in question and how they shape the understanding of the topic.

## **2.3 Ethical Considerations**

The proposal of this study was submitted to the University of KwaZulu-Natal's Research Ethics Office for ethical considerations. I was granted full ethical approval to conduct the study and ethnography.

In selecting my research participants, I informed them what the study was about and the role they were to play in the study before seeking their consent.

This information to participants did not simply end at the initial state of the research. Throughout the course of the study, I tried to clarify any questions being asked by any participant regarding the study. This was because participants have the right to know my aims. As such, communicating the aims of research must often become a process of unfolding rather than a once and for all declaration (Spradely, 1980).

In this study, as an anthropologist, my paramount responsibility was to the people I studied. I always gave my participant preference in situations of conflict. Thus, I ensured that I protected their physical, social and psychological welfare. I also ensured that I respected their right to privacy, knowing that they are human beings with problems, concerns and interests. It has been asserted that where research acquisition of material and information transferred on the assumption of trust between persons, it is axiomatic that the rights, interests and sensitivities of those studied must be guarded (Spradely 1980). This view has also been written about by another scholar, Smith, when he asserted that

One of the basic tenets of this guideline is that subjects who are asked to participate in the research should normally be protected through the practice of informed consent. More specifically, the researcher is obligated to ensure that the subject understands what his participation in the study will involve,

and that the subject's consent to participate is obtained without coercion (Smith 1975).

In collecting any data from the participants, I made sure that they remained anonymous. To keep their anonymity, pseudonyms were used during the research's data analysis process. I made sure that this right was respected. During this study, I made sure that I did not exploit my informants. Personal gain becomes exploitive when the informant gains nothing or actually suffers harm from the research. When conducting interviews, however, I offered transportation to the participants from their work places to their homes or wherever the interviews were held. However, I did inform them that there was not going to be any form of financial or material benefits by participating in the study. Paying participants to participate in the study would have been unethical and a way of 'buying their view's rather than allowing them to comfortably assert themselves without any obligations.

## **2.4 Study Limitations**

There are few limitations that I experienced during this study:

### **1. Traditional Leaders participation**

Traditional leaders at times failed to honour schedule appointments and as result schedule were postponed. I must state that despite this, traditional leaders who participated in the study gave invaluable contribution to the study.

## 2. Meeting Venues

Interviews were scheduled for weekends and traditional court will be closed. This limited our interaction as interviewees would sometimes meet under trees, beside the public road, meaning informants could not express themselves freely.

## 3. Communication

Informants were not easy to communicate with because some did not have cell phones and e-mail access. I must however state that, despite this limitation, informants largely kept appointments and provided quality information.

## 4. Transport

Many of informants were using public transport to attend our meetings. This became a major challenge especially on Sundays. On this particular day transport is scarce in rural areas. However I used my vehicle to collect some to the meeting venue.

## 5. Municipalities participation

Municipal officials were not willing to participate and they were always not present for the meeting/s and would give scanty information.

### ***Confidentiality***

I assured participants of the protection of their identity in the write up of the thesis. I kept all collected data safe and confidential in protected files and electronic devices where passwords were applied. After notifying them of all the conditions involved in the study and the role they stood to play, each participant and I signed the agreed consent forms. Each participant kept a copy while I kept one from each participant.

## **2.5 Principal Theories, Models and Frameworks**

This study was constitutes empirical research in Anthropology. It made use of both qualitative and descriptive approaches from desktop research. Conducting such an empirical study demands use of theoretical frameworks to guide the study and analyses of data. For this study, I made use of three theories; Theory of Practice, Social Constructivism and Identity Theory.

### **2.5.1 Theory of Practice**

This theory was developed by a French theorist, Pierre Bourdieu. He asserted that no set of theoretical apparatuses could satisfactorily account for the social practice of everyday life. Nonetheless, there ought to be some level of guidance in understanding daily phenomena. His reconstruction of the dialect between structure and agency was aimed at bringing together the levels of abstract structures with the actions, feelings and mental states of individual persons (Bourdieu 1977).

Bourdieu's theory is well placed in the ethnographic research and also relevant in the world of politics and the semantics of social structures and social movements. Theory of practice is recognised as a way of accounting for social life through the synthesis of societal structures and a person's individual disposition. This theory is relevant to this study as it helps us to understand how the conduct of traditional leaders are linked to the social structure, thus portraying how their functions have kept changing based on the change in the societal political structure. .

This theory has managed to reproduce debate that allowed researchers to investigate the reproduction of social hierarchy and the cultural production of forms of resistance, social identity and ethnicity (Gregory 1981).

This theory is also relevant in this study as it allows debate to take place in the reproduction of social hierarchy and the cultural production which will be investigated in this research. Bourdieu's notion of practical kinship emphasizes the manner in which solidarity is maintained by the imposed orchestration of habitus. Gregory (1981) states:

The extent of practical kinship depends on the capacity of the official group members to overcome the tensions engendered by the conflict of interests within the undivided production and consumption group and to keep up the kind of practical relationship which conforms to the official view held by every group which thinks of itself as a corporate unity (Gregory 1981).

Participants do not just belong to the one group that is interested in maintaining the official representation of practice but to a diversity of groups whose differential placement in the social order is itself the basis for conflicting interests. These conflicting interests are expressed in manners such as the denial or misrecognition, thereby exacerbate the tensions that members of the dominant group are interested in smoothing (Gregory 1981).

Practice theory is thus a theory of how social beings, with their diverse motives and intentions, make and transform the world in which they live. It is a dialectic between social structure and human agency working back and forth in a dynamic relationship.

### **2.5.2 Social Constructivism**

Social Constructivism as an academic theory, claims that people's beliefs about any phenomena is constructed by society itself (Fox 2001: 23). As such, whatever we think of the world, Social Constructionists will say such view is nothing but a construction of our society.

This theory is relevant to this study as it helps in showing how traditional leaders view themselves and their roles within their communities. It also helps us to understand the societal expectations on traditional leaders and how their roles have been socially constructed and maintained over the years.

Social Constructivism, sometimes referred to as Social Constructionist Theory, is a theory which claims that “knowledge (human) is acquired through a process of active construction” (Fox 2001: 23). It is a symbolic equation that depicts learning and acquiring knowledge as a process of building. The theory argues that we are not born with innate knowledge; rather, we acquire and build our knowledge, views and behavioural approach to our society and its realities (Fox 2001: 23). This is so because we are indissolubly interconnected with the environment we live in and its belief system, as asserted by Ernest (1994: 8).

The use of Social Constructivism in this study aided me to understand how structurally, society and ‘culture’ has shaped our ideas of leaders governance and leadership. Social Constructivism was also useful in this study as it enabled me to understand how the behavioural patterns of the traditional leaders have been shaped by their society and its cultural constructions. It also allowed me to give room to the views of the leaders in understanding how they view the world and its systems. This is because, as asserted by Creswell and Garrett (2008: 8), the participants’ views “are formed through interaction with others and through historical and cultural norms that operate in individual’s lives”. Thus, Social Constructivism served as a lens from which I viewed and understood the cultural beliefs about traditional leadership.

### **2.5.3 Social Identity Theory**

As traditional leaders, the research participants have a unique role and their titles are a representation of these roles. As such, based on their roles and the titles given to them such as INkosi and isiPhakanyiswa, the traditional leaders have a given and lived identity.



Their identity has been seen as leaders within a community saddled with certain responsibilities and having certain expectations on them. The Social Identity Theory fits into this group termed as traditional leaders. Social Identity Theory has been defined as the constitution in social practice of the intermingling, and inseparable themes of human similarity and differences (Jenkins 1996: 90). The traditional leaders, although unique and different, especially the INkosi and the isiPhakanyiswa, they share certain similar attributes, that of being traditional leaders within their communities. As such, they have similar traits and ways of conducting their affairs. This identity shared by the traditional leaders is both a self-view and the view of the public on them based on the responsibility they have been saddled with. Identity as self-view has been defined by Bhugra and Becker (2005: 21) as “the totality of one’s perception of self, or how we as individuals view ourselves as unique from others”. On the other hand, identity as a publicly given image can be regarded as the dialogue that takes place between the role and image given to one by a group or the public and how the individual holds such a role or membership of such a group (Jenkins 1996: 25).

Identity Theory is relevant in this study as it helps us understand how the traditional leaders negotiate their role as traditional leader within a cultural community sphere and as possible promoters of a contemporary system of governance. Being traditional leaders, as the name suggests, there is a temptation to limit the role of the traditional leaders to only “traditional” issues and nothing more. This theory, however, enabled me to analyse and understand how despite such a possible limitation on the role of traditional leaders, they are able to fluidly renegotiate this role by becoming promoters of good governance and governmental services within their communities.

## Political Anthropology

2.6 In this study I have focused largely on contextualising my qualitative data gathered through empirical face to face semi-structured interviews within the historical realities of the communities chosen, and the two forms of leadership; the so called traditional and so called modern forms of leadership. I am aware that these are merely labels and are not to be confused with actual binary dualities of traditional/old and modern/new. Instead I use the terms in a more fluid way; of ‘traditional’ and ‘modernist’ as analytic terms to frame my study. This is itself based on the works of writers such as Logan (2008). I am aware that the larger background, given that this research is disciplinary based; is that of political anthropology.

The roots of the approach referred to as political anthropology, may be traced back to the large influences of scholars Mair, Leach, and Firth in the late 1930s. Thereafter, in the late 1950s, it can be traced to in the work of Bailey and Turner, and in the early 1960s, in the writing of Boissevain and Cohen in terms of action theory in political anthropology.

Lewellen (1983, 17) points out that political anthropology is a disciplinary perspective for understanding ‘political integration, access to leadership positions, and method of group decision making’. He presents a number of ethnographic examples to illustrate each type: Nuer, precolonial and pre-colonial Zulu, in his seminal work; *Political Anthropology: An Introduction*.

Contemporary political anthropology can be traced back to the text *African Political Systems* (1940) which was edited by the noted Evans Pritchard and Meyer Fortes (see also Vincent 1978, 2002). An important focus of political anthropology has been the effect of colonialism on peoples, much of which I have spoken about earlier (in the context of particular study focus), and the ways in which ‘western’ legal systems may have been adapted to local needs.

Up until the 1950s, political anthropology was concerned with politics in non-Western societies, and focused on questions of authority, coercion, order and stability. Kinship and custom formed main ways of understanding power in the so-called traditional societies. Since then, much has changed in political anthropology.

One way to reinterpret the presence of power in shaping local politics was to recognize the fact that the so called traditional communities the earlier anthropologists had been studying, had also not been immune but been incorporated into a global system of unequal power relations. In societies where people live in closely-knit communities, they rely heavily on each other for economic assistance, through the local maintenance of good social relations, or kinship networks and reciprocal relations.

Fokwang said of the highly noted social anthropologist, Isaac Shapera;

“The renowned South African social anthropologist, Isaac Schapera showed in his ethnography, *Tribal Innovators* (1970), that during the colonial era, Tswana chiefs in southern Africa played an influential role in the socioeconomic development of their communities, a project largely understood at the time and certainly today, as the quest for modernity” (Fokwang, 2005, 41).

Shapera’s impressive career is testimony to his work on various indigenous groups in Africa, clearly making the case for the critical importance of politics in the African (non-Western) context (see Swartz et al 1966). Fokwang himself, makes a case for the importance of comparative research on chiefs in the era of democracy and the predicaments they face therein.

For Mamdani (1996 cited in Fokwang 2005), “chieftaincy prevails” not due to its own legitimacy, but because of its “co-operation with (and simultaneous corruption by) the colonial and apartheid states”.

Political anthropology in turn looks at as well as deeply interrogates different (from ‘western’) systems of social control. It examines the ways in which leaders prop up their authority through calling on ‘tradition’. Hence as mentioned, the one key area of study for political anthropology has been the effect of colonialism on people, and the ways in which so called western systems have been adapted by non-western peoples. Political anthropology lays stress on context and process. Political Anthropology has been concerned with the contextual situatedness of political processes, probing the mechanisms through which localities are incorporated into larger scales of social life.

This perspective in turn lends itself to this study and its analysis of the two types of leadership and social control; the *iNkosi* and the *iziPhakanyiswa*. This material is used to probe ways of thinking about power and politics amongst the traditional leaders in my study and to probe the dynamics at play between *Iziphakanyiswa* and *Ngcolosi*.

## CHAPTER THREE

### **The *iNkosi*: Leading Based on Inheritance**

#### **3.1 Introduction**

A traditional leader, according to the study, occupies many roles and has a number of roles as the ‘main character’ in the institution of traditional leadership. The role of a traditional leader if further extended, can be placed in the sector of political governance. The institution of traditional has for many decades (see Rugege, 1998, Maylam, 1986) been at the center of the local government and Africa’s system of government was before colonialism grounded on tradition. With the advent of colonialism, traditional leadership was weakened and the Governor General assumed all the roles and responsibilities of the traditional leader. Many traditional leaders were removed and new traditional leaders were appointed. This chapter explores the traditional leadership of the iNkosi from its historic to its contemporary existence within a democratic South Africa.

#### **3.2 Historical Perspective**

*They must be from the royal family, good behaving, respected and at least educated. It is only the royal family that chooses the successor but usually he*

*is the first born son of the iNkosi from his first wife or from the one that the clan has contributed towards the lobolo. The royal family appoints him after following the customs and traditions of the clan when his father the iNkosi dies* (Mr. Khaya- is the member of the traditional council. He is very vocal on developmental issue in the area. He is not chairing a committee but belongs to the road and infrastructure committee. He shares;

*One becomes an INkosi by birthright; he should have land and subjects to rule. There are several criterion used to select an iNkosi:*

- *He must be the first born son of a woman whose bride price was paid by the tribe or clan.*
- *He must be the first born son of the first married wife in cases where the clan has not contributed.*
- *If an iNkosi is married to a princes from another iNkosi, that princes therefore assumes the status of the senior wife by virtue of her birth and her first born son becomes eligible to succeed the iNkosi.*
- *INkosi is chosen through hereditary system and he relies on his family for support and counselling (Mr. Ngcobo).*

Mr Ngcobo is community member and he is a former school teacher. He currently works for the Ethekwini Municipality. He was born and bred in kwaNgcolosi. He is an active community member, despite the fact he does not belong to any committee, he participates in many meetings.

Mr. Sanele is the member of the traditional council. He has served the Ngcolosi Community on various capacities for almost 30 years. He was appointed by Inkosi, and

he is also the advisor to the inkosi. He is not chairing a committee but is working with all committees and sometimes represents iNkosi; he says;

*iNkosi must be respected, have ability to communicate with people and in these days education is vital. He must be the first born son of a woman whose bride price was paid by the tribe or clan. He is the first born son of the first married wife in cases where the clan has not contributed (Mr. Sanele).*

*The iNkosi is a leadership based on what is referred to as African values and systems. This leadership is supposed to uphold the morals in their communities and carry out relevant rituals. Leaders assume their responsibilities based on a hereditary system of succession (Mr. Makyaya-council member).*

These narratives state the main traditional criteria and procedure of identifying and choosing an *iNkosi*. This approach has been in use amongst the isiZulus even before the arrival of colonialists and later apartheid. During the colonial era, however, there was an introduction of the Black Administration Act. This Act gave immense powers to the colonial and apartheid regimes to appoint traditional leaders and to change their boundaries. Those who were removed were seen as the threat to the regime and were not taking instructions to implement orders of the regime. For newly appointed traditional leaders new boundaries were created and traditional areas were turned into labour reserves. The British colonial administration, however, forbade traditional leaders from assuming any political power (Amoateng and Sabiti, 2011). The Bantustan system further curtailed powers of traditional leaders. Bantustans were (created as) organs of apartheid regime and traditional leaders had to pay allegiance to apartheid government (Omer-Cooper, 1994).

During the apartheid period, traditional leaders were used to perpetuate the colonialist approach when dealing with the institution of traditional leaders. The nationalists' regime, for its indirect rule system, effectively used traditional leaders. According to Moore and Unsworth (2010: 55), "indirect rule was characterized by as small bureaucratic central state that had very limited capacity to control the territory". The colonial rulers were able to control the population "through a chain of hierarchical relationships, giving subnational elites extensive, largely unchecked authority over local populations. This included rights to collect taxes, maintain law and order, adjudicate disputes and (especially in Africa) allocated land" (Moore and Unsworth 2010: 55). This system of governance brought about a decentralized system, however, not to the benefit of the local population as the traditional leaders were only regarded as 'puppet's' of the colonial rulers.

One argues that the apartheid regime used its 'created' Bantu Authorities Act to turn traditional leaders against their own people. The traditional leaders were instrumental in the setting up homelands or Bantustans which were used to control Africans who were later treated as second class citizens and subjects. Traditional leaders were now given stipend and this resulted in them being not able to challenge some unjust laws of the regime (see Ntsebeza, 1999; Sakyi, 2003). And because traditional leaders began to lose popularity amongst their people and lost their ability to sustain themselves, they were given the opportunity to impose any form of forceful taxation on the people. Traditional leaders wielded so much power, which made some of them oppressive (see Krige 1974: 261). They introduced a number of taxes dog taxes, hut taxes and for the traditional leader's horse or car in order to raise funds for the apartheid regime. These taxes were usually announced during a meeting where all males meet the iNkosi. These meetings were called mid-week when the majority of the community members were at work in the cities, this excluded them from participating. On their return they were presented with new



levies which the traditional leader and few males have decided upon. This was a flawed consultation process and was undemocratic. Levies were raised to build school, clinic, sometimes contributes towards the traditional leaders legal bills. At the death of the traditional leaders community members had to pay for the funeral or if he was taking another wife. Rather than communities benefiting from the practice it was the traditional leader who was benefiting. This system of taxation without representation was at the root of many grievances against the institution of traditional leadership (Kessel and Oomen, 1997). There were later complaints and opposition from poor rural communities who were feeling overtaxed or double taxed and these centered (Kessel and Oomen, 1997).

Towards the year 2000, local government elections resuscitated discussions around the role and responsibilities of traditional leaders. Leading to the local government elections, new boundaries and council wards were drawn and this process was intensely opposed by traditional leaders. Traditional leaders threatened to boycott the elections unless issues raised by them were considered. They were adamant that the issues pertaining their role were never considered by the demarcation authorities.

In 2002, rural areas within the eThekweni municipality area were incorporated and this extended the municipality's jurisdiction (Khan and Lootvoet, 2002). It was believed that the extension of municipal boundaries was meant to give room for the growth of the African National Congress. This newly established relationship became the meeting of modern and traditional forms of governance. This integration, Khan and Lootvoet (2002) stated, was inevitably going to be contested by both sides. The incorporation had serious flaws. The most noticeable of the flaws was unclear roles and responsibilities of traditional leaders within the incorporation. According to du Plessis and Scheepers (1999), South Africa's 1996 Constitution did make reference to the

institution of traditional leadership; however, this was just symbolic in nature as it actually did not clearly state the roles that were to be played by traditional leaders. Such vagueness in role, some claim, was because traditional leadership was regarded as incompatible with democratic governance despite the fact that traditional leadership was the oldest form of government in the country (Ismail, Bayat and Meyer, 1997). Traditional leaders, however, can be regarded as collaborators, says Chatterjee (2004) have on the basis of the above arguments been viewed as collaborators. The apartheid regime, however, is often accused of having used traditional leaders as state agents without incorporating the leaders as partners in governance (Hyslop, 1999). The new dispensation was unable to quell the traditional leaders on issues surrounding their role, legitimacy and relevancy even after the enactment of the Traditional Leadership Framework Act 41 of 2003. On the other hand, the institution was still viewed as archaic and not fitting in the new dispensation (Xaba, 2006). Their role was not found in the democratic state of South Africa.

*Primarily, traditional leaders are custodians of culture within their traditional community. So both these traditional and political systems have to prove their relevance and support for their continual existence in this modern age. Some do perceive the traditional system as an embodiment of the past, but it will be general to assume that all communal people have such perceptions (Mr. Simphiwe).*

Mr. Simphiwe is the leader of the Ngcolosi clan. He is sixty years old. At the death of his father in 1971 a regent was appointed in his stead. In 1985 he was appointed to the position. In 1986 he became the member of the KwaZulu homeland legislature an institution which was largely composed of traditional leaders. By virtue of him being the member of that institution he was

the member of the only governing party, the Inkatha Freedom Party. He occupied his position as the member of the legislature until 1994. In 2006 he was appointed the Chairperson of the Provincial House of Traditional Leaders and he is currently serving on the National House of Traditional Leaders as one of the delegates which represent KwaZulu-Natal.

There are people who share a belief in the need for the continual existence of traditional leadership under the condition that such a system adapts to the changing times and its form of governance. Keulder (1998) for example stated that traditional leadership is simpler and it is the form of government that is understood by rural communities, accessible and through public gatherings encourages public participation. It was also seen by as a system that is next to the community and reaches decisions which are grounded on popular support (Mattes, 1997). This describes the institution as more accountable and open and transparent to all community members.

Shifting of political allegiance by traditional leaders in the year 2002, in the case of eThekweni and uThungulu municipalities can be seen as tactical means to protect their positions (Van Kessel and Oomen, 1997; Williams, 2004). This move, however, can be carried out at the detriment of community members. Misawa (2006) stated that in order respond positively to a democratic dispensation, traditional leaders are compelled to change negative characteristics that have according to (Misawa, 2006). Such practices give rise to its legitimacy and relevancy being questioned.

*Unfortunately, it seems to me that they epitomise the past than they do the present. They seem to embody nostalgia of some kind, a yearning for a lost, pre-colonial past because they fail to address pertinent, current challenges.*

*One of the few exceptions here would be the Zulu King's campaign of the*

*revival of circumcision of young men. What is notable here is that the traditional institution is addressing a modern challenge by modern medical technology as opposed to other so-called tribal groups in South Africa. This is how this institution is presenting itself as relevant to a modernising, industrialising society.*

*Many of them (traditional leaders) need a lot of education and training. Among them are those who can understand contemporary issues that affect their communities, but this positive aspect has hardly trickled down to other uneducated leaders. Because the central government looks so westernised in its daily approach to social, economic and cultural issues, there is a conflict between these two institutions (Mr. Simphhiwe).*

*I believe that in this day and age where societies the world over have embraced the notion of democracy, republicanism and respect for civil liberties such as freedom of choice, freedom of speech and equality there is hardly a place for a type of leadership whose claim to legitimacy is nothing more than accident of birth and if at all there is an attempt to test the popular view, that process is based on unfounded mythology and essentialism (Mr. Thabiso).*

The institution of traditional leadership is faced with an option to rise above traditional values which has kept them adapting into the modern form of government. In doing so, the institution will be able to modernize itself (Elabor-Idemudia 2000; Misawa, 2006). Traditional leadership today stands at a delicate confluence of tradition and modernity. Paradoxically, there is an increasing appeal in traditional leadership today. We find number of professionals and educated people accepting traditional leadership positions (Adjaye, 2006). A section of traditional

leaders, in particular those that have been incorporated to eThekweni and uThungulu municipalities, are trying to ‘modernize’ the institution (Koelble, 2005). Modernization, however, says Martin and O’Meara (1995), does not necessarily mean westernization and should we attempt to modernize our societies and ignore our traditional institutions. Doing so, says Molotlegi, will be to our peril and the heritage held by the society (Molotlegi, 2004).

The modern, entrepreneurial institution of traditional leadership has to be formed claims Adjaye (2006). This can only be achieved once the institution of traditional leadership recognizes the need to transform itself according to the demands of the contemporary society and the systems of government in place. One supports Jonsson’s assertion that traditional leaders must continue to be considered not only as guardians of public interests and custodians of the traditional state but also as brokers of the present development. The power overlap between traditional leaders and elected municipal councils has been shown to have led to competition and contestation for space and roles within the political arena (Jonsson, 2007).

### **3.3 Historical background of Ngcolosi Traditional Community**

This clan was originally from Swaziland in the 1800s and their leader in Swaziland was Sibalukhulu who beget Bhengu. Bhengu was the one who led them out of Swaziland because one of his sons had committed incest which was a serious transgression in Swaziland. As a result they were banned from that land and were called the dirty ones/ *ngcolile* hence the clans praise name Ngcolosi. They came to Zululand and settled at Ntunjambili/Kranskop and became a large ‘tribe’ in the settlement which was then uninhibited by people (SNA, 38/53).

During the reign of iNkosi Nkungu, a disagreement broke out between him and King Dingane. Fearing King Dingane, Ngcolosi people in 1830 fled the area and settled at the banks of uMngeni and Nomqeku Rivers in the eThekweni district area. A leadership dispute broke out between Nkungu's sons, Hlangabeza and Ndlonkolo. This dispute was resolved by Shepstone who ordered that Hlangabeza return to Ntunjambili and Ndlonkolo remains at uMngeni. This resulted into the Bhengu clan being divided into two clans (SNA, 38/53).

INkosi Ndlonkolo died in 1915 and was succeeded by his son Vika. Vika was first appointed on twelve months' probation until 1922, which was more than the stipulated probationary period. INkosi Vika Bhengu ruled until his demise in 1933. His brother Ngqabuko became a regent during the minority of the heir. It was during this period that the succession dispute ensued. Bhekumbuso the son of the fourth married wife of INkosi Vika claimed that his mother was affiliated to the house of the first wife. This claim was dismissed by the elders of the family and since the first wife had no male child, the chieftainship shifted to the house of the second wife. Therefore, Ngqabuko continued to act for the heir Dinwabakubo who was born in 1932. Ngqabuko acted until his passing away in 1951 and Shende Bhengu was appointed the regent. He acted for a very short period of time and was followed by Sipiwe Bhengu until Dinwabakubo was appointed in 1957. INkosi Dinwabakubo was in charge until his death in 1971. At that time his son and heir was a minor and Mdelwa Bhengu acted for him until 1985 when the current INkosi Bhekisisa Felix Bhengu assumed the position (source SNA, 38/53).

INkosi Bhekisisa Felix Bhengu is the leader of the Ngcolosi clan. He is sixty years old. At the death of his father in 1971, a regent was appointed in his stead. In 1985 he was appointed to the position. In 1986 he became the member of the KwaZulu homeland legislature an institution which was largely composed of traditional leaders. By virtue of him being the member of that institution, he was the member of the only governing party, the Inkatha Freedom Party. He

occupied his position as the member of the legislature until 1994. In 2006 he was appointed the Chairperson of the Provincial House of Traditional Leaders and he is currently serving on the National House of Traditional Leaders as one of the delegates which represent KwaZulu-Natal.

### **3.4 Rural Community Development**

Rural development has become one of the major aims of various assistance programs of governments in developing countries. A clear understanding of rural development dynamics is necessary for these programs to prosper. In addition, the inadequate indicators of rural development planning because of an information gap in one of its facets will cripple an integrated rural development program. Development intervention can be broadly classified into four categories:

- Economic infrastructure (credit, production support)
- Physical infrastructure (roads, irrigation)
- Capacity building (training, information dissemination)
- Support services (marketing services, facilitation of access to basic social services)

South Africa began the year 2014 by an astonishingly high number of service delivery protests shortly after the passing of the first democratic President of the Republic of South Africa Nelson Rolihlahla Mandela, in 2013. In some areas of the country service delivery protests took place on weekly bases (Management pulse, 2014). Such service delivery protests have now become very common in the country as people are not happy with the current pace of service delivery and the government cannot afford to ignore.

At the same time, it is noticeable that municipalities all over the country are being faced with challenges like, corruption, skills shortage, old infrastructure, HIV/AIDS, crime, growing population and lack of sufficient water supply for the increasing communities. Although it has been argued (see Bond, 2000; Gibson, 2004; Hart, 2002; and Özler, 2007) that the democratic government inherited these critical challenges from the undemocratic apartheid regime, there is need to take full responsibility for the declining conditions of our economy and rampant protests due to the pace of service delivery. The government has been found wanting for the slow rate of development in the country despite the lavished hopes given to people during the 1994 transition.

The Department of Cooperative Governance and Traditional Affairs' call for a national debate on urban and rural development is one of the efforts that have been made to rectify these issues of development. Inequalities in the economic distribution in South Africa have become urgent issues that the local government in a democratic South Africa must contend with and deal with speedily in order to curb the spate of unrests. In order to deal with these economic inequalities, the post-apartheid government came up with key strategy to promote transition from social and inequalities created by the apartheid regime and the strategy was called the Reconstruction and Development Program. The local governments of the new South Africa were best placed and positioned to work as agencies to promote the reconstruction and development program. This, however, there was not a clear strategy and RDP became a utopian strategy that was no going to be realised (Kurahashi, 2012). According to Kurahashi (2012), patterns of social process vary across countries and even across regions within a country and these patterns are highly sensitive to cultural differences. As such, South African rural communities need special attention by the government so as to look at issues such as vulnerability, inequity and the deprivation faced by rural communities, which hinder their development.



In KwaZulu-Natal, conscious programs for rural development started with the rural development facilitation program. The rural development facilitation program was designed to be a comprehensive program for rural development with the support of the traditional leadership institution. However, there were constraints; most of which grew out of the long history of discrimination, forced removals and apartheid. Forced removal to the former homelands led to them being overpopulated and underserved and with limited resources. This was exacerbated by the legacy of autocracy, nepotism and corruption in service provision and decision making over development issues. It is often made worse by expert driven approach carried out by bureaucrats who show equal disdain for implications, difficulties, and slowness of methods that allow for democratic control of the development process. In addition, many traditional authorities are nervous about losing control over resources (Rural Development Strategy of the Government of National Unity, 1995:1). Challenges arise from the inconsistencies between traditional law and formal economic systems such as the difficulty in having a conventional approach for collateral for borrowers who hold land in a communal tenure system. This further compounded by the past failure to encourage the development of financial services in rural areas, and the particularly conservative nature of South Africa's banking system. Those who might have been offered financial services in the former homelands are discouraged by the subsidies offered by the Agriculture Credit Board and the Agricultural Development Corporations. These bodies limit the numbers of viable clients, against which no other service provider can compete. Other restrictions emanate from the limited opportunities for education and training, the limited agricultural base, monopolistic ownership of marketing chains and the leakage of incomes out of rural areas.

The high rural population growth rate in South Africa is a constraint on the development of services and reduces access to natural resources. The extent to which cross-border migration

from the southern African countries contributes to this rate of growth is unknown, but must be substantial in some areas. The opportunities that are created by the enthusiasm of rural people, their willingness to work, their keenness to learn and their wish to be integrated into the national economy must be unlocked. As one of the research participants asserted, *“Rural people have shown a historic willingness to organise around development opportunities”* (isiPhakanyiswa Dlamini).

A former school teacher, Isiphakanyiswa Dlamini took over from her late husband in 2004. It was not an automatic succession; she had to contest elections and won. She has been elected for two consecutive terms. Prior to that, she was a Proportional Representative Councillor in the uThungulu District Municipality for Inkatha Freedom Party. She is currently serving as the chairperson of the Local House of Traditional Leaders in uThungulu District. She is a member of the National House of Traditional Leaders as the representative of KwaZulu-Natal.

The Reconstruction and Development Program declared a strong commitment to rural development in South Africa. Given the prevailing inequities in the country, those South Africans who live in rural areas will provide the dearest indication of Reconstruction and Development Program success in the meeting basic needs; hence, building the economy and democratizing the state.

The aims of the government’s Rural Development Facilitation are to create vibrant sustainable rural communities, to facilitate the implementation of the National Comprehensive Development Program in KwaZulu-Natal. Rural Development Facilitation focuses on coordinating the implementation of the rural development modes in the Province and the facilitation of services through: the institutionalization of community organizational structures in rural areas to empower communities in terms of the identification and implementation of new community projects; and establishment of economic, social development and infrastructure

projects to facilitate economic growth in rural areas (Rural Development Strategy of the Government of National Unity, 1995:1).

The growing concern over rural underdevelopment and poverty amidst glittering affluence in other sectors has led to gradual shift in emphasis from the conventional growth models to what is widely known as integrated varieties of development (Vuthimedhi, 1989). According to Vuthimedhi (1989), the lack of uniformity of the Integrated Rural Development can emerge both as a weakness and strengths. The weakness can be said to arise from the difficulties in concrete operationalization of the concept in actual rural development activities and the strengths from the flexibility of policy makers to encompass a wide variety of programs and projects. Given the wide variety of policies and programs that take shelter under Integrated Rural Development and the diverse socio-economic context under which Integrated Rural Development is practiced, it is perhaps desirable not to stick to a single rigid definition of IRD. It would be a mistake and counterproductive in so far as the rigid definition would leave intricate details and nuances of IRD arising from a country's specific perceptions of the problems sought to be resolved by IRD (Vuthimedhi, 1989).

Vuthimedhi (1989) further argues that it must be generally accepted that the government has an important role to play in promoting decentralised administration with people's participation and in promoting programs so that a balanced growth through involvement of both public and private sectors can take place. In many countries, IRD as a strategy for rural development is shaped by the internal dynamics of socio-economics. IRD as a strategy has been used by donors for rural development in many countries.

It is generally accepted that self-sustained rural development is vital to the economic and social progress of any developing nation like South Africa. Unless the ways and means of massively accelerating development in the rural areas where over 60% of South Africa's population reside

our national goal of self-sufficiency and control resources may continue to elude us. According to Ozor and Nwankwo (2008), the main argument in favour of rural community development is that communities are deemed to have a better knowledge of the prevailing local condition.

Rural community development according to isiPhakanyiswa Dlamini of the Kholweni – Ntumeni, *“is process whereby people become more able to live and adapt the local conditions”*. For her, sustainable rural community development cannot take place through force but can happen when the community participates in the process. Carrying out developmental projects also involve the king’s committee members. As Mr Peter – Ngcolosi council member – asserted that they have development committees that attend to their needs and liaise with the municipality on their behalf.

They share ideas, visions and responsibilities in driving their community development projects. isiPhakanyiswa Dlamini said one of the approaches in creating sustainable rural development in her area is by giving her people an opportunity to think and plan their own future. She said *“doing this has supported the need for effective leadership at local community level in order to harness my people towards their own development”*. She was voted in by her people into this position and so far has not disappointed them. Without community participation, projects fail and maintenance issues do not get resolved. Community members would at times demand payments for attending meetings even though the end results of the projects are to be owned by them. Nonetheless, they maintain their expectations of their leaders. Mr Jabulani for instance stated:

*We expect from them jobs and services like water, electricity and schools are some of the things that are expected by people from the government and the traditional leader. Because by providing services to the community, a traditional will receive recognition.*

Such expectations remain constant in many communities and creating awareness about them before and when they are started is critical if a traditional leader is to gain the confidence and trust of his or her community members. According to Ozor and Nwankwo (2008), usually, rural community development projects aim at creating awareness of rural possibilities, providing information on resources, inputs and infrastructure, deploying technical assistance, skills acquisition and development, increasing literacy levels, improving productivity and productivity systems; adapting appropriate technology in agriculture, sensitizing potential volunteers and donors among other thing. Ideally, most community development projects in developing nations focus on people's felt needs and basic amenities such as the provision of good roads, electricity, health clinics, markets, school buildings and farm settlements among others. These goals can only be achieved through the combined and collective efforts of all those who share the conviction that rural community development must be accorded a high priority in our drive for poverty alleviation and national self-sufficiency.

### **3.5Contemporary Relevance of the iNkosi**

*People are expecting that iNkosi provide services like schools, water, electricity and roads. He should knock on all the governments' doors and be part of the integrated development planning process on behalf of the community (Mr. Sanele).*

*Traditional is expected to co-ordinate activities of the community, be a linkage with the government on service delivery and a custodian of customs and culture. The government is expected to deliver services to the community,*

*plan and coordinate programs for the community and develop legislations and policies (Mrs. Thabile – Ngcolosi council member).*

Over many centuries, the institution of traditional leadership has existed in Africa and has continued to have certain expectations from people. The role of the institutions of traditional leadership in a democratic South Africa has been on the spotlight since the dawn of independence in 1994. Their role as the conduit of rural development between the local government and their people and the conflict posed in most cases by the question of legitimacy is the main focus of this study. In most African states, public participation and good governance is characterized by lack of service delivery and failed governance. Their structures were highly hierarchical and centralized. Traditional leaders had total control over the social, economic and political structures governing the society (Sakyi, 2003). To ensure safety and order they put systems in place that regulated the societal behavior. In pre-colonial times, African societies, through a variety of political systems with corresponding economic and social institutions, delivered services such as allocating land, lawmaking and socio-political control (Sakyi, 2003). According to Amoateng and Sabiti (2011), during this period, family and kinship was associated with communalism and was the predominant principle of social relations. Families and clans owned lands which were used as means of production. Eventually these families became ruling aristocracies which resulted into the stratification of economy in traditional community (Amoateng and Sabiti, 2011).

*This form of government does have a role to play, bearing in mind that it is the system that the majority of people identify themselves with. It also communal oriented rather than individually inclined. Therefore, with all the*

*challenges of today, it is without doubt that the traditional approach which is communal inclined will best suit the current environment (Mr. Ndebele).*

Mr Ndebele was born in Ntumeni and he is the member of Kholweni community. He is currently working at Eshowe Hospital. He is the staunch member of the Lutheran Church which is the dominant domination in the area. He has served on several developmental communities and was once the chairperson of the Ntumeni Clinic. Under his steward, the clinic was constructed in the area and also the area is being electrified. Mr. Ndebele, according to him, is also one of the greatest supporters of Traditional Council and the District Municipality.

The institution of traditional leadership, because of its hierarchical character, had its functionality in terms of providing social and economic services in pre-colonial era has been ignored. Colonial powers wanted to use traditional authorities as part of the local government system. In Africa traditional leadership has been subjected to scrutiny and debate (Amoateng and Sabiti, 2011). Its compatibility with democratic institutions is the Centre of contestations between the traditionalists and the modernists. The continued existence of the institution of traditional leadership in countries, like Britain, Canada and African countries is because citizens of these countries still support the institution, but they have put conditions to ensure that traditional leaders are not abusing their positions and people (Ray, 2003). Traditional leadership institution thus becomes the important political actor in the local government and local governance.

Traditional leadership is made up of traditional councilors and traditional leaders who give advice to kings. As custodians of the societal values, traditional leaders were responsible for the local politics, military, religious and culture.

They also ensure that the land was equitable distributed among their people. The authority of traditional leaders was the same as what the Governor General became during the apartheid era (Tshehla, 2005). They had judicial duties and social welfare responsibilities. These responsibilities and powers were taken by the colonialists and apartheid regime in our South African case. During the colonial and apartheid rulers, traditional leaders had no role and their appointment was no longer based on hereditary rights or on principle of primogeniture but it was regime that appoints and dismisses traditional leaders.

The relationship between contemporary governance structures and the traditional leadership structures became the focal point. This focus on the state formation generated greater conversations in the social sciences field (anthropology, sociology, history and political science). By these discussions, writers were trying very hard to project the synergies and how best these two systems of governance can enhance and promote democracy in many of our African governments and also ensure an equitable share, distribution of resources and service delivery at all levels of governments.

According to Sithole (2008), there are people who have pronounced traditional leadership incompatible with democracy, we still find those who view the institution of traditional leadership as an essential institution that can augment and strengthen the democracy in South Africa. Sithole and Mbele (2008: 10) argue that “the proponents of this school of thought do not see traditional leadership as an ‘anomaly’, a ‘compromise of democracy’ or a ‘contradiction’ that exists within a more legitimate setting of modern more generically applicable governance.” They further argue that this view reduces any attempt that will portray traditional leadership governance as the illegitimate system of governance or as the government that is incompatible with contemporary democratic government.



This version of the thinking attempts to minimize the endorsement for what is seen as a less democratic system by posing traditional leadership merely as a manifestation of destitution for proper governance.

These contestations are about the government system that is effective on service delivery to deliver to rural people. Two contestations that have emerged out of this debate are the traditionalists and the modernists' views. Traditionalists argue for retention of the institution of traditional leadership. Traditional system, they claim, is compatible with modern democratic governance because. It is a system of government that has democratic components. Its hierarchy outlook was meant to keep the societal values intact and stabilize the society. One of components was its democratic principles is the room it gives for openness and transparency (Ansere, 1993; Ayittey, 1992; Keulder, 1998 and Tangwa, 1998). Its nature of being hereditary means that it was a system that was not subjected to electoral process, but power was only exercised through traditional councils and public participation, which ensure accountability, consultation and decentralization.

The advantages that these two contesting institutions, which is the local municipal government and traditional rural government provide as vital for bringing development to people is being overlooked. We only see the disjointed structures between the state institutions and the traditional leadership institutions. There is a view that says the African democratisation must be from its own cultural traditions. An attempt by government to promote synergy and to clarify roles has resulted in the promulgations of various legislations and prescripts (Traditional Leadership and Governance Framework Act of 2003, Municipality Structure Act of 1998 and Constitution of 1996). According to Shabangu and Khalo,

what is legislated in the Constitution, is the role of councilors in service delivery and consequently sections 152(b) and 153(a) of the aforesaid Constitution places as one of the objects of local government under leadership of councilors to ensure provision of services to communities in a sustainable manner and to structure and manage the municipality's administration, budgeting and planning processes to give priority to the basic needs of the community. However chapter 12 of the Constitution recognises traditional leaders and makes provision for the advisory role in the provincial and national sphere of government. It does not specify what role such institution should play in the local sphere of government (Shabangu and Khalo, 2008: 325).

These contestations are further exhibited by the two opposing views. There are those whom we called the traditionalists. This group view traditional leaders as people who are better positioned to represent their communities (Logan, 2008). That they are to only live with their people and command the respect and legitimacy they need from their communities. Traditional leaders, however, have to be part of government structures and play a meaning role and not just play a ceremonial role. The opposing group is called the 'modernists'. This group is totally against the inclusion of traditional leaders into democratic system of governance. They view traditional leadership as being of the old people, male dominated, undemocratic and it is totally irrelevant in this current dispensation and is antithetical to democracy. We have in the recent years witnessed an increase in contestations, especially claims to authority, power and legitimacy. According to Sithole and Mbele (2008), such claims are expounded by that some view the rural people under rural government as not the true citizens of the country. Mamdani (1996) stated almost two decades ago that the failure by the African governments has created social division, where some people are referred to as citizens whilst others are called subjects. This argument

is based on the assumption that, traditional leadership does not allow elections and has no provision of a tool that will hold it accountable for its actions.

There is a view that says the institution of traditional leadership was never against the principles of democracy and it was just that the progressiveness of the institution was never recognised and respected by oppressive regimes. The institution can make a meaningful contribution in ensuring that people's dignity is restored (Mkhize, 2011). This could be achieved through greater partnership between the elected municipal councils and traditional leaders. Partnerships are in line with the spirit of cooperative governance. The expertise and leadership skills of traditional leaders can be utilized to stimulate growth and development in their communities. Traditional leaders upheld democratic principles in the sense that everything was done in the open and most of the traditional governance structures were aimed at ensuring that there was order in the society. This view implied that the traditional leadership governance was founded on the principles of accountability, consultation and decentralization (Williams, 2002).

The Traditional Leadership and Governance Framework Act of 41 of 2003, allows the national and provincial governments to promote co-operation between traditional councils and municipalities. It also gives them power to encourage socio-economic development and to effectively participate in the drafting of Integrated Development Plans which affect their communities. Service delivery could only happen when there is greater cooperation between municipal councils and traditional councils. This study focuses on whether traditional leadership, is in fact, relevant within democratized communities and whether it has a role to play within South African politics and the promotion of a sustainable and transparent democracy.

The government has for the last twenty years in dealing with these contestations made attempts to democratize and decentralized the local government; this includes the incorporation of the rural government. Sithole and Mbele (2008) stated that there is a great effort by the government to deal with the issue of how to promote co-operative governance between traditional leadership and elected local government officials. This attempt is often threatened by those who are opposed to the view of co-operative governance. For them, traditional leadership does not fit in the democratic system. Supporters of democracy base their contestation on the fact that traditional leadership is undemocratic.

Institutional arrangements were another form of co-operative governance that was initiated by the government after the collapse of apartheid (see Beall and Ngonyama, 2009). It aimed at ensuring inclusiveness of institutions in both political and developmental issues. Traditional leaders who opted to exclude their communities in these arrangements were left out on developmental issues. On the other hand, traditional leaders who opted to participate, their communities benefited and there was development in their areas (Beall and Ngonyama, 2009). This initiative had to be carried out as the transition from apartheid to democracy had forced the democratic government to introduce some form of institutional arrangements. However, even after the apartheid era, South Africa had remained divided along urban and rural lines. There are those who are often referred to as citizens and those called subjects. Rural communities in this instance are referred to as subjects and there is little or no developments taking in these areas.

According to Whitehead and Tsikata (2003), our return to the traditional leadership could assist the government with the decentralization and distribution of resources and speed up service delivery. In South Africa, there is a view that the growing unhappiness from traditional leaders

is not justified. Such a view claims that because they are mentioned in the Constitution of 1996, they should be contented (Beall, 2006; Cousins and Claassens, 2004). What the constitution does instead (Mabutla, 2011), is it gives powers to provincial legislatures to have their own prescripts on the institution. Provincial legislations allow that provinces establish their provincial houses of traditional leaders and local houses of traditional leaders. These houses are supposed to deal with issues affecting the institution of traditional leaders.

The ruling party (ANC) has held a view that in a democratic South Africa there would be no need to have the system of traditional leadership, it was seen by many in the organisation as anti-democratic and was used by successive regimes to suppress and divide people. They are sometimes perceived as autocratic because they command extra power in their communities and nobody challenges their rulings (Ntsebeza, 1999; Claassens, 2001). This vague recognition and protection of the institution of traditional leadership by the Constitution of 1996 has contributed to the contestation between traditional leaders and the elected government over who controls people and land (Williams, 2010). Resolving this might require joint policy implementation. For instance the 1998 White Paper on Local Government gave traditional council a role to play in local government and the Municipal Structures Act of 1998 demands that they attend and participate in the local government meetings and participate in the implementation of the Integrated Development Plan.

Traditional leaders are on the other hand being appreciated for the role they played during the formation of the African National Congress in 1912. According to Williams (2010), traditional leaders can lay a legitimate claim as the co-founders of the African National Congress and that they have struggled with the masses despite this general perception that they are collaborators and stooges. Williams claims that trying to de-traditionalize or de-legitimatize could have a

negative impact on our democracy, to accommodate them into this new democratic dispensation is the best solution to deal with the institution of traditional leaders (Williams, 2004).

For instance in the Sekhukhune land, traditional leadership is being supported just because the elected local government has failed to deliver on its promises (Oomen, 2005). Government officials are in most cases demanding that the members of the community adhere to the traditional protocol because traditional leadership is seen as an important political force at local level (Ntsebenza, 2004). This could mean that, before documents are processed by the local municipal official, they must have been approved by traditional council first. This could imply that the government recognises the role of the institution of traditional leadership as an important organ to work together with local municipalities in fast tracking service delivery. As enshrined in the constitution of 1996 that the role of traditional authorities is to assist elected local governments to efficiently carry out their mandates. In terms of section 5(1) of the Traditional Leadership and Governance Framework Act of 2003 (Act 41 of 2003), both national and provincial governments are to promote partnerships between municipalities and traditional councils. This act further gives traditional councils powers to promote socio-economic development. This might imply that there is fourth sphere of governance at the local level.

On the grounds of their past role as governing institution over rural communities, traditional leadership is to be allowed to provide governance (Beall, 2004). There is however a call by Ntsebenza (2005) and Mamdani (1996) that the traditional leadership is having negative impact on the democratization of South Africa and that democratic processes were threaten by traditional authority (also see George, 2011; Gooloba-Mutebi, 2007). Ntsebenza (2005) and Mamdani (1996) further claim, hence traditional leaders may still be a threat to the contemporary political system. As such, the continued existence of traditional leadership is seen

an impediment to development and render the democratic institutions irrelevant (Marais, 2001, Zack and Williams, 2002 and Ntsebenza, 2005). This is because the ability of the institution of traditional leadership to co-exist with democracy and human rights has been extensively debated (Sithole, 2008). There is a great potential for contestation if the roles and functions of the traditional leaders are not clarified (Sithole, 2008). The 1995 proclamation that was issued by the government had made it possible that these two political representations could seat on the council and all recognised traditional leaders to be appointed as ex-officio members.

The African National Congress made a clear commitment in its January 8 statement of 2000, that they will recognise and respect the institution of traditional leadership for its role in the advancement of their people's interests in the democratic space. Traditional leaders were seen as the right institution to carry out and implement service delivery to the rural communities. One would on the other hand say, traditional leaders had promoted development in their areas before the democratic local governments were in place.

Development committees were established by the majority of the traditional leaders within the eThekweni Municipality and these committees had related sub committees that each dealt on their problem area such as water or electricity. In the 1980's traditional leaders were instrumental in establishing development committees which were still active when the government introduced the Reconstruction and Development Programme in 1994 (Khan and Lootvoet: 2001). A tug of war ensued after the introduction of the municipal system of government and traditional leaders have to align themselves with political parties and again the lack of clarity on the roles between the two structures. In some cases we see traditional leaders adopting what is called an interlocutor in local municipalities so that they did not become marginalized. They are citing the lack of clear policies as the reason for such move, government

for them is failing to give clear policy direction on their role and functions. According Mkhize (2011), a healthy synergistic relationship between traditional leaders and elected councilors is a necessary condition in order to achieve sustainable service delivery in areas under traditional leaders.

The transformation of traditional structures is aimed at capacitating traditional leaders and their councils to be able to perform their functions in terms of the legislation, a claim that is put forward by the Department of Traditional Affairs and. They have identified the following areas for capacity building of traditional leadership:

- Legal matters and understanding of the new legislation and the Constitution.
- Financial matters.
- Leadership skills.
- Synergetic partnerships between traditional councils and municipalities and
- Conflict resolution.

According to (Meyiwa, 2012) the ambiguity, confusion and contestation in those communities which both factions claim to be representing is caused by the government's attempt to address issues raised by proponents and those that are against the institution of traditional leadership.

The new wall to wall municipal system in the country placed traditional communities under governance of the municipalities and that of traditional leaders as opposed to the previous dispensation where homeland governments were directly responsible for service delivery in traditional communities with traditional leaders playing a direct liaison role.

In order to deal with the contestations and conflict between traditional leaders and municipal councilors, eThekweni municipality became the first local government to establish the chamber of traditional leaders. This was seen as an attempt to cool down the flares and to politically win



over traditional leaders who were more sympathetic with the former homeland which was led by the Inkatha Freedom Party. The chamber enables traditional leaders to participate and deliberate on local government matters. This sort of institutional arrangement benefited traditional leaders immensely in terms of emoluments they were receiving. It was generally assumed that traditional leaders were now able to participate in the service delivery programs and projects of the municipality.

The Inkatha Freedom Party was and still not happy with this type of an institutional arrangement (Buthelezi, 2013) the institution of traditional leadership is not taken seriously by the African National Congress according to them. Inkatha Freedom Party is arguing that, traditional leaders have no authority and no budget provision for the houses of traditional leaders and they are merely invited to attend municipal councils as ceremonial figures.

On the other hand there are those who are arguing that traditional authority should remain the primary level of rural government (Holomisa, 1997). Traditional authorities is a form of local government therefore certain functional activities of local government should be performed by traditional leaders and be part of the development taking place in their areas. According to Shabangu and Khalo:

The advent of democracy in 1994 and the first democratic non-racial local government elections on 5 November 1995 in South Africa brought about a new era of leadership in the local government sphere. In terms of section 151(1) of the Constitution of 1996, municipalities were established in the whole of South Africa including rural areas which resulted in election of councilors in the area of jurisdiction of traditional leaders (Shabangu and Khalo, 2008).

Section 81 (1) and (2) of the Municipal Structures Act of 1998, traditional leaders that observe a system of customary law in the area of the municipality may participate in the proceedings of the council in a particular municipality. Those traditional leaders must be allowed to attend and participate in any meeting of the council. The number of traditional leaders that may participate in the proceedings of the municipal council may not exceed 30% of the total number of councilors in that council. Before a municipal council takes a decision on any matter directly affecting the area of traditional authority, the council must afford the traditional leader that authority and opportunity to express an opinion on that matter. This was an illustration that traditional leaders have a legal right to be present in the proceedings of council meetings. However, the extent of their presence has limitations. Traditional leaders do not participate in the decision making process of the council, they are only given an opportunity to express their views on matters affecting their communities before decisions are taken by the council.

The implication is that traditional leaders have no authority to oppose council decisions on matters affecting their areas. In service delivery matters, for instance, they can only express their opinions but council takes the decision. The conclusion that can be drawn in this regard is that while traditional leaders can render assistance to government on service delivery matters, they do not have authority and autonomy on service delivery matters as councilors do.

Traditional leaders across Africa are dealing with the ways of how to fit the institution of traditional leaderships into the democracies of the world and it has to take its rightful place in the world's multilateral forums such as United Nations, African Union and Southern Development Community.

This study has reveal people's understanding and feelings about democracy in the post-apartheid South Africa. Municipal councilors are receiving the most criticisms and this was the case in the both kwaNgcolosi and Kholwa-Ntumeni areas. The criticism of ward councilors that is found in this study is not dissimilar to the criticism of traditional leadership. While they owe their positions to proportionate representation, the functioning of many ward councilors has indicated that the representative electoral system has limits (Xaba, 2005).

According to Ntsebeza (2005), in many countries we find a fundamental contradiction of democratic processes. This thinking is often propagated by those who argue against the continued existence of the institution of traditional leadership. For the fact that traditional authority is based on inheritance as opposed to elections, some believe that it is compromising our country's democratic ideals as enshrined in the constitution. It is viewed as the institution which deep rooted in the patriarchal system, where the distribution of social and economic resources is driven by men only and women have little role to play. Based on these notions about traditional leadership, it has not been afforded an opportunity to participate as equal stakeholders when their existence and their roles were discussed. As a result, they are accorded the secondary status. This, according to Matloa (2008), is due to the failure of the South African government's failed approach in its quest to restore the image of traditional leaders.

The government is however, maintaining that its approach has been inclusive and by the creation of the new traditional councils it has able to afford rural communities with greater degree of participation in government at the local government level. In government's view, the creation of local municipalities and traditional councils has ensured an increase in public participation at the local level. During the election of traditional councils there is a high degree of politicking as candidates in the elections are seen as political deployees of political parties.

This has created confusion in rural areas and has been seen as the major cause of conflict between local municipalities and traditional leaders. Congress of Traditional Leaders which is made up of traditional leaders who are aligned to the ruling African National Congress saw this confusion as an irony. It is surprised by the government's attitude and the way it has been able to embrace the government systems of the apartheid regime and being not able to understand traditional leadership, an institution which has survived oppressive regimes. These two systems are supposed to work together in service provisioning in rural areas, but there is no evidence of co-operative governance between the two institutions.

. In Africa as according to the view of the traditionalists, traditional government is more accessible to people. Public participation was often displayed through wide gatherings which were known as *pitso* (Lesotho), *kgotla* (Botswana), *imbizo* (South Africa) (Logan, 2008). These gatherings were offering the community a platform to participate in governance issues and to state their opinions and be part of the decision making processes. For Keulder (1998), this form of government was not just a simple form of government but it was the best democratic institution and was more participatory in nature. On the other hand, modernists view the institution of traditional leadership as being suppressive and dominated by males who would not want to hear the voices of women and youth.

To safeguard their positions traditional leaders aligned themselves for tactical reasons with the government of the day (Van Kessel and Oomen, 1997). The majority of traditional leaders in South Africa have become members of the Congress of Traditional Leaders of South Africa, an organisation that is aligned with the ruling African National Congress. Some of traditional leaders who are affiliated to this organisation have been seen on the list of the proposed

parliamentarians to represent ANC in parliament and some have made it to parliament. There are people after the democratic dispensation who view traditional leaders as collaborators while others including traditional leaders themselves try to paint a more positive picture of their essential importance to stability, solidarity and dignity for their communities (Logan, 2008). There is great need for the traditional leaders to balance their dependence on their communities for legitimacy (Williams, 2004). Others, however, suggest that this ability for traditional leaders to straddle the state-society dichotomy and serve as necessary intermediaries for their people is strength of the institution that helps explain its survival.

The Business Day Live online Newspaper stated, “In predominantly rural provinces and ANC strongholds such as Limpopo, Mpumalanga and North West, kings, chiefs and headmen can act as access points to communities that are key constituencies for the ANC”. This of course is refuted; as echoed in the words of Jordon. “ANC veteran Pallo Jordan points out the ANC does not have a special relationship with traditional leaders, but engages with them as it would with "teachers and doctors and other occupations”. He says: "The ANC speaks directly to the voters." (<http://www.bdlive.co.za/national/politics/2014/02/18/traditional-leaders-an-important-base-for-anc>). All of this of course refers to public opinion and criticism that the ANC-led government has worked hard to cement its relationship with traditional leaders in the post-apartheid era. The Mail and Guardian also regularly writes about public outcry over, various activities of certain traditional leaders. For example, the story of;

“four traditional leaders in the Eastern Cape, for example, who had qualified for Mercedes-Benz MLs as well as double-cab bakkies, and had R10 000-a-month petrol cards, car services and insurance at the state's expense, but those in the Free State had only qualified for a Mercedes-Benz of a "lower level" E class with an unlimited petrol card. Traditional leaders in

Mpumalanga were also driving Mercedes-Benz MLs. <http://mg.co.za/article/2013-09-13-00-chiefs-tire-of-cheap-frills-and-sackcloth>

On 12 October 2010, Nelson Mandela himself was quoted as lashing at what he saw as preferential treatment demanded by some traditional leaders.

(see <http://mg.co.za/article/2012-10-12-00-mandela-in-fight-over-patronage>).

This study is thus not immune or blind to the negative criticism certain high profile traditional leaders draw to themselves. However, the study is narrowed to the leaders of the two communities cited.

### **3.6 Conclusion**

In this chapter, I have explored the various views of the (perceived) role played by traditional leaders and the institution itself. The chapter in its very structure has, demonstrated the tension and contested view of the institution of traditional leadership, in both scholarship as well as perceived by the lay people themselves.

## CHAPTER FOUR

### **The *isiPhakanyiswa*: A Traditional and Political Head**

#### **4.1 Introduction**

In order to accommodate new circumstances of economic and social organization, functions of traditional leaders have also been forced/obliged to adapt. The *isiPhakanyiswa* is a traditional leadership system practice in Kholweni community of eThekweni. The term literally means “raised” or “chosen” based on how one assumes the position of an *isiPhakanyiswa*. This form of leadership is occupied by a member of the community, who is elected and to represent the community in the municipal council, as well as in the traditional council. This form of leadership became more prominent in the post-apartheid era of South Africa. As at 2013, the KwaZulu-Natal Traditional Leadership and Governance Bill were promulgated. This Bill was meant to, amongst many other things; spur a national recognition of traditional leaders, including *isiPhakanyiswa*,

the establishment of a Provincial House of Traditional Leaders, Local Houses of Traditional Leader, and the KwaZulu-Natal Commission on Traditional Leadership ...to provide for an enabling framework to support collaboration and co-operative governance between these institutions and the Provincial Government (RSA 2013: 2)

Because they are elected traditional leaders, the *iziPhakanyiswa*, although similar to non-elected traditional leaders, are slightly different from non-elected traditional leaders and operate in a slightly different manner. As such, their presence, the role they play, and the services they offer to their communities are received somewhat differently than those of *amaKhosi*. This chapter looks at the *iziPhakanyiswa*, with particular attention to that of Kholweni community, the role they play in their communities and how they are able to serve as promoters of the government's developmental projects.

## **4.2 Historical background of Kholweni- Ntumeni Community**

The Ntumeni Mission Station was established by a missionary from Norway, Bishop Schreuder in 1852 when Mpande was the King of the Zulu Nation.



(Signpost above is at Ntumeni pointing to the Norwegian Mission Station)



Ntumeni was established with the approval of King Mpande. Bishop Schreuder rendered valuable services to the Zulu nation and provided great assistance during the installation of Cetshwayo as the King of the Zulu nation. In 1882, Bishop Schreuder died and was succeeded by Reverend Nils and later on Bishop Astrup (SNA, 372/53).

When Zululand Delimitation Commission went into the question of lands in Eshowe District at the end of 1903 and beginning 1904, the church of Norway laid the formal claim to Church of Norway Mission and Ntumeni.

The report of the Commission in 1902-1904 dealt in detail with the land issue handed to it and it concluded by stating that

In delimiting reserves in that locality, reserving sufficient of the open lands within the area as well as a small portion of the forest land to provide for the present and future requirements, for some time to come, of the natives, both converts and heathen, residing on it. In this reserve will be included a Mission Building. It will be fully described and shown on the map which will accompany our report of Eshowe District and it rests with government to decide whether any further and if so of what nature, tenure will be conferred in view of the fact that the reserves are unalienable without the consent of the Secretary for State and that they are to be maintained for the use and benefit of Natives. We cannot, however, urge too strongly that the matter be now definitely settled with the least possible delay as it is in the interests of all concerned that a speedy and final settlement be arrived at (SNA, 372/53).

In 1916 a certification of occupation in respect of 200 acres of land was issued to Ntumeni Mission Station. That council was comprised mainly of Christian headmen under the leadership

of the missionary in charge. One of the duties of the elected headmen was to act as the messenger of the bishop or the reverend, to send reports and correspondence to the authorities.

The first of these elected headmen was Zacharia Mkhize, who was later dismissed because of his insubordination and disloyalty. He was succeeded by Jacob Mhlongo, he was very loyal and faithful and worked diligently. He was later awarded pension by the government and forced to retire.

Meanwhile the so called exterior influences were brought in the Christian community. They demanded that they should be considered an independent ward on par with other reserves. Despite the several warnings from the missionaries in charge, they went ahead and elected Anton Hlongwane as their isiphakanyiswa in charge of Ntumeni area. The government acceded to their demand and appointed Anton Hlongwane as isiphakanyiswa. It meant that the old order was done away with and was replaced entirely by new unhistorical situation. This new order was not well received by the missionary in charge because it deposed them of their authority and headmen were no longer there to act as messengers. Anton Hlongwane was the elected traditional leader until his death in 1936.

The Ntumeni community met and elected his successor by the name of Mkhishwa Nyandeni in 1937. Mkhishwa Nyandeni died in 1943 after a short illness and as a result, the position became vacant until the community elected his successor by the name of Johannes Mhlongo. He ruled the Ntumeni community until 1964 when he died. In 1965 Hosia Nyandeni was named his successor with civil and criminal jurisdiction. After his death Hosia Nyandeni was followed by the following IziPhakanyiswa, INkosi Mthembu, INkosi Dube the husband of the current INkosi V.T Dube. INkosi V.T Dube has served two terms. She also served in the uThungulu District Municipality as PR Councillor representing IFP before defecting to the ANC. During this study she was serving as the Chairperson of the uThungulu Local House of Traditional

Leaders and she is representing the Provincial House of Traditional Leaders at the National House of Traditional Leaders.

#### **4.3 The Legal Recognition of iziPhakanyiswa Traditional Leadership**

There was a close relationship between traditional leaders with public politicians during the apartheid era, an affair which has been arguably said, led to the manipulation of traditional leaders by the then politicians. As asserted by Khan and Lootvoet (2001), “the apartheid regime used traditional leaders to support its divide and rule policy which was created by the National Party”. For many decades, traditional leaders ruled traditional communities as their little Kingdoms with no opinion from such communities in deciding who rules them and who does not. The leadership was decided based on inheritance. As such, the eldest child of a king, preferably male, assumes the throne after his father’s demise. As stated earlier in this study, the other traditional leader was not elected but assumed his position in a similar inheritance approach.

Collaborating with the apartheid regime provided the then traditional leaders many private and personal privileges (see Houston and Fikeni, 1993). This point is re-affirmed by Ntsebenza who states that traditional authorities collaborated with the apartheid regime and became “stooges” of the system and were not accountable to their communities (Ntsebenza, 2004). As such, till date, there remains a ‘stench’ around traditional leaders. They lost the respect and credibility that comes with their position. In order to redeem this credibility, some writers, such as Williams (2010), have suggested that traditional leaders have to be recognised for their role in setting up the African National Congress, claiming that they were part and parcel of the struggling masses despite their role as collaborators with oppressive governments. Others,

however, feel that the introduction of a new system which allows people to vote in traditional leaders will lead to the emergence of credible and reliable leaders, claiming that therefore it is important to that they also accommodated into the new political dispensation (Williams, 2010).

Their traditional authority in the past covered many areas like judicial and social welfare and were like governors in their areas (Tshehla, 2005). The Black Administration Act of 1951 gave them powers to be rulers of homelands and there taking full charge of people residing in homelands. During the apartheid era, the Governor-General had powers to appoint any person of his choice irrespective of him being from the chiefly house or not, thus going against the idea of inheritance (Nicholson, 2005:5). He could dismiss and replace traditional leaders as he wishes (Khunou 2011:279).

Colonialism in Africa was not only about politics but it was also about religion. Africa was invaded by missionaries whose aim was to convert Africans into Christianity. These missionaries set up a number of mission stations and they built churches, schools and hospitals for the converted. These missionaries had easy access to the land and were given a vast of African people's land by colonial rulers. These missionaries were further used to dismantle the institution of traditional leadership and established themselves as new rulers of the land. Indigenous communities were subjected to the rule of missionaries. The system of traditional governance which was based on heredity was dissolved and that role was taken by Church leaders or Priests and Reverends. With the collapse of colonialism in Africa it therefore meant that white missionaries had to leave the mission stations to newly ordained African priests and reverends. These new church leaders found it difficult to play a dual role, that of church leaders and to lead communities. These communities had to consider two options, either to return to original traditional system of governance or choose one of the church members to lead them. The majority of communities opted to choose their leader from the congregation. They did not

want to revert to the original traditional governance. Mission stations were well developed, with schools and hospitals compared to areas who were outside of the mission station jurisdiction. In terms of the repeal act of the KwaZulu Homeland, the Amakhosi and IziPhakanyiswa Act 9 of 1990, these new rulers were regarded as traditional leaders and were referred to as *Isiphakanyiswa*.

*We are referred to as isiphakanyiswa because we are elected by the community. Any community member is free to contest for the position and elected. A person elected should be the member of the Lutheran Church in our case. This used to be mission area under the control of Lutherans and when the missionary left this land, it was decided that we elect a person to lead (isiPhakanyiswa Dlamini).*

*Among the Kholwa communities, I think the criteria would be the same as ours and they will look for an educated, respected and a member of their church. Isiphakanyiswa is chosen through elections and rule for five years unlike us who stay in power till we die (iNkosi Zungu).*

*This is a respected man or women in the community. The person occupying the position does not occupy it through birth right but he /she is voted into the position. Elections are held every five years and the position is contested. Isiphakanyiswa means the one who is elected (Mr. Ngcobo).*

*In our area we vote for our isiPhakanyiswa every five years and we make sure that a person is in good standing and of sober habits. The person must be born in the area and*

*is a Lutheran church member. Anyone who is meeting these requirements is allowed to contest the election (Mrs. Peter – a council member).*

Mrs Peter is the member of the Ngcolosi community. She is the former school teacher in the area and has lived all her life in the area. After retiring from teaching she became involved in community developments. She was instrumental in the construction of the crèche and clinic in the area. Mrs Peter is also the member of the Traditional Council and is chairing a committee that is responsible for health and safety.

The introduction of iziPhakanyiswa as a system of traditional leadership, however, is not the same as what some Governor-generals could do during the apartheid era. This new form of traditional leadership gives the community the power to elect any credible member of the community to be the traditional leader and dismiss such a person whenever he or she loses his or her credibility. The procedure and tenure of an isiPhakanyiswa was stated in the RSA Bill (2013 Chapter 5:14) as follows:

For the purposes of the identification and recognition of isiPhakanyiswa the process as contemplated in section 13, applies with the necessary changes: Provided that- (a) such recognition is for a period of five years; (b) any reference to uMndeni is deemed to refer to an electoral college; and (c) the customary identification processes referred to in section 13(1)-(a) are replaced by a democratic election to be held in the prescribed manner.

As such, they are voted through the customary electoral procedure. They do not assume this position based on hereditary rules but are voted into their position by their communities. The Province of KwaZulu-Natal has three communities that are led by traditional leaders who are

IziPhakanyiswa. These communities are Kholweni, Mondi in uThungulu District and Sibonelesihle in Sisonke District.

There is a view that traditional leadership is a socio political and politico-religious responsibility rooted in pre-colonial era. This gives room for the inclusion of aristocrats holding office, heads of extended families and office holders in decentralized polities to become traditional leaders (Lutz and Linder, 2004). The specific mentioning of the Lutheran Church by isiPhakanyiswa Dlamini shows how religion can also play a role in deciding the credibility of the person to be elected at the traditional leader. The difference, however, between the modern state and traditional authority is that leadership in modern society is usually elected or appointed by elected officials, while ancient traditional leadership is inherited or appointed. Some traditional leaders like for instance the Kholweni-Ntumeni are subject to accountability mechanisms but the majority is not subjected to electoral processes.

Leaders of traditional communities were referred as traditional authorities until 2003 when the state introduced the Framework which defines them as traditional councils (see RSA 2003). As stated earlier in this study, tradition is rooted into history which legitimizes the functioning of the traditional authority. Traditional authorities had powers to allocate land held in trust and could also provide administrative services, social welfare and process applications for business premises (Houston and Fikeni, 1996).

The process of traditional leadership selection has often been more stable in many cases than the leadership functions themselves. But this does not mean that the process of leadership selection is not open to change. In South Africa for an example, the process has changed to allow previously excluded women to be able to become chiefs (see RSA 2003). Such a case can be found in Kholweni-Ntumeni there they have INkosi Victoria Dube as a women traditional leader.

Ribot (1999) stated that there is great variation in the process of leadership selection. In Niger and Senegal, chiefs hold their positions for life. They neither represent nor are accountable to the village as a whole. In Niger, only members of an elite lineage, or caste, can become chiefs. In Burkina Faso and Mali, the process of choosing village council presidents and chiefs appears to create a more accountable system due to periodic elections. In Mali, however, chiefs are effectively administrative appointees confirmed by periodic local elections under recent decentralization laws (see Ribot, 1999).

The presence of an elected traditional leader over a non-elected leader in a locality does not automatically dispel the possibilities of non-transparency and accountability. Some elected traditional leaders, just like some politicians, can portray non-transparent or responsible characteristics. Whereas the iziPhankanyiswa are held more accountable by their communities, amongst the INkosi on the other hand, accountability may be limited because their position is inherited usually for life, so the possibilities of sanctions are restricted. Nevertheless, the power of traditional leaders depends on public support. In some cases, due to their unclear political and legal status, the power of traditional leaders might depend even more on public support than those of local government.

The existence of the nation state has thus far not seriously challenged by political divisions, though in some areas rural communities are complaining for not receiving a fair treatment from the state. The country's political system is seeking to encourage unity in diversity. Though some people have moved from rural areas to cities because of economic development, people living in urban areas continue to have links with rural areas and their extended families continue to live in rural areas. These people continue their allegiance to the traditional leadership of the areas of their origin.



According to Sharma (1999), continued existence of tribal (sic) structures help in maintaining the cultural diversity as these structures are expected to maintain and promote the best customs and traditions of their tribes. It is understood that a homogenizing approach to nation building can be counterproductive in a heterogeneous and pluralistic societies who hold their own cultures and traditions with pride. Realizing the significance of people's participation in development planning, the government of Botswana has expressed its commitment to bottom up planning and has developed decentralised planning machinery at the district level. The traditional leadership and structures are associated closely with the process of formulation, implementation and monitoring of districts plans. Traditional leaders are members of district development committee, which coordinates the district plans and monitors their implementation. South Africa's traditional councils work as forums for consultation with community to participate in all the stages of development plans and implementation of development plans.

#### **4.4 Impact of *IziPhakanyiswa* and their roles**

The democratic government under the leadership of President Nelson Mandela retained traditional leadership structures and integrated these into the governance of the country. With their powers, functions and status reduced, they arguably posed no threat to the stability of the country. The introduction of the democratically elected council took away the functions earlier performed by traditional authorities; allocation of land was taken by the Ingonyama Trust Board.

The institution of traditional leadership and elected local government institution gained their acceptability and power attributes whilst on the other hand the *IziPhakanyiswa* have their powers derived from the customary electoral procedures and religion, which was inherited from the colonial era. Roles of IziPhakanyiswa in terms of the traditional leadership structures are indistinct from those derived from the hereditary traditional leadership. The Traditional Leadership and Governance Framework Act 41 of 2003 govern IziPhakanyiswa. According to Oomen (1993), South Africa's first democratic constitution provides that the institution, status and role of traditional leadership, according to customary law and this included IziPhakanyiswa.

*I am expected to provide services to the people. I provide services like schools, water, electricity and roads. I am taking part in drawing of the integrated development plan. We have set up development committees to ensure that service provision is negotiated with community members. Presently, I have been able to work with the government in providing electricity and water in the community. We also recently provided the community with a hall for meetings and made a sports field, built some schools and crèche for the children. I take do take part in the planning and I am doing in my capacity as the chairperson of the local house of traditional leaders and isiphakanyiswa representing my community (isiPhakanyiswa Dlamini).*



### **(The Kholweni-Ntumeni Traditional Court)**

This kind of traditional leadership among the Kholweni community members of uThungulu District Municipality is seen as a viable parallel mode of governance to contemporary institutions of governance and commands a level of allegiance among people. The ability of the isiPhakanyiswa to organise and mobilise communities has been one of the reason for its survival and the support it receives from people.

In responding to the expectations on the traditional leaders, Mr. Zungu, a community member of Ntumeni asserted:

*We are expecting jobs in the projects that the isiPhakanyiswa and the government bring into the area. We see electricity, roads and water being provided. We still want more from the government and IsiPhakanyiswa. More resources need to be given to traditional leaders and there should be that good working relationship with the municipality. By providing services to the community a traditional will receive recognition.*

This expectation was also shared by other community members such as Mr. Ngcobo who said:  
*To earn respect our INkosi must work hard and provide services to his people. Many traditional leaders think for themselves and their families and forget about us people.*

His view was also corroborated by Sanele who asserted that

*People are expecting that iNkosi provide services like schools, water, electricity and roads. He should knock on all the governments' doors and be part of the integrated development planning process on behalf of the community".*

For Jackson and Marquette (undated article), the institution of traditional leadership will not be always legitimate just because it is traditional leadership, but its ability to create an enabling platform for communities to participate in governance is key for its acceptability. IziPhakanyiswa traditional leadership works through cooperative governance with local municipalities in order to be able to direct resources and projects such as schools, electrification of the area and water provision for the community. If there is lack of cooperation, resources are likely to be pulled in different directions with little effectiveness. Public participation is the key that both institutions need claims isiPhakanyiswa Dlamini.

A former school teacher, isiphakanyiswa Dlamini took over from her late husband in 2004. It was not an automatic succession; she had to contest elections, and won. She has been elected for two consecutive terms. Prior to that, she was a Proportional Representative Councillor in the uThungulu District Municipality for Inkatha Freedom Party. She is currently serving as the chairperson of the Local House of Traditional Leaders in uThungulu District. She is a member of the National House of Traditional Leaders as the representative of KwaZulu-Natal.

According to Leslie Bank and Roger Southall (1996) cooperative governance and public participation as the case of iziPhakanyiswa traditional leadership and the uThungulu District Municipality underpins good governance and is a prerequisite for the successful governments of Africa. Many governments in Africa have recognised the importance of inclusivity to protect traditional leadership without reducing the power and authority of democratic institutions. I think that governments of African countries are now recognizing the fact that all spheres or institutions of government preside over the same communities.

Instead of the institution of iziPhakanyiswa traditional leadership challenging the elected municipal institution, Bank and Southall (1996) provide us with the base on which the government can build and strengthen the democratic principles. They stated that cooperative government insinuates collaboration among different forms of institutional governance (Bank and Southall, 1996). In the case of iziPhakanyiswa traditional leadership, the institution of traditional leadership is not meant to be competing with elected institution.

In most former mission reserves, *IziPhakanyiswa* are normally democratically elected to represent these communities. This provides the opportunity for the *iziPhakanyiswa* to make 'correct' decisions that will be supported by the majority of the people. Making decisions for these rural communities could be difficult. As such, the integrity of the isiPhakanyiswa is at stake; hence, he or she strives to live up to expectations on him or her by making positive decisions for the community. In the study conducted at Ntumeni-Kholweni community, the respondents noted that they hold the decisions of INkosi Dube with high esteem and endeavour to comply with her directives. The government should therefore make use of this opportunity by harnessing the efforts of INkosi Dube to ensure sustainability and success. This can be achieved by involving the traditional leaders in initiating and implementing developmental programmes (Chukwuone, Agwu and Ozor, 2006).



**(Community Hall at Kholweni Ntumeni- A meeting place for community members to discuss development)**

The iziPhakanyiswa traditional leaders are always vocal, intelligent, cosmopolitan, and knowledgeable and sometimes educated that is according to Dube, their role in liaising between agencies of development and their communities stand out clearly. Dube has also stated that in seeking for external financial or technical aids, she has also used the ‘best brains’ in her community to obtain that. This is because these people are well connected to the corridors of power or to influential people and organizations. She has solicited assistance for various projects in her area from the Motsepe Foundation, Eskom and Hulleys to name a few. One of the roles played by the *IziPhakanyiswa* is the task of fund raising for community developmental projects. This is done through launchings, donations, levies and fines and donor funding that comes from outside. Through these initiatives, *isiPhakanyiswa Dlamini* has been able to raise



funds for her community for the following projects: electricity provision; water for each household; sports field; community hall; schools; crèche; clinic; care centre and a male circumcisions project.



**(Newly built Kholweni-Ntumeni Clinic)**



### **(Electrification of Kholweni – Ntumeni by Eskom)**

*IsiPhakanyiswa Dlamini* noted that raising funds for projects is a sensitive task that constantly demands transparency. If this is not done, as in the case of many communities, there might be chaos and the community may decide not to pay their levies or take part in future launchings. In the of Kholweni-Ntumeni isiphakanyiswa most development projects are initiated by the traditional council, which also educate the community on the consequences and impacts of such projects before they are implemented.

Some of the participants noted that there are committees or councils that work with their traditional leader in initiating and implementing projects in the community. Mr. Zungu for instance asserted: *“We have development committees that attend to our needs and liaise with the municipality on our behalf”*. Mr Ngcobo also spoke about the same situation saying: *“We*



*assumed that iNkosi and his council are part of the planning and represent our aspirations in the meetings”.*



**(NtabakaZulu High School at Kholweni-Ntumeni area. Community built school)**

In the case of *isiPhakanyiswa* Dlamini for instance, always makes good use of their traditional council in galvanizing mass community participation and adoption of innovations because of their influence on the people. When the *isiPhakanyiswa* works hand in hand with the traditional council, it is believed that they are able to provide better services within their communities.

*IsiPhakanyiswa* Dlamini has attributed her community development success to her involvement of external and internal sources of funding for her projects. This is further complemented by the fact that she has established sub-committees in her traditional council in the following order: management sub-committee; education and religion sub-committee; health and Safety sub-committee; rural development sub-committee; and sports and culture sub-committee.

Local government is usually regarded as closest to the people and therefore most capable of negotiating development via representatives who are elected and accountable to the people. This usurps the role many traditional leaders would see as theirs. As a result of these tensions and difficulties, development, which is particularly vital, often collapsed (IPT, 1999-2001).

IsiPhakanyiswa INkosi Dlamini is attributing her developmental achievements, through receiving the credibility of her people who gave her another five years in office. She is also committed to transparent and clean administration<sup>5</sup>.

Traditional councils have an opportunity to create consensus around local development strategies, thus promoting stability and social equity. Social stability is crucial to positive change and can also prevent change. The Constitution of the Republic of South Africa recognises the role of traditional leadership and their ex-officio representation in government structures. At local government levels, they do not make up more than 10% of any council. Traditional leaders play an advisory role to local councillors on the implications of decisions in terms of the customs and values of traditional communities.

Many traditional functions of the traditional leaders are integral to the sustainability of rural development. These include convening community meetings to consult on needs and priorities and to provide information. They are presiding over traditional courts cases in order to maintain law and order and resolve disputes.<sup>6</sup>

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<sup>5</sup>The case of *isiPhakanyiswa* Dlamini has shown that women possess the necessary skills and capacity to deliver excellent projects for their communities and they should be involved in community development.

<sup>6</sup>However, on the contrary iNkosi Buthelezi (2010) said “Government wants us to support its developmental work. But if offices of traditional leaders cannot even employ a secretary or get a phone line, how can we implement even the most visionary development initiatives?: It has been written that within the Department of Cooperative Governance and Traditional Affairs, the function of traditional Affairs enjoys less than 1% of the total budget” (informant Buthelezi).

In his address to the Integrated Rural Development Strategies Urban Renewal and Land Reform Summit in 2011, Buthelezi (2011) said when it comes to conservation and rural development; there is always a conflict of competing needs. The democratic Government of today faces a similar dilemma of how to reconcile the vast competing needs of South Africa in a manner that is just, equitable and beneficial to long term future. As with every problem, the solution is constricted by budget. Today many of communities in KwaZulu –Natal are able to embrace projects of sustainable development simply because of their background of self-help and self-reliance that has been championed by traditional leaders (Buthelezi, 2011).

According to the Independent Projects Trust, development is often dependent on the personality and initiative of an individual leader in an area, whether that person is a traditional leader, chairperson of the development committee or a councillor (IPT 2001). In the areas like Khula Village and Nzimakwe traditional council, community members who are aligned to any political parties led the developmental initiatives. There are also individuals who are connected with centres of power in various hierarchies and are able to access resources through these connections. Nevertheless service delivery is ultimately dependent on the initiative of the individual (IPT, 1999-2001).

*IsiPhakanyiswa* Dlamini further stated that

*...relationship between traditional leaders and local government must be encouraged to prevent development from being stopped either by traditional leaders who find initiatives threatened and undermined or by councillors who fail to consult and work co-operating with traditional leaders.*

Such a scenario can lead to the halt of development projects in communities, thus failing in the very task which both the traditional and elected political leaders are meant to achieve. According to Mthatheni Mabaso (2010), the councils would become an extra hand of traditional leadership, municipalities and government and help fast track development in rural areas. Bhengu (2013) states that the tension between aMakhosi and municipalities often arose because there were no clear roles for these institutions and one often overlapped another.

On the other hand the Cooperative Governance and Traditional Affairs view the role of traditional leaders as key to the system of modern governance. It claimed to have developed a program that will enhance the profile of the institution of traditional leadership in order to highlight the importance of traditional leaders in their communities. It acknowledges the fact that despite progress being made in municipalities, this has been slow in rural communities. Rural areas are still faced with huge pockets of poverty, unemployment, large infrastructure backlogs and poor service delivery. According to the department, special programs targeting rural development are being developed and it will be in line with the national rural development strategy (COGTA).

According to Meer and Campbell,

Ghana has managed to gain cooperation and support of its traditional leaders for range of development endeavours, including health and education programs. Instead of being seen as adversarial to democracy, these leaders indeed complement and advance it. However, traditional leadership in Ghana is somewhat different from that of South Africa, in that some have argued that it is more democratic in nature and hence better able to coexist with ,or even enhance, democratic institutions” (Meer and Campbell, 2007).

## 4.5 Conclusion

In this chapter, I have explored the role of the isiPhakanyiswa as a traditional leader and as political leader. I particularly used Ntumeni community as a reference of an isiPhakanyiswa led community. The government is acknowledging the importance of traditional leaders as role players, especially at local government levels. For instance, in the case of Kholweni-Ntumeni and Ngcolosi, traditional leaders have now realized that in order to meet their people's needs, they will have to adapt to face the new challenges posed by the new social, economic and health (Meer and Campbell, 2007: 15). According to INkosi Dube (2013), it is vital that traditional leadership changes to accommodate democracy and remain relevant to modern life especially knowing that they are concerned with overall development issues and activities taking place in their jurisdiction and in the process of local level development planning and implementation. As such, their actual and possible contribution becomes manifest with regard to many activities. They can contribute towards protection, management and allocation of natural resources by supporting the Municipality in the concerned wards. As leaders in their communities, they are potentially able to play a critical role by participating in the protection, management and allocation of natural resources in support of the municipalities' developmental plans.



**(Sugar cane at Kholweni –Ntumeni area: A community project)**





Department:  
Co-operative Governance and Traditional Affairs  
PROVINCE OF KWAZULU-NATAL

The map shows the KwaZulu-Natal province with various districts and municipalities. A red circle highlights the KwaZulu-Natal Metropolitan Municipality, which is the focus of the report. The map includes labels for major cities like Durban, Pietermaritzburg, and Grahamstown, as well as various districts like Zululand, KwaZulu-Natal, and KwaZulu-Natal Metropolitan Municipality. The Indian Ocean is visible to the east.

PEOPLE-CENTRED SUSTAINABLE CO-OPERATIVE GOVERNANCE WHICH FOCUSES ON EFFECTIVE SERVICE DELIVERY RESPONSIVE TO THE NEEDS OF THE COMMUNITIES

[illegible]

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## CHAPTER FIVE

### Traditional Leaders as Vehicles of Development

#### 5.1 Introduction

Good governance promotes the achievement of various developmental goals such as poverty reduction, improvement of health and education services or natural resources management. Common to all definitions of governance is that it is about *how power is exercised*, and how important decisions in society are made. It refers not only to institutions, but also to the performance of these institutions. As such, Lutz and Linder (2004) asserted, there is a need to incorporate traditional leaders into the local government in order to further the quality of services provided to communities at the local level.

It is also important to understand that governance is not limited to elected representatives, but can also refer to traditional authorities as well. In order to satisfy good governance, there are things that need to be in place.

- Legitimacy: governed people must accept the undertakings of the leaders as legitimate.
- Inclusion and general participation of the public must be guaranteed.
- Human rights of individuals must be protected.
- Leaders must be transparent and accountable to their people.



This chapter explores how traditional leaders, both the iNkosi and iziPhakanyisa, are able to or not able to take on these qualities and become vehicles of development within their communities.

## **5.2 Traditional Leadership and Shifting of Power**

Many South African communities are faced with developmental issues, however, the challenge and demand for good governance has remained the most critical problem in the country (Kargbo, 2007). It has to be noted that African communities had long before the advent of colonialism and apartheid organised themselves into different political systems and had institutions that dealt with resources allocation, administration of justice and socio-political issues (Meer and Campbell, 2007). No other form of governance was ever experienced by African communities; we however note that colonial rulers and successive apartheid regimes were hell-bent at doing away with the institution of traditional leadership. The apartheid regime in its quest to suppress the institution of traditional leaders (Nthai, 2005) introduced several pieces of legislations aimed at controlling and regulating the institution.

According to Kurahashi (2012), in pre-colonial era, traditional leaders made decisions that affected the traditional community and consulted with councillors who represented the interests of the community. During the colonial period, colonialists often used and manipulated traditional leaders. For them to become part of the local government was by force and they had no other option. By so doing the colonialist were able to eradicate the system of traditional leadership as the form of the local government. The 1913 Land Act placed traditional leaders in restricted areas called homelands. They assumed newly created roles which reduced their power and mainly focusing on traditional civic cases. The Black Administration Act of 1927

further entrenched the colonial and apartheid regimes rule over traditional affairs. These government empowered themselves through that legislation, to create their own traditional leaders and set new jurisdiction boundaries (Kurahashi, 2012:16). The Black Administrative Act of 1951 was aimed at the recognition and the application of customary law in order to regulate the institution of traditional leadership (Khunou, 2011:278).

The Nationalist Party extended its power over traditional authorities by introducing a series of regulatory measures (Khan and Lootvoet, 2001:2). The Black Authorities Act of 1951 was one of the measures introduced by the apartheid regime. Traditional leaders were granted powers to control tribal land by this act. This paved way for the creation of homelands or self-governing territories by the apartheid government. Appointed traditional leaders were now ratified by the homeland governments (Khan and Lootvoet, 2001: 3). Hereditary system of appointing traditional leaders was no longer considered.

*First they must take off the mythological robes they have clothed themselves in. They must see the state as an equal partner, if not a majority partner (given that a democratic government is endorsed by the majority through a free and fair election). They can never be a genuine and useful partner if they still see government officials and politicians as their subjects when these are the people who are carrying the mandate of the majority. Second, they need to appreciate fully the political and social environment in which they find themselves and rid themselves of anachronistic flights of fancy (Mr. Thabiso).*

*Traditional leadership as the structure should be transformed in the way that it could be easily assimilated or integrated into the modern forms of governance (Mr. Jali).*

*The role played by traditional leaders in the society and elected politicians can be negotiated only if these two institutions operate from a common wavelength, that is, if the apparent gap between notions of 'tradition' and 'modernity' is bridged with a certain degree of success. The flow of time does not conform to these notions and does not even try to separate them. Their separation is a social construct; it is not out there, as it were. If all members of the democratising society, under both traditional and democratic leadership, agree that retrospective, nostalgic sentiments must be employed in order to chart a way forward, a balance can be struck. Things can be negotiated only if these two institutions operate from a common wavelength, that is, if the apparent gap between notions of 'tradition' and 'modernity' is bridged with a certain degree of success. The flow of time does not conform to these notions and does not even try to separate them. Their separation is a social construct; it is not out there, as it were. If all members of the democratising society, under both traditional and democratic leadership, agree that retrospective, nostalgic sentiments must be employed in order to chart a way forward, a balance can be struck (Mr. Mnqobi).*

Koelble and Lipuma looked at the roles that were being played by the traditional leaders in the local governance. For them, they had received support from the government and were part of the creation of the Black Authorities Act of 1951. This legislation promulgated the creation of Bantustans also known as homelands which was headed by *Amakhosi* and *Izinduna*. It was for this reason that President Mandela could assert that, the chiefs have played a key role in the acceptance of the apartheid regime's Bantu Authorities and Bantustans schemes and they eventually became a symbol and tool of oppression (see Koelble and Lipuma 2011:16).Some

traditional leaders were not however prepared to be tools and representatives of apartheid regime. The regime tried its best to make traditional authorities work in order to enable the regime to implement its oppressive policies. They were given better salaries and political positions as rewards, whilst those who were deemed opponents of the regime were demoted, banished and exiled. Traditional leaders were forced to play along the oppressive policies to protect their salaries and other emoluments (Koelble and Lipuma, 2011:16).

According to Kurahashi (2012), the authority of traditional leaders derives from its responsibility. The responsibility of traditional leader is to settle disputes through customary law and to administer land. Therefore the powers that the traditional leaders gained through the Bantu Authorities Act were important in local level. Community would through its local *induna* make a suggestion which was taken to INkosi for support (Kurahashi, 2012:17). “The apartheid regime used traditional leaders as stooges and administrators in their communities. Therefore, the popular legitimacy of traditional leaders decreased” (Kurahashi, 2012: 16).

The African National Congress wished to abolish traditional leaders after 1994 in order expand the democratic rule to traditional communities as well. However, the lack of economic development in the rural areas compelled the ANC government to co-operate with traditional leaders. This was further exhibited through the creation of National and Provincial Houses of Traditional Leaders and later the Local Houses of Traditional Leaders (Goodenough, 2002: 15).

*The mere fact that it is traditional opens it up to essentialism and to being primordial. It is therefore not dynamic, open and progressive. It seeks to ossify rather than set free. In my view, they do not hold any promise for the future. They are an embodiment of an ossified and irrelevant past. They may be useful as symbols and as a reminder of where we have been as communities and as people but they are in no way any form of hope for the future.*

*I do not believe that anything that is essentially traditional can be transformed; it can only be reformed but not transformed – and reform is not change but it is maintenance of the status quo albeit in a slightly tolerable form.*

*The institution is struggling to fit into and find a place in a democratic dispensation. I also believe that those who are in favour of it have not been fully true to history and have not been objective enough in their bid to justify its existence; they have also struggled to build a case for it and to convincingly respond to their detractors (Mr. Thabiso).*

Some scholars like Ntsebeza were not optimistic about the success of co-operative governance between the traditional leaders and local governance more especially when it comes to land issue. Rural land was mostly owned by the state and only managed and administered by government appointed traditional leaders. They claim that up until today, there is no clarity on the role that is supposed to be played by traditional in rural local government and land management (see Ntsebeza, 2004: 25). In the past, the distribution of land has been the responsibility of traditional leaders.

Traditional leaders were custodians of land that belongs to their communities. As stated by Kurahashi;

...the basis of traditional system in land allocation is that the rights that tribal communities were given to land were essentially concerned with usage, rather than ownership, rights. The rules of land allocation determine that anything happen in traditional land must be reported to and need permission of the traditional leader. At the same time, the control over access to land is a source

of income to traditional leaders. However, the democracy and integration threaten them because people will not have to pay for sites, but will be able to get access to land through procedures set up by local government (Kurahashi, 2012:18).

It is for this reason that traditional leaders wanted to have power over land distribution. According to Kurahashi (2012), this resulted in the creation of the Ingonyama Trust in 1994. The purpose of the trust was to manage trust land for the benefit of traditional communities (Kurahashi, 2012:19). Williams argues that the recognition and the protection of the traditional leadership in the Constitution have created a struggle between traditional leadership and the State over who controls the people and land. In order to resolve this debate, there should be a consensus on joint policy implementation (Williams, 2010:3).

King Zwelithini in his address during the opening of the KwaZulu-Natal Legislature on 6 March 2014 said that, in KwaZulu-Natal there are traditional leaders who are said to be landless and living on farms; claiming that there are communities who have no land and are forced to stay on lands that are full of quarry stones. According to him, traditional leaders were promised back their land after the end of apartheid. However, this promise is yet to be fulfilled. The presence of the Ingonyama Trust is the clear evidence. The land under Ingonyama Trust is not a gift but it is just a fraction of the land that used to belong to traditional communities. While on the issue of land in 1994, the government did not only agree about ending discrimination between blacks and whites, but also to end the divide between rural and urban communities. It was for this reason that in 2012, the established the Ingonyama Rural Development Forum that was mandated to consult with public and private entities to ensure co-operation regarding rural development became crucial (Zwelithini, 2014).

Phathekile Holomisa claims:

The tribe owns tribal land but the traditional leader on behalf of the same tribe holds it in trust. Custom and tradition is clear in the indigenous law that traditional leader be in control of the land. It is the duty of the traditional leader to administer the allocation and use of land with agreement to his councillors, who enjoy the trust of their community members. The allocation of land is mostly guided by the views of the community members who reside in the same area. The tribe is the owner of the land, which determines how and when it should be used. Elected councillors have no land and accordingly, while they may rule over their subjects they cannot decide on the use of tribal land. For purpose of rural development, therefore it is equally imperative that traditional leaders be integral part of elected local government structures. This will make easy the development process that is taking place in that area (Holomisa, 1997).

According to Gann (1981, 57), “the role of traditional leadership and institution involves the land issue and its development there upon. To be able to clearly understand traditional leadership and their relation to land, we should first look at the history of the land usage and allocation in the South African politics”. Gann (1981, 57) further adds that “until 1913 Europeans were able to purchase native lands in Natal. The operation of free land market, however, naturally benefited wealthier whites”. According to Gann, had Europeans been granted full freedom of purchase, the African areas would largely have disappeared and the black reduced to a landless proletariat, a grim prospect for white conservatives. The native land act of 1913 ended the erosion of native land holdings (1981).” Under this act, Europeans and Africans were alike, forbidden to acquire land in each other’s areas. Just 13% of the South

African territory was reserved for blacks and were not allowed to acquire land outside of their areas” (Gann, 1981: 57).

According to the resolution taken by the ruling party, ANC, at its conference in Mafikeng in 1997, the traditional leaders were to be responsible for the administration of communal land. They were supposed to demarcate and allocate lands for residential and subsistence farming. They were also supposed to attend to certain categories of disputes and play liaison roles between the state and their communities (ANC Bulletin, 1997:81).

However, Ntsebeza sees the downward accountability approach as important in the decentralization of democracy. Local government functions and land administration during the apartheid period in homelands was centred on traditional leaders and this has remained a challenge even in the new dispensation (see Ntsebeza, 2004:71). This challenge has weakened democracy in rural areas and caused confusion. Because some traditional leaders wanted to protect the powers they had derived from the apartheid regime, they vehemently opposed the democratization of traditional communities. The Constitution on the other hand gives power and responsibilities to the elected officials and through the Integrated Development Plan there is greater community participation.

Deputy Minister of Cooperative Governance and Traditional Affairs Yunus Carrim, when addressing delegates at the Traditional Councils, Local Government and Rural Local Government Summit in Durban on 5 May 2010, said:

*If you look at the legislation we have passed since 1994 it becomes all too clear that ours is meant to be a system not just of cooperative government, but, fundamentally cooperative governance. In essence, government rules in*



*interaction with the people. Ours is meant to be an inclusive, comprehensive democracy.*

According to Carrim, tensions are inevitable as there are those who feel that so much or nothing has been done for the institution of traditional leadership. With the provision made by the constitution for the establishment of wall to wall municipalities and the establishment of rural municipalities, many traditional leaders feels that their customary powers and functions were taken away and given to municipalities.

The White Paper on Local Government gave traditional councils a role to play in local government. The Municipal Structures Act allows them to take part in municipal council meetings and to participate in the implementation of IDP policies. Traditional authorities have to take part in the decision making process and have inputs in the drafting of policies aimed at improving the conditions of their communities. However, the Municipal Structures Act changes the nature of participation of traditional leaders in municipal government. It says nothing about membership of traditional leaders in the councils but rather states that

Traditional authorities that traditionally observe a system of customary law in the areas of a municipality may participate through their leaders, in the proceedings of the council of that municipality and those traditional leaders must be allowed to attend and participate in any meeting of the council (Municipal Structures Act).

Their attendance and participation in these meeting does not include the voting rights, this diminishes the status of traditional leaders in these forums.

The historical background of the formation of the African National Congress makes it easier to deal with the question on the role and functions of traditional leadership. The African National

Congress demonstrated its trust in the traditional leadership by electing Chief Albert Luthuli, a traditional leader, to be its leader in 1953 (Callinicos, 1999:13). During the January 8 2003 statement of the ANC, the party re-affirmed its commitment for the recognition of traditional leaders on the role they have played to advance community development (ANC 2003:11). Traditional leaders had played a role of promoting developmental issues in the areas that they controlled, whilst being apolitical before democratic local structures implemented. This changed immediately after democratic structures were elected and a tug of war ensued and traditional leaders began choosing parties they could align with. The clash was probably influenced by the lack of clarity on the roles between the two structures (Khoza, 2001:43).

Minister Nathi Mthethwa when speaking at a traditional affairs event in Durban on 19 July 2011 said that Houses of Traditional Leaders must be guided by principles of good governance. The principles of good governance include the following:

- Promotion of service delivery: this can be done through cooperation and building partnerships between structures of traditional leadership and local government. This has become more critical following the local government election to take the relationship between the elected representatives and traditional leaders to a qualitative new, higher, improved and strengthened level. Strong relations between elected representatives and traditional leadership are the cornerstone of service delivery.
- Fostering unity and partnerships among traditional leaderships will ensure a structured working relationship with other government departments and municipalities.
- Accountability to government, structures of traditional leaders and importantly the rural communities.
- Clarification of roles between traditional leadership and government structures through amendment of legislation and allocation of roles to traditional leaders by government

departments. This will go a long way ensuring that development and service delivery is promoted,

- Transparency in terms of leadership, utilization financial and other resources (Mthethwa, 2011).

Traditional leaders have no clarified role in local governance. Kurahashi (2012: 20) states that “although the Council of Traditional Leaders Act in 1997 states the role of the National House of Traditional Leaders [and] Provincial House of Traditional Leaders [...] as the role to promote the role of Traditional Leaders within a democratic dispensation”. This type of arrangement is aimed at promoting collaboration between the two systems of governance.

In terms of service delivery at the local level within the rural areas, the constitution has remained ambivalent. The role is not further defined and it is not clear what is meant by the role of traditional leadership in accordance with customary law. Traditional leaders argue that the provision is too vague and that the role needs to be clearly spelled out as has been done with elected municipal officials (Rugege, 2009:178).

Comparatively speaking, according to Wilhelmina Donkoh, the role of traditional leaders in Ghana has been undergoing change as the democratic dispensation within country develops. It has therefore been necessary that they redefine their role as heads of their polities within the framework of developmental efforts by the central government and its adjuncts as well non-government organization.

Traditional leaders in Ghana remain, for variety of reasons, important to the design and implementation of development projects within their areas of jurisdiction (Donkoh, 2000:4).

### **5.3 Models of institutional co-operation**

Traditional political values and customary laws are a necessity for the transformation of the country. The role of traditional leaders cannot therefore be wished away. Unlike elected officials, traditional leaders live with their communities in similar conditions and sometimes experience similar hardships. They are in the better position of representing the interests of their communities. As such, there is a need for co-operative governance whereby traditional leaders are incorporated into the running of their societies. Co-operative state –society relationship can only be achieved through partnership between traditional authorities and municipal structures. It is however noted that, in most cases that municipality officials do not effectively utilize traditional leaders and they do little or nothing to integrate them into the governance structures.

The models of incorporating traditional leaders into the conventional system of governance differs from country to country, the most common being the establishment of houses of traditional leaders. The National House of Traditional Leaders in South Africa is supposed to advise the government on traditional leadership and rural development issues. Traditional leaders in South Africa have complained that the National House of Traditional Leaders is not providing them with the meaningful role but it is just a symbolic institution. According to UNECO (No Date) “CONTRALESA’s concerns are however valid, since the existing mechanisms of integration limits chiefs to a largely advisory role. The extent to which policy makers take advice of chiefs seriously is also unclear. It is possible that the houses of chiefs are designed largely to appease chiefs and to manipulate them into supporting political leaders. In any case, the mechanisms merely incorporate the upper echelons of chiefs without integrating the traditional democratic values or the leaders at the grassroots level” (23).According to Bank and South (1996: 23), “an approach which combines advisory and judiciary roles for traditional

authorities and builds on democratic traditional political values and customary laws is likely to be more successful”.

Lutz and Linder have asserted that the inclusion of traditional leaders in local governance “depends on various elements. Traditional structures are not equally important in all regions of the developing world. The incentive for government to share power with traditional authorities at the local level is rather low if they are weak or in a minority position” (Lutz and Linder, 2004:30).

The role of traditional leaders during the colonial era is now the important determinant of their credibility. During the colonial era, they were integrated as part of the colonial administration and now in the post-colonial era, their legitimacy is undermined. Many governments and liberation organisations did not support their inclusion. According to Lutz and Linder, currently in many countries the state apparatus still does not recognise traditional authorities at the local level and they are constant conflict with traditional authorities (Lutz and Linder, 2004:30). The 2009 Traditional Leadership and Governance Framework Amendment Act however brings a new form of politicking into play in the country’s incorporation of traditional leaders. It clearly states, both in English and isiZulu, the roles, duties and responsibilities of traditional leaders within this democratic dispensation (RSA 2009).

In many countries where traditional authorities are in the minorities, they have been eliminated and on other occasions, forced to integrate into the municipal government structures. For example, in countries such as the US, New Zealand, Europe and Australia, their current government/s attempted side-lining their traditional leadership with the belief that such a system is ancient and not needed in contemporary governance. Such societies claim that integration of both systems of governance was almost impossible as the traditional leadership

was regarded as harmful to the “modern” system of governance practiced in such countries (Lutz and Linder, 2004:31).

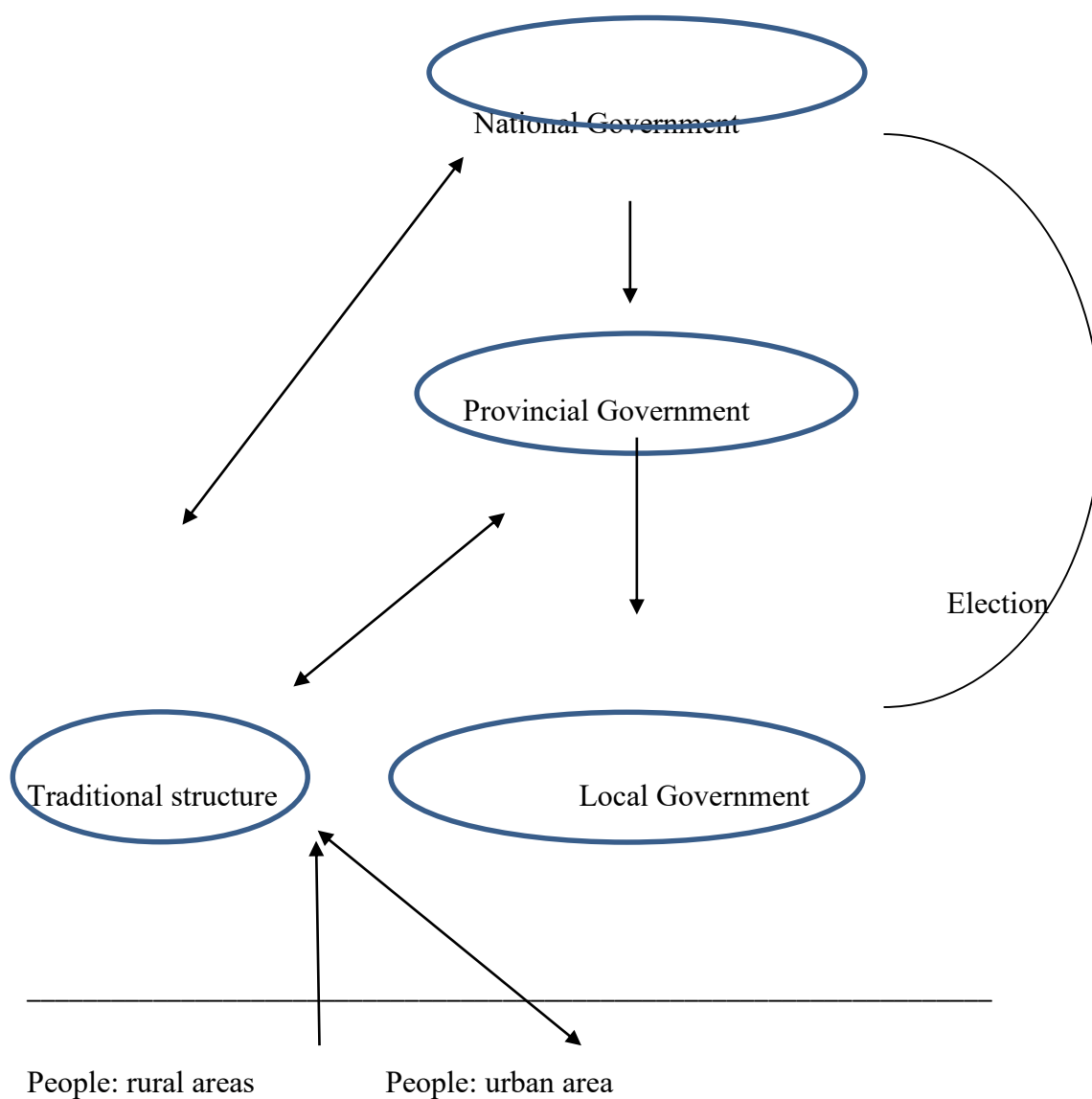
Phuti Matloa in his doctoral thesis wrote:

Though the new government in South Africa had aimed at redeeming the dented image of the institution of African traditional leadership in aspects including its service provisioning function, one would argue that these efforts are destined to fail unless the government shows serious commitment to this. By just wishing to adapt the institution of African traditional leadership wholesomely to the western democratic principles, disregarding the invaluable services it provided to its pre-colonial subjects, it is evident enough that this system of governance is accorded low or inferior status in relation to the western democratic systems by the very same people that masquerade as its saviours. The end result of this would be a new product or institution different from the ones of the successive colonial and apartheid regimes but still dominated by western democratic features and alienated from indigenous pre-colonial Africans (Matloa, 2008:34).

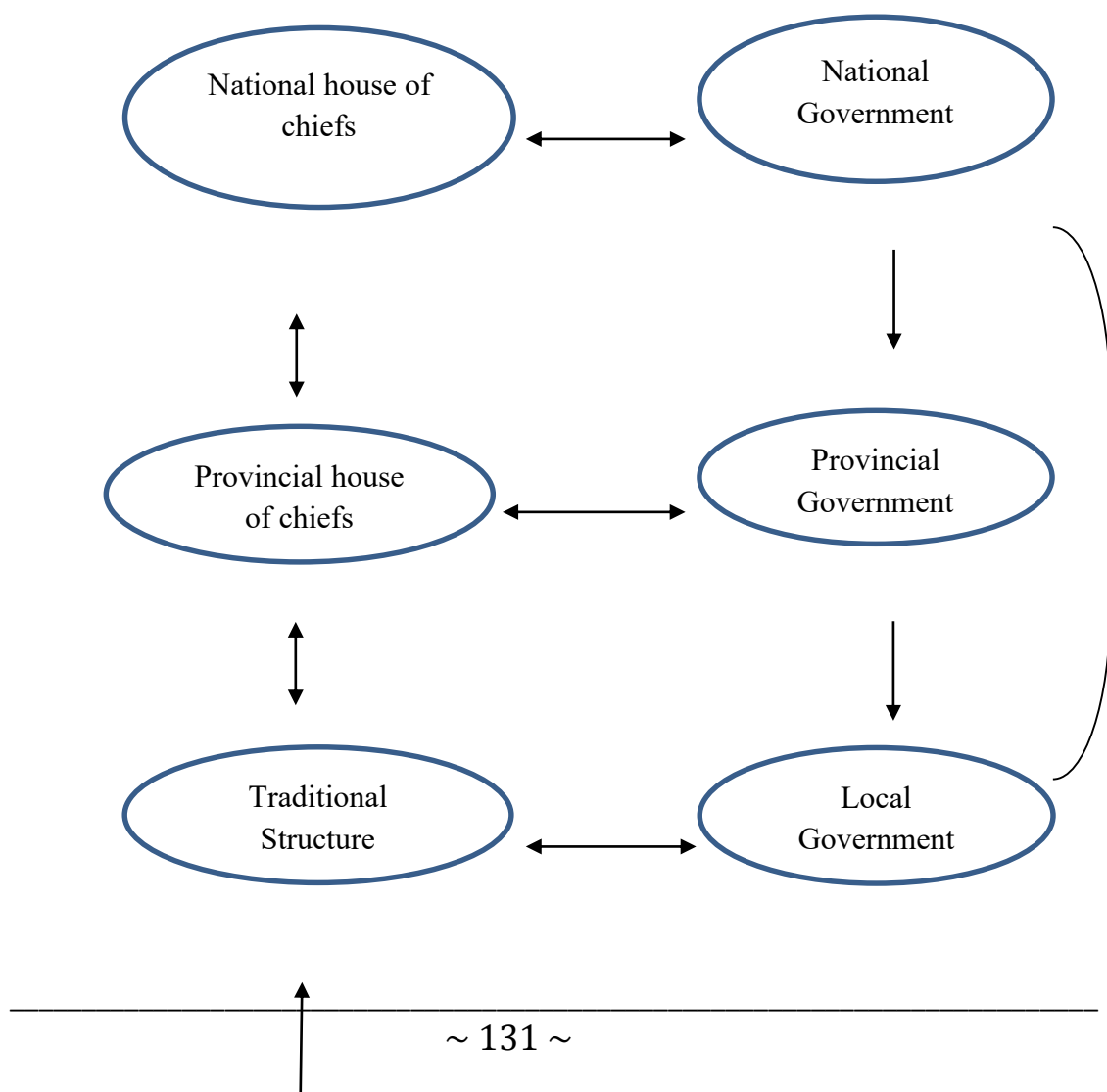
According to Khan, for the two systems to co-operate in rural areas for efficient service provisioning, ways should be developed to harmonize relations between the western democratic government and traditional leadership, as both are significant and defining elements of our country (Khan, 2004: 1). The White Paper by the national government was an effort towards the harmonization of the two forms governance (Khan, 2004:1). For Matloa, (2008:48) this “evidence indicate that upholding traditional leaders as legitimate, requires many practical considerations”.

Communities in the rural areas regard traditional authority as their local government. According to Lutz and Linder, there are formal or informal links between the traditional local government and contemporary government at national and local level (Lutz and Linder, 2004:31).

### 5.3.1 A diagram illustration of the model (Lutz and Linder, 2004:31)



Another model would be where the government has established the parallel structure at all levels of government. A national house of traditional leaders, provincial house of traditional leaders and local house of traditional, these structures play an advisory role to the government structures. In South Africa, this is the common form of integration, national house of traditional leaders is without powers but it is recognised by the government. All the powers to recognise, appoint, dismiss and suspend traditional leaders are with the State President and Premiers (Act 41, 2003). Traditional leaders receive stipend from the state, the state has therefore the complete authority over them.





Traditional leaders as per the above sketch are supposed to provide advice to government structures regarding developmental matters. They only provide assistance on matters of traditional leadership and little has been done to involve them in the development and drafting of traditional laws. According to this model, it is the state that defines the traditional structures and this has rendered traditional leaders powerless.

According to Lutz and Linder (2004:37) “from a development perspective, local governance should provide basic services and improve social and economic conditions for its citizens. One of the main goals of development is to reduce poverty and improve basic living conditions for the disadvantaged segments of society. The inclusion of traditional authorities in local governance should serve and reinforce these goals. The criteria to measure successful inclusion of traditional structures in local governance would be that it has become more effective, inclusive and responsive towards all groups within society, especially to the most disadvantaged”.

Traditional leadership and the modern government can complement each other. The modernists held the view that traditional leadership should not be involved in the structures of the modern government. Mamdani and Ntsebeza contends that, the institution of traditional leadership is impeding rural development and render the state irrelevant in matters of social service and instead promotes primordial loyalties. This view, however, has no bases as traditional leaders have shown to be vital forces in the promotion of good governance and service delivery in contemporary South Africa.

## **5.4 Local and Provincial Houses of Traditional Leaders**

A provision for the establishment of the houses of traditional of traditional leadership is made in the 1996 constitution of South Africa and these houses can be formed through the national and provincial legislations. The National House of Traditional Leaders was established in terms of the then National House of Traditional Leaders Act of 1997 and the Traditional Leadership and Governance Framework Act 41 of 2003. These legislations were aimed at promoting the roles of the institution of traditional leadership in the post-apartheid democratic era. It further intended to enhance co-operative governance between the local government and the institution of traditional leadership.

Co-operative government means that the state acknowledges and recognises the diversity and the needs of the South African people. In terms of the constitution, rural communities who are still subscribing to traditional and customary laws also have the right to influence government policies. In its early (1990s) conceptualisation, Houses of traditional leadership have the right to confer with democratic institutions and make submissions to the provincial departments with regard to matters that affects tradition and customs (see Banks and Southall, 1996). This cooperation with traditional leaders, however, has been seen by some later writers as a way of the government still making use of traditional leaders to simply fill in the gap they are not able to fill in within the rural areas. This view, however, is what Sithole and Mbele (2008: 10) termed “organic democracy”. They state “organic democracy” is a view of governance that “sees traditional leaders as different and unique democracy in eclectic conditions...” (Sithole and Mbele, 2008:10). Those who follow the organic democratic approach view the institutional leadership as a system of government which is not undemocratic but a system of government that is close to people.

This view supported by proponents of “organic democracy”, however, has been rebuffed by yet other writers. Moore and Unsworth (2010: 50) for example, asserted that, governments are unable to gain legitimacy and authority of the population in rural areas. As such, “they have seen cooperation with ‘traditional’ institutions as a way to bolster their own position and to co-opt potentially powerful opponents. In situations of violent conflict and state collapse, international actors have also viewed ‘traditional’ authorities as a useful source of local political stability” (Moore and Unsworth, 2010: 50).

At provincial level, provincial houses of traditional leadership were established to provide an advisory role in provincial governments (RSA 2003). This advisory role by the provincial houses was further cascaded to the local houses of traditional leadership to work with the local municipalities. The country has seven provincial houses in seven provinces namely KwaZulu-Natal, Eastern Cape, Mpumalanga, Limpopo, North-West, Freestate and Northern Cape. Each province sends three members for representation at the National House of Traditional Leadership. In terms of the national and provincial legislations, the institution of traditional leadership had to transform itself from being traditional authorities to becoming traditional councils. Traditional councils as opposed to the former traditional authorities are perceived democratic and balanced in terms of gender representations. I used the term perceived because 60% of the traditional council members are not democratically elected, but the traditional leader appoints them and in most instances he uses his old guards, whilst the remaining 40% is elected and voted into office by the public.

Tables below illustrate the two local houses which are the focus of the study and how many of them have been transformed from being traditional authority to traditional councils with greater representation from the general public:

**5.4.1 Table 1: Uthungulu District Municipality Local House of traditional Leaders**

<b>TRADITIONAL COMMUNITY</b>	<b>Moved to Traditional Councils</b>	<b>Not Moved to Traditional Councils</b>
AMAPHUTHA	YES	
BIYELA/MANGIDINI	YES	
BIYELA/MOMBENI	YES	
BIYELA/MVUZANE	YES	
BIYELA/NDLANGUBO	YES	
CUBE	YES	
CUNU	YES	
CWEZI	YES	
DLOM/AMAKHABE	YES	
DUBE	YES	
EKUKHANYENI	YES	
KABELA	YES	
KHANYILE/IZINDLOZI	YES	
KHOLWA/KWAMONDI	YES	
KHOLWENI/NTUMENI	YES	
KHOZA	YES	
KHOZA/BHEJANE	YES	
MADLEBE	YES	

MAGWAZA	YES	
MAHLAYIZENI	YES	
MBONAMBI	YES	
MHLANA	YES	
MKHWANAZI	YES	
MPUNGOSE	YES	
MPUNGOSE	YES	
MZIMELA	YES	
NDLANZI/MAMBUKA	YES	
NTULI	YES	
NTULI/GODIDE	YES	
NTULI/NGONO	YES	
NXAMALALA	YES	
NZUZA	YES	
OBIZO	YES	
OBUKA	YES	
SHANGE	YES	
SOKHULU	YES	
SOMOPHO	YES	
XULU	YES	
YANGUYE	YES	
ZONDI	YES	
ZULU	YES	
ZULU/BANGINDODA	YES	

ZULU/BHEKESHOWE	YES	
ZULU/IZIGQOZA	YES	
ZULU/NTEMBENI	YES	
<b>TOTAL</b>	<b>45</b>	<b>0</b>

**5.4.2 Table 2: Ethekwini Municipality Local House of Traditional Leaders**

<b>TRADITIONAL COMMUNITY</b>	<b>Moved to Traditional Councils</b>	<b>Not Moved to Traditional Councils</b>
CELE/VUMENGAZI	YES	
EMBO/SIMAHLA	YES	
EMBO/ILANGA	YES	
EMBO/KWAKHBAZELA	YES	
INGQUNGQULU	YES	
LUTHULI/UMNINI TRUST	YES	
MAKHANYA/SOBONAKHONA	YES	
NGANGENI/VUMAZONKE	YES	
NGCOLOSI	YES	
NYUSWA/QINISELANI	YES	
PHEPHETHA	YES	
QADI	YES	
SHANGASE	YES	
TOYANA	YES	

XIMBA	YES	
<b>TOTAL</b>	<b>15</b>	<b>0</b>

The tables above indicate that 100% of the traditional authorities in both the uThungulu District Municipality and eThekweni Municipality have been into traditional councils. Traditional authorities were perceived undemocratic institutions which were established by the successive apartheid governments. Traditional authorities were structures made up of members appointed by the traditional leader and in most cases he appointed his close relations and friends.

The promulgation of Act 41 of 2003 enables for the creation of traditional councils with different roles and responsibilities. The new traditional councils were aimed at fostering partnership between the institution of traditional leadership and the newly created democratic municipalities. These municipalities were created between 1995 and 1996 and were made up of elected officials and their area of jurisdiction included rural areas. Municipalities were meant to use the integrated development plans to inclusively develop communities of South Africa (White Paper on Local Government, 1998). According to Pycroft (1998), municipalities were to co-ordinate development projects when drawing up integrated plans in their areas of jurisdiction. These new local government institutions were however expected not only to democratize the institution of traditional leadership but to transform it so that it can focus on improving the quality of life for rural communities who were disadvantaged by the policies of the apartheid regime. Rural communities were required to actively participate in development projects in their areas (Coetzee, 2001). We must note that rural areas in the past had no local governments and the undemocratic traditional authorities were expected to provide the services of the local government. In areas that were under the control of farmers, the National and provincial administrations were expected to play the local government role (Pycroft, 2002). The

claim is that the apartheid department of development aid was unable to provide sufficient services to communities. Ndlela and Holcomb (1998) asserted that this gave way for the corrupt activities to occur and local communities were never consulted on development that was meant for them. The apartheid structures continued to disserve rural communities, when in 1987 it formed what was called the Regional Services Councils, which were supposed to standardize and control the distribution of services equitably between the urban and traditional rural communities. Regional Services Councils strategically developed sub-infrastructures for rural communities (Davids, 2003). The Regional Services Councils were able to draw boundaries which were later used to determine new council areas, though they were not effective in executing their assigned responsibilities (Pycroft, 2002). Notably, a body that was established after the attainment of freedom in South Africa, the Local Government Negotiating Forum which decided the new local governments in the post-apartheid era was deemed to be urban based by the traditional leadership and had strong connections with the civic organisation, the South African National Civic Organisation (SANCO). This biasness towards the urban areas at the expense of the rural communities rendered the Local Government Transition Act of 1993 to fail as it did not make provision to cater for rural areas (Fife, 1998).

The Local Government Transition was subsequently amended in 1995 and provincial Members of the Executive council responsible for local government affairs were given three types of local government to choose from and this ushered in rural local governments which were different from each province (Pycroft, 2002). We had what was called the Transitional Rural Councils (TRCs) and Transnational Representatives Councils (TRepsC) and rural communities in KwaZulu-Natal were catered for by these two systems of local governments. The Local Government Transitional Act as amendment further allows MECs to appoint people to serve on these newly established councils and the people were supposed to come from the farming



communities, farm labourers, rural women and members of the institution of traditional leadership. The aim was to ensure that this new structure was accepted by the institution of traditional leadership (Gavin, 1999). Again TRCs and TRRepsC were unable to provide the local government services adequately. We noticed that the government promulgated a number of legislations since the 1998 White Paper White Paper on Local Government which were aimed at providing the integrated development plans for rural and urban areas. Promulgated acts like the, Municipal Structures Act 117 of 1998, Municipal Demarcations Act 27 of 1998 and the Municipal Systems Act 32 of 2000 became the basis of the local government. These acts pronounced on roles and functions of the local government. The institution of traditional leadership was given the space to have inputs in the development taking place in its area by the Municipal Structures Act and the Municipal Systems Act. The Municipal Systems Act is emphatic on the public participation and that they should participate in the Integrated Development Plan processes and the local government must develop communities, councillors and officials (Davids, 2003).

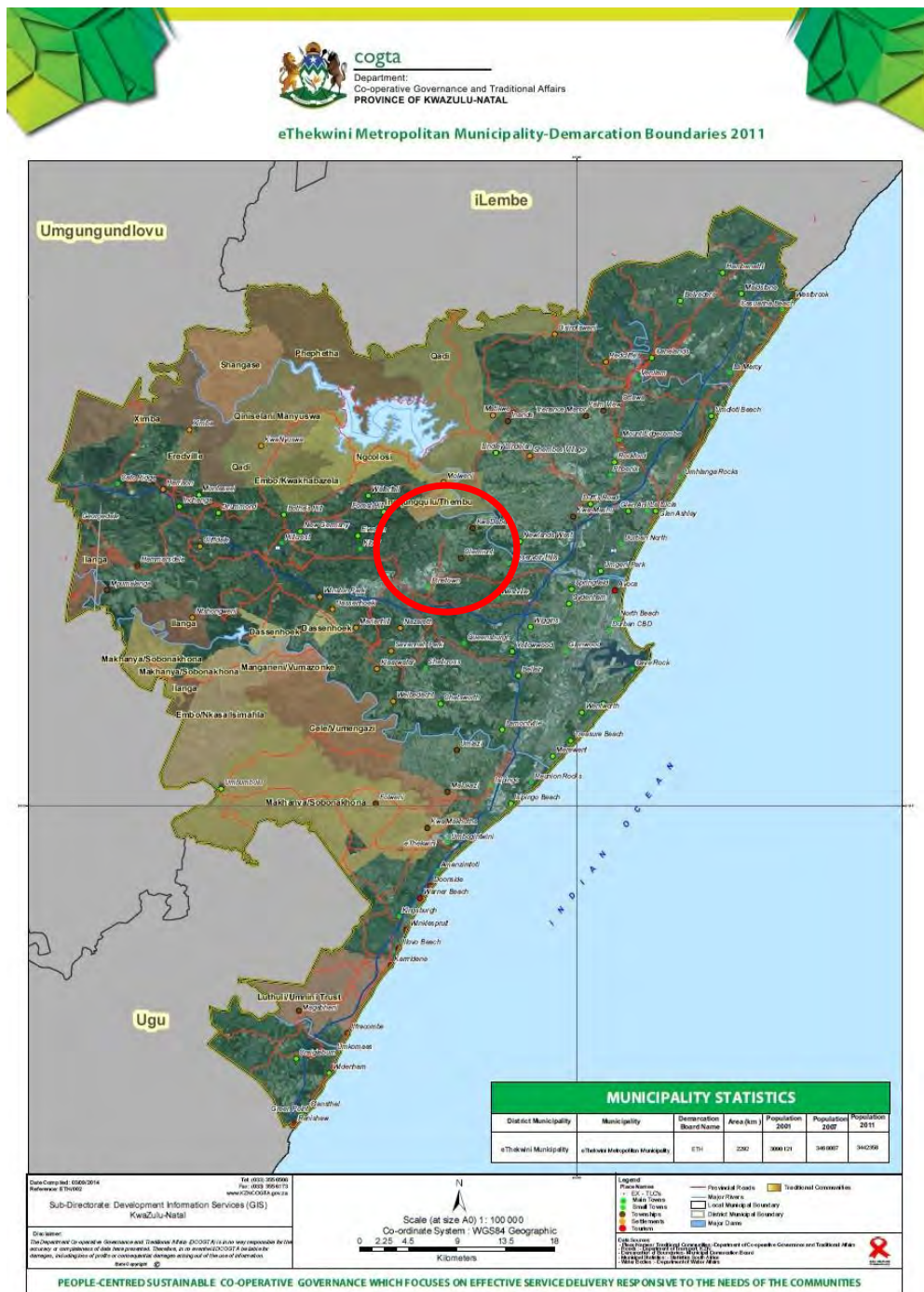
The Traditional Leadership and Governance Framework Act 41 of 2003 aimed at reviving the role of the traditional leadership institution and for the institution to participate in the development of their communities through co-operative governance (Sobahle, 2007). The act was geared at transforming the institution of traditional leadership to address failures of the previous legislations as mentioned above. In terms of the act (Sobahle, 2007) the institution of traditional leadership was expected to play a meaningful role in the development of rural communities. According to the act (41), it is therefore vital for these traditional councils to be part of the co-operative governance with the municipalities. This cooperation is deemed to be functioning in the eThekweni and uThungulu Municipalities as directed by the TGLA (41). The cooperation means that:

- Traditional councils and municipalities have to share resources, like office space. uThungulu and eThekweni municipalities the traditional councils are sharing the space.
- Traditional councils are supposed to be part of service delivery.
- Traditional Councils must work together to develop the integrated development plans.
- A Service agreement that affects traditional communities should be signed by traditional councils.
- There is the sharing of information by both institutions on matters affecting the institutions.
- Traditional councils as directed by section (81) of the municipal structures act should take part in municipal councils.
- Bylaws that affect traditional communities should be submitted by municipal council to traditional council for ratification.

All of the above are however dependent on both institutions accepting to work together as demanded by government legislations. Against the so called modernist view, says Sobahle (2007), the two institutions have no alternative but to recognise the importance of working together. This is in most municipalities hindered by those who hold the modernistic view, that the institution of traditional leadership has no place in the democratic dispensation and should not be allowed to participate in the democratic governance as this impedes development. This places the institution in a serious dilemma because it cannot vote in council resolutions. This study has shown that even though the Kholweni and kwaNgcolosi communities have seen some development taking place in their areas, they (do not feel they) are not part of the integrate development planning process and are unable to vote on developments that will take place in their areas.

Some scholars (see Ntsebenza and Mamdani, 2001) argue that the institution is detrimental to democracy while others contest that view. According to Ake (2001) the institution of modern democracy is imbued in the institution of traditional leadership values. Regardless of their differences the institution of the democratic governance are the representation of traditional political system. I think it is imperative to note that institutional manifestation of traditional leadership is important when we study the institutional democratic principles. A suggestion that the institution of traditional leadership has some democratic elements has to be proved as this will also mean examining the power of relations between the institution and people (Mashele, 2000). According to Mashele (2000) that assertion that the institution of traditional leadership is undemocratic is difficult to oppose because issues on the manifestation of traditional leadership are not clarified. Thus this unclear articulation is easily exploited by the opponents of the institution who cite that the institution is the product of the colonial regimes and is not to be incorporated in the democratic dispensation. Traditional Councils irrespective of being transformed and having some democratic elements, they are still being resisted and are not allowed to fully participate in developmental discussions.

The KwaZulu-Natal Traditional Leadership Act 5 of 2005, in attempting to clarify this institutional manifestation promulgated the act (5) to regulate the role and responsibility of traditional councils. Section 8(1) provides for the functions of the traditional councils and section 10(1) is prescribing that the Provincial Government promotes partnership between the traditional councils and municipalities through legislations and other prescripts and such partnership must recognise and respect the role and status of the other party.



(The map of eThekweni Municipality: Circled area is KwaNgcolosi)

## 5.5 eThekweni Municipality's coalition for rural development- case of KwaNgcolosi community

According to Beall (2010), successful coalition leaders are open to new ideas, innovative practices and different partners. This approach will serve to expose traditional leaders to various networks which they are part of and make them accept change and adapt to change. INkosi Bhengu a former staunch IFP supporter had to accept his political rivalry INkosi Mlaba's visit to his area; this led to the formation of a non-profit organization which receives financial support from Ethekewini Municipality for training and capacity development.

Ethekewini Municipality has a strong revenue base which is generated through government grants and grants from various international development organisations. By contrast, provincial governments are poorly resourced and have limited revenue raising capacity. Many development coalitions have failed to exist because of the lack of funding. The availability of resources to Ethekewini Municipality has provided incentives for greater cooperation among leaders and coordination of different institutional terrains. Ethekewini Municipality is resource rich not only in material terms but also with regard to human resources. Smaller municipalities do not have the same degree of personnel and traditional leaders are not always skilled as the leaders of the Ngcolosi clan, which has consistently put great store by education. It is much harder to build coalitions where resources are more limited (see Beall, 2010).

The White Paper on Local Government of 1998 stated that a cooperative relationship between local government and traditional leadership has to be developed. This was contrasted by both pieces of legislations namely the White Paper and Municipal Structures Act. Beall and Ngonyama (2009), also deny traditional leaders the role of being decision makers. In order to pacify them, in 1999 before the elections their emoluments were increased, receiving twice than the normal amount.

Before the 2004 general elections, the government introduced the Traditional Leadership and Governance Framework Act. This was an attempt to pacify traditional leaders who were so

vociferous. The Act promotes that the traditional council must work alongside other local government structures. According to Xaba (undated article), the Durban Municipality faced similar tension between traditional leaders and councillors. In order to accommodate the political position of not participating in councils where traditional leaders felt undermined, the Durban municipality established a separate Chamber for traditional leaders. This chamber served as an avenue where traditional leaders could deliberate local government matters without having to be with ward councillors. Among the achievements of the Durban solution was the fact that traditional leaders were not only able to participate in the delivery efforts of the city but they were also assisted with project identification and project proposal skills development opportunities.

According to Logie Naidoo, the Speaker of the eThekweni Municipality, traditional leadership is an important component in bringing service delivery to the community. It is the best model in South Africa as traditional leaders are part and parcel of the municipality. Traditional leaders should support the municipality in the identification of community needs, facilitate the involvement of traditional communities in the development and review of Integrated Development Plan and promote indigenous knowledge system for sustainable development. According to the Municipality Manager Sibusiso Sithole, all the 17 traditional leaders in the Municipality will be divided accordingly so that they are able to participate in the portfolio committees. INkosi Bhengu in his capacity as the Chairperson of the Local House of Traditional Leaders said, traditional leaders were happy to participate in the Municipality as long there will be mutual relationship with all parties involved.

According to the South African Local Government Association, the Local Municipal Structures Act of 1998 provides for the participation of recognized traditional leaders in municipal councils. By participating they are bound by the code of conduct for councillors, but do not

have the voting powers and are not councillors. The fact that traditional leaders participate in rural and urban councils creates its own dynamics and municipalities often require assistance in this regard (SALGA, 2012). SALGA further states that, since its incorporation into the democratic local government system, the institution of traditional leadership has been engulfed with tension, confusion and contradictory practices (SALGA, 2012).

Section 81 of the Municipal Structures Act, allows maximum 20 percent representation of traditional leaders in municipal meetings, should the municipality have traditional leaders in the municipal area. This is also supported by the Framework Act which provides for partnerships between municipalities and traditional councils. Local Houses of traditional leaders are expected to address the concerns of traditional communities within the municipality. Effective involvement of traditional leaders in programs of municipalities dealing with development and service delivery is of great importance (SALGA, 2012).

Traditional leaders are members of the local house and represent their communities in council but are not council members; as such they are not entitled to remuneration applicable to councillors as public office bearers. According to George Lutz and Wolf Linder (2004), successful local development or integrated development plan in the case of Ngcolosi and Kholweni communities, was identified as a need to meet the Millennium Development Goals as outlined at the UN Millennium Summit in 2000 and the World Bank Poverty Reduction Strategy. This calls for a stronger focus on decentralization, community empowerment and local governance in development work. In recent years there has been growth of support for local development as the result many countries like South Africa have introduced legislations that decentralize governmental structures. How this decentralization has been done determines the functions of the local governments.

Traditional structures remain important in organizing the life of the people at the local level structures despite modern structures. Traditional authorities, for example, regulate village life, control access to land and settle disputes. The existence of traditional councils means that both the decentralization and the strengthening of local governance is not taking place in a vacuum. Like the case of eThekweni municipality, experience has shown that successful decentralization has to take the existing traditional structures into account (Lutz and Linder, 2004). While traditional structures are viewed by as other as strenuous to conventional system of government, to others is a legitimate structure as opposed to the modern structure.

Many people in iNkosi Bhengu's area accept the traditional structure because of the failure by government to provide functioning structures at the local level. In the case of KwaNgcolosi you have an elected councillor who is not the resident of the area but resides at the iNkosi's area and he is expected to represent the needs of another iNkosi's people. In this case it is not surprising that people continue to live according to their traditional structures and rules without taking much notice of the local government. According to Lutz and Linder (2004, 3), "most people are not familiar with democratic theory and therefore do not immediately embrace democratic principles and rules. They accept procedures when they make a difference to their lives and help improve their daily situation. Most people also do not make distinction between traditional structures and modern structure. Different authorities co-exist everywhere and sometimes they might even compete with each other".

For them, societies subscribe to democratic principles which are attained through democratic elections. Elected individuals are given powers to exercise power and also to make laws which officials are expected to be implement. One of the basic problems with both definitions is that the social and economic organizations of traditional societies have changed throughout pre-colonial and post-colonial times.



Not only is it impossible in many cases to determine what remains from the pre-colonial era, it also does not adequately take into account the changes in societies over time. We cannot therefore narrow down the definition of traditional structures to ones with roots in pre-colonial times that have maintained their structures.

We also need to differentiate between the traditional society and traditional leadership. Basic functions and organization of traditional societies differentiate that kind of societies from modern society. Traditional leadership will mean the execution of power and leadership selection procedures that are different from those of the modern democratic structures. We cannot therefore connect traditional society with traditional leadership. Let us take the case KwaNgcolosi, it is a society that has evolved overtime to an industrialized society and has a traditional leader that executes power or has major impact on the lives of the people. In the Middle East for instance, monarchs have survived and yet the functioning of the society has changed significantly. Lutz and Linder asserted that “the distinction between traditional and modern cannot be made along the urban-rural dimension in many cases” (Lutz and Linder, 2004:6). It can also happen that a society still keeps the basic for of social and economic organization with no traditional leader.

## **5.6 Conclusion**

According to Lutz and Linder (2004), tradition has a historical meaning and relates to something that has its roots in the past. This chapter attempted to show interrelations between traditional leaders and local government and how this relationship can bring community development. Before we could discuss the role of traditional leadership in the decentralized local government, it is important that we start by discussing the definitions of traditional structures and societies and this will help understand the role of the traditional structure in traditional societies.

## **CHAPTER SIX**

### **Challenges Faced by Traditional Leaders in Supporting Government's Service Delivery**

#### **6.1 Introduction**

Over the years in South Africa, traditional leadership has been a repository of political administrative power, especially during the pre-colonial era. To this effect, provision of services such as land administration, construction of feeder roads, latrines, dispute resolution and wells, were all the prerogative of traditional leaders during this period. As mentioned in the earlier chapters, this role, however, changed during the colonial and apartheid era where traditional leaders were made to take the back seat in the running of their societies and delivering services. Even when they were involved in such processes, they were only there to serve or implement the decisions of the colonial masters. Of recent, however, there have been struggles for the inclusion of traditional leaders in the running of the state and promotion of governmental services. This call for cooperation, however, has not been smooth as traditional leaders are still faced with numerous challenges in the contemporary society. For being traditional leadership and as a result of the difference in how the iNkosi and iziPhankanyiswa assume office, their challenges are both shared and peculiar in their quest to promote local governance. This chapter looks at the challenges faced by traditional leaders in supporting government's service delivery within their communities.

## 6.2 Traditional Authorities and Local Governance

The search for appropriate institutional framework for local governance and development has been a difficult task in Africa. Although traditional authorities are authentic and time tested institutions of governance, their role has been politically, administratively and financially marginalized since the introduction of modern local government structures, policies and their marginalization strategies.

*The government has to allow traditional leaders to fully participate in council meetings when issues affecting their communities are addressed and should have final decision on what should be provided (Mr. Ngcobo).*

*I think traditional leaders should be actively involved in resolving some of the conflicts and deal with corruption and crime very seriously. Minor cases should be tried by traditional leaders and there would be less work for other law enforcement agencies. They also have power to allocate land to their people and play a role in development (Mr. Jali).*

*Traditional leaders should serve on the Municipal Councils so that everything could be done amicably and efficiently. At the moment it seems as if traditional leaders are not agents of development because issues related to the development of rural communities are dealt with by Municipal Councils without the involvement of respective traditional leaders. As a result sometimes development projects in the rural areas suffer because the traditional leader was not informed about such development (Mr. Menzi).*

Due to their role in society, traditional leaders, like in the case of Kholweni-Ntumeni and Ngcolosi communities, do respond to their peoples need. However in most cases, because of the lack of resources this is overshadowed by municipal elected representatives. According to Mabutla “traditional authority constitutes a form of local government in terms of indigenous law. This authority was mandated previously to legislate on certain functional activities of local government that is in charge of development” (Mabutla, 2011: 1). Hence, traditional leaders have to become more involved in local governance. It would be easy to say that traditional leaders are not as responsive or accountable to local needs as the local governments. However, with the room given to them to partake in the government’s affairs, they can potentially make a positive impact in the creation and enactment of positive and sustainable developmental projects.

The resources for the provision of these services were in the form of levies, donations, royalties and tributes. However, with the emergence of nation state under colonial and post-colonial regimes, the modernisation of basic services and the need to provide such services on a larger scale compelled the state to assume responsibility for the provision of these basic services through its elected local government structures such as the municipal and district councils. Thus traditional authorities no longer had independent resource base to provide services for their communities (Kargbo, 2007: 22). However, some of the research participants asserted that despite the change in governance, developmental issue still remain essential and the role of traditional leaders in promoting such services is essential. Hence, such participants felt that the change in governance should not hinder the government to give room to traditional leaders in service delivery as their presence and contribution can go a long way in alleviating the burdens of their people.

*Every system evolves. Each era has a system which is modern to it. Before the advent of democracy in the west, kingship was modern to a number of communities who paid allegiance to the kings and their agents. Communist China has embraced modernity but has retained its communist orientation and as such it is modernizing. 'Traditional' leaders/ship has successfully adopted telephones, modern clothing, computers, faxes, cars, 'tribal' halls, roads, dips, concrete houses, and languages foreign to it. Based on this, one may argue that it is not antithetical to modernization. However if leaders persecute others ngokubayisa kwagoqa nyawo, then I would say it is antithetical to modernization or abuse women based on unfounded customary arguments, I will say it is. But we also need to define modernity. Is it in relation to the west or east, south or northern hemisphere's values or standard? This is difficult Mr Ngubane (Mr. Makhaya).*

Traditional leaders, especially those at the grassroots level are an integral part of rural local government. von Trotha states that, traditional leaders and headmen under civil traditional leadership “constitute a forum where local interests are debated and articulated. They thus constitute a valuable resource in informing the state about the interests of local communities as well as mobilizing rural populations for active engagement, not only in development activities and the distribution of public services, but also in the national political process” (von Trotha, 1996:22). Unlike elected officials, traditional leaders live with their people in similar conditions and have common interests with their people. Therefore “partnerships between traditional leaders and municipality will encourage cooperation and development.

Exploring possibilities of partnerships between municipalities and traditional authorities at local level is imperative, which is legislated and implemented by the municipalities and

traditional councils. This is already happening in a number of municipalities. The success of the partnerships is largely dependent on the willingness of both municipalities and traditional leadership structures to work together in terms of legislation and respecting the ideals of cooperative governance and mutual respect. The understanding of each other's status, roles and responsibilities is also crucial. There is no other option but for the two institutions to accept that there is a need to work more than before. This cooperation is not only matter of choice and discretion, but it has become a legislative imperative that has to be complied with" (von Trotha, 1996:22).

President Jacob Zuma addressed the National House of Traditional Leaders on the poor governance systems and strained relations with government. This came after the finalizing the assessment of the state of governance in traditional affairs across the country. He said the assessment found varied levels of functionality from the houses of traditional leaders at all spheres. The assessment was done in order to establish the situation on issues like budget allocation to the institution, resources allocated to houses and the relationship between the structures of traditional leadership and local government.

Cooperation is happening in a number of instances and a lot more needs to be done to enhance and formalize these partnerships in terms of the law. There are still some difficulties understanding and implementing section 81 of Structures Act. In some communities such as Ngcolosi and Kholweni, traditional leaders participate more actively than seen in other communities. The biggest question is what role do traditional leaders play given that they cannot vote in decision making of the municipal council. Ngcolosi and Kholweni communities are examples of two institutions working together for the development of their communities.

Ambiguity towards the precise role of traditional leaders in local government arose during the intense discussions and politicking in the run up to the December 5, 2000 municipal election.

Leading to the elections, local government was restructured and boundaries redrawn. This process was resisted by many traditional leaders. They felt that their submissions were deliberately ignored by the Municipal Demarcation Board (IPT, 2001:2).

However, such debates around demarcation and the legitimacy of traditional leaders may seem largely irrelevant in rural areas where many traditional leaders have been accepted, out of respect (and sometimes out of fear). Here, the local government is regarded as closest to the people and therefore most capable of negotiating development via representatives who are elected and accountable to the people. This usurps the role that many traditional leaders would see as theirs. As a result of these tensions and difficulties, development in rural areas often falters (IPT, 2001:2).

On the other hand, traditional leaders and traditional structures are expected to play an active role in local development. In the process of decentralized development planning at the local level, the contribution of traditional leaders and traditional councils becomes significant. Traditional leaders have to give their active participation in the deliberations of the Municipal Councils, which consists of elected representatives of all the wards. The mayor as the leader of municipality needs the cooperation of traditional leaders in coordination of rural development and their implementation. As traditional councils has served traditionally as a channel of two-way communication between the government and the people, its role for consultation with and participation of people in the local development planning process remains vital. AS Sharma points out in another context, traditional councils could become active agents of people at the grassroots with effective leadership of traditional leadership (Sharma, 1999).

Although traditional authorities are viewed as having the capacity to threaten elected councils, there is a need to promote the relationship between the two so that they can both work towards achieving the objectives of local government (Khwashaba, 1999:50). This view overlaps with

the requirement of the provision of Traditional Leadership and Governance Framework Act, 2003. The act states that there must be partnership between these two parties.

According to Jo Beall, South Africa is not different from other countries that have to accommodate traditional leadership after gaining political freedom in 1994. In many parts of world, customary forms of governance remain salient and deeply rooted in local institutions. The institutions of traditional leadership have not been silent and they have been used by colonial powers and other western states in many ways.

State making and peace building in South Africa became possible because of the recognition and the creation of structures that allow traditional leaders to engage the state and government. The local government structure can draw from traditional leaders experience when bringing development to rural areas. Ethekewini Municipality is having success which has resulted in progressive developmental coalitions which promotes economic growth and social development (Beall, 2010:1). Ethekewini Municipality attributes the success to determination, commitment and political leaders who have connection with traditional leadership. Through this, a broader forum which includes traditional leaders, municipal councillors, businessmen, civic groups and churches was formed.

The African National Congress took a resolution at its Mafikeng conference in 1997, to promote co-operation between traditional authorities and local government. It further took a resolution to centralize their payments in order to free them from control by other political parties, a direct reference to KwaZulu-Natal which at the time was under the control of IFP (ANC, 1997:6). In 2004 the ANC continued with its promises to integrate traditional leadership into democratic governance and development (ANC, 2004:26).



The role of traditional leaders is often limited to mobilizing communities to support government's provision of services. Local communities through their traditional leaders are called to play the significant role in the development of their communities, though the major role is played by the state. The Government's approach is however determined by the Municipal Service Partnerships (Kargbo, 2007:22). Traditional leadership is viewed by the government as the important institution to cooperate with municipalities in speeding service delivery. As enshrined in the Constitution, traditional authority has a role to assist municipalities in meeting their delivery targets. The Traditional leadership and Governance Framework Act 41 of 2003 section 5(1) promote partnerships between municipalities and traditional councils. Section 20 (1) gives traditional councils powers to promote socio-economic development. This might mean that traditional authorities are the fourth sphere of government. However, this power is not anywhere close to equal with that of elected political leaders. As stated by Sithole and Mbele (2008: 31):

“It is not a relationship of equality yet; it continues to be a relationship of State superiority over traditional leadership – the Constitution underpins this by suggesting in section 211.1 that “A traditional authority that observes a system of customary law may function subject to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs”. It does not say that traditional leadership may function according to applicable legislation and customs, because there is no presupposition of such policy and legislation being communally done with traditional leaders. It appears that it is expected that traditional leadership must operate in its own cocoon and simply make sure that it aligns with the broader legislation. This attitude maybe justified by citing the other

communities in South Africa that are not under traditional leadership. It may also be justified by noting that the above quote speaks specifically about ‘a traditional authority’ that must observe both the applicable legislation and customs. This phrase was therefore never directed at positioning traditional leadership in some way in relations to government.”

Ultimately, the roles assigned to traditional leaders still remain bleak to yield any promotion of integration and mutual co-operation between the two systems of governance. Firstly, the government needs to accept that for some part of the population, traditional communities and traditional authorities are legitimate structures. Secondly, in to regulate the separation of these two spheres, there must be a proper legal framework. Thirdly, it is important to develop an institutional arrangement between modern states and traditional authorities.

Lutz and Linder (2004:28) asserted that “shifting functions and recognizing leadership always means that power and influence has to be transferred. Central governments might see traditional authorities as an undermining force to their own power, and do not have sufficient incentives to further include traditional power”. A number of opportunities could potentially be realized if traditional authorities are to be part of local government.

- It will enable the socio-economic needs of local communities to be achieved and community development accelerated.
- The recognition of traditional authority will mean the inclusiveness and adequate representation of the different types of groups in the population.
- The implementation of government policies will be much easier as it can reach rural areas within the shortest span of time and be adhered to by people.

- Traditional authorities are in the better position to understand the needs of the local people, hence can better communicate those to the government.

We need to further understand that, the inclusion of traditional authorities might again raise other issues.

- Traditional leaders need to be legitimate in the eyes of a large majority of the local population (Lutz and Linder, 2004:29-30).
- There could be people moving from one area to the other and the issue of overlapping ward boundaries sometimes create confusion as to whom traditional authority's power is applicable.

Another area of potential contribution of traditional authorities is in the mitigation of resourced-based conflicts. The communal land tenure system that is pervasive in much of the country forms the base for the traditional structures and modern governance structures. Through land tenure system, communities are able to access land. It also provides rural employment and reduces poverty and inequality

In the case of Kholweni and Ngcolosi, traditional councils promote community participation in local development through the rural development forums. Traditional leaders of these areas provide significant support. The good working relationship between traditional leadership structures and elected councils during the development and implementation of development projects has manifested in community support of developmental projects.

There are, however, factors that sometimes hinder traditional leaders from achieving development in their communities. Table below indicates the distribution informants according to perceived factors that hinder traditional leaders from achieving results in community development.

### 6.2.1 Table

<b>CONSTRAINT FACTORS</b>	<b>REMARKS</b>	<b>TRADITIONAL COMMUNITY</b>
Incompatibility of government policies/programs with community program.	Major constraint	Both communities
Insufficient sources of funds for community development projects	Major constraint	Both communities
Poor implementation of programs	Major constraint	Both communities
Gender bias	Major constraint	Both communities
High cost of labour	Major constraint	Both communities
Lack of cooperation among stakeholders	Major constraint	Both communities
Unequal participation among stakeholders in project initiation	Major constraint	One community
Scarcity and problems of land resource	Major Constraint	Both communities
Poor monitoring and evaluation of projects	Major Constraint	Both communities

Negative effects of traditions and culture	Major constraint	One community
Self-centeredness of some traditional council members	Major constraint	Both communities
Political instability	Major constraint	Both communities
Time required for community development efforts	Major constraint	Both communities
Illiteracy/ low educational qualifications	Major constraint	Both communities
Lack of adequate communication infrastructure	Major constraint	Both communities
Disagreement between the traditional council and people.	Major constraint	Both communities
Women discrimination	Major constraint	Both communities
Environmental degradation	Major constraint	Both communities
Lack of appropriate mechanisms of disciplining traditional council	Major constraint	Both communities
Lack of interest in community development programs	Not constraint	Both communities

Religious crisis	Not constraint	Both communities
Large household sizes	Not constraint	Both communities
Interference by opposition groups in the community	Not constraint	Both communities

As seen in the table about, this study of Ngcolosi and Kholweni traditional communities has shown that out of the 23 constraints considered, informants considered 19 factors as major constraints and four as not a constraint. The most important constraints include incompatibility of government policies with community programs, insufficient sources of funds for community development projects, poor implementation of programs, and gender bias.

### 6.3 Negative Public perception

*Due to the way in which traditional leaders have been politically influenced in the past, some communities have lost trust of their own traditional leaders because of politics which divided them in the past. However, communities see these institutions as the embodiment of the past. This is made worse by the government reluctance to give traditional leaders more power so that they could contribute meaningfully to the development of their communities (Mr. Menzi).*

*In the new dispensation (after 1994) they are not accepted by some people because they not elected. People are now respecting the elected councils. The Framework Act of 2003 does not adequately address their roles and the constitution made no mention of their roles as oppose to municipalities. They*

*cannot collect levies and rates and therefore cannot provide social services to their communities.*

*The legislations will have to be amended to provide the meaningful roles to traditional leaders. Should this happen, the communities will view traditional leaders as vehicles of service delivery (Mr. Ngcobo).*

For the purpose of rural development, as much as there is striving for the inclusion of traditional leaders, they are faced with a challenge of negative perception from the public and other political leaders. This negative perception has largely been inherited from the negative role played by traditional leaders during the colonial and apartheid era of South Africa. Many people felt betrayed by the traditional leaders, hence are still unable to trust them, however it is equally vital for traditional authorities to be involved in this process. Their authority is therefore viewed as a legitimated power (Lutz and Linder, 2004:27).

“One of the best ways to describe states in many developing countries is that of constitutional and legal pluralism. While most states have modern constitutions with elected representatives and they also have traditional structures that determine and influence people’s everyday lives. Though most people would consider the two spheres, we can assume that the people dealing with different authorities take into account different structures without viewing them independently of the other” (Lutz and Linder, 2004:27).

*I am not convinced why he deserves my allegiance but I don’t think that there is room for me to ask those questions, let alone get answers to them (Mr. Thabiso).*

While most participants portrayed the need to give allegiance, hence affirming the legitimacy of the traditional leaders, Mr. Thabiso felt that such allegiance was uncalled for as traditional leadership is not meant to continue existing in the contemporary society. Traditional authority is legitimate source of authority. According to Lutz and Linder, the legitimacy of traditional authority is greater than the legitimacy of modern state structures (Lutz and Linder, 2004:27).

“In many countries, traditional leaders already have legitimacy that precedes the current post-colonial state, based on different bases of political legitimacy. For Ray, legitimacy is the reasons why people obey authority. Force, for example, may be one reason, but it lacks legitimacy and usually fails in the long term. Instead, a form of authority has legitimacy when people obey its laws because they are convinced that they should do so willingly and are in agreement as to how they should be ruled” (Ray, 1997:12). The legitimacy of leadership in modern societies is based on elections and embedded in constitutional procedure and rules.

### **6.3.1 Segregation of the two types of leaders**

*Traditional leadership is an institution founded on the notion of heredity and birth right. It is conferment of authority; power and control over others based on socially constructed birth right passed down from generation to generation and embraced by people within a given social environment.*

*This is a form of leadership whose status is not determined by the majority through a republican or democratic form of election. Majority support and endorsement is assumed but traditional leadership largely derives its legitimacy from birth right rather popular vote (Mr. Thabiso).*



*I believe the notion of an 'election' in a traditional and essentialist context is an anomaly. I doubt if there can ever be a free and fair election based on sound democratic principles in an environment where traditionalism still reigns supreme. I therefore think that elected traditional leaders and hereditary traditional leaders are both marred by the same smudge of traditionalism which has no place in a democracy and is inimical to modernism, progress and even individual civil liberties (Mr. Simphiwe).*

These understandings of what traditional leadership is, as shared by some of the research participants show how their approach towards the traditional leaders is shaped. By having a view that for a person to be considered a traditional leader he must have inherited the position shows how they react to traditional leaders who assumed the position through the process of election.

*Hereditary traditional leaders should be given more responsibility by the government because they are permanent whereas the elected ones are not permanent. Moreover, hereditary leadership is grounded on the values and ethos of a certain clan which really makes it more important (Mr. Jali).*

*An elected leader serving a position of a traditional leader will not be the same as hereditary traditional leader. Therefore, their treatment will never be the same, as for the elected leader is something passing on but for the hereditary is something within (inherent) (Mr. Ndebele).*

While participants such as Mr. Ndebele, Mr. Jali, Mr. Simphiwe and Mr. Thabiso view the two forms of traditional leadership as unequal with the iNkosi taking the upper position, other participants feel that both leaders ought to be given the same respect.

*They should be treated the same as long as whatever is imposed upon them is for the benefit of the people. The issue of royal blood is a fallacy and reduces the subjects to vassals. This is a challenge that can cause people's rebellion against the institution (Mr. Simphiwe).*

#### **6.4 Lack of Public participation**

*Changing time compels that new strategies be formulated that: improve resources so that people can be assisted at local levels and integrate work at local level to include the municipalities and traditional leaders. The involvement at grassroots level is minimal. The issue of timing is a general problem as most of the consultations are done during the day when people are also away (Mrs. Thabile –Ngcolosi council member).*

Mrs. Thabile is the member of the Traditional Council and the community member of the Ngcolosi clan. She is currently working in Waterfall as the domestic worker. Her interest in the development of Ngcolosi area was noticed by Inkosi Bhengu who invited her to join the council. She is responsible for the roads and infrastructure committee. Her committee is working closely with the municipality in ensuring that roads are maintained.

Thus the role of public participation in enhancing local public service delivery cannot be ignored. The dynamics between the local governance system, traditional leadership and the public can facilitate or be hindrance to rural community development.

The authoritarian disposition of the post-colonial and post-apartheid socio-political economy in South Africa is validated by the wave of service and development delivery demonstrations that are taking place in the country. Various communities are reckoning that they are being left out and not participating in the development or no development is taking place in their locales. Communities are looking for utmost participation in projects and programs that affects them (Fisher, 1993). Public participation and the decentralization of government have sprouted internationally. However, Visser (2005) stated that the effective participation of the public in local government development would be produced by decentralization because public participation is fundamental for the success of the local government. Commitment must come from all levels of governance to ensure the total public participation. According to Reddy and Biyela (2003), it is essential that communities are brought on board early on any projects if we want projects to succeed and be supported by communities. Public participation stimulates the value of decision making process and makes the institutions of governance to be accountable to the community (Fisher, 1993 and Visser, 2005).

The formation of public development committees to drive community projects is a necessity. This study has revealed that in the case of Kholweni, the traditional leadership governance is supported by the community because of the development committees in the area (Reddy and Biyela, 2003; Fisher, 1993 and Visser, 2005). Ward committees are also the forums where the community development planning takes place. This is where traditional leaders meet with other stakeholders and engage with one another on development matters. The purpose of these ward committees is to allow members of the community to engage with the government. They breach the gap between local communities and their municipalities. It is assumed that these committees have better understanding of their communities (War Committee Resource Book, 2005).

At the local level it is noted that in order to legitimize the government policies, there is need for integrated development plans and resolutions which demand public participation. The local municipalities are exploiting the institutions of traditional leadership. For augmenting and legitimizing policies and plans which are initiated at national level, municipalities are using traditional councils for meeting and communicating these resolutions to the public. .

This we note is indicative that the institution of traditional leadership remains powerless notwithstanding the fact that we have the democratic government and its democratic local government institutions. The behaviour of the government is construed by people on the ground as being oppressive, imposing and not willing to engage with the public at the grass root level. The institution of traditional leadership is seen by the government as an institution that is able to express and suppress the will of the community. Due to their traditional norms and values it has the strongest influence in traditional areas. Traditional areas are still not well represented in the local municipal structures and are ignored. In these circumstances the institution of traditional leadership is in the better position to talk on behalf of communities. The institution of traditional leadership is supposed to mobilise public participation in developmental initiatives and speak on behalf of the people (Meer and Campbell, 2007). It is a common occurrence nowadays for politicians to promise people roads, hospital or upgrade their school; a promise which more often is not realized (Meer and Campbell, 2007).

Traditional leadership has a very strong authority and some people are afraid to have a dissent voice as they may be seen as not supporting the traditional governance. A perception out there is that the institution is even in nowadays using their positions and close association with the government to support they own selfish interests at the expense of the people. It is therefore important for the local government to constantly involve the rural communities and to inform

them about their responsibilities and that of traditional leadership in order to ensure transparency and good governance (Meer and Campbell, 2013).

According to this study the institution of traditional leadership in Kholweni and kwaNgcolosi communities is supported by 90% of the people. Many people that participated in the study spoke positively about the institution of traditional leadership in their areas and appreciated the fact that they are part and parcel of development initiatives. When I was evaluating the legitimacy of the institution of traditional leadership in Kholweni and KwaNgcolosi traditional leadership in relation to public participation, I used public participation as a means of explaining public support of the institution.

Public participation in some instances does not necessarily imply that people participate willingly. Rather, it gives an indication that people can participate if they are requested to do so. Two perceptions came out to support public participation:

- Public support of the institution can be shown in the material, immaterial and actions presented by the public to the traditional leaders.
- How the institution is supported can be viewed in the manner in which people talk about the institution to support its legitimacy and governance.

There is a great element of public participation in both Ntumeni and kwaNgcolosi traditional communities. Many people in these communities spoke positively about the traditional leadership institution. This indicated that immaterial support of the institution is high though on the other hand, material support and there are members of these communities who have never paid levies or tributes. I noticed that some members of the communities are sometimes forced by circumstances to pay these dues. It could be when they are reporting rituals and weddings or burials and this is predominantly in the kwaNgcolosi area.

In innumerable aspects the institution of traditional leadership can receive material support. As stated above, in the communities under study, a high number of community members had shown material support. It has been noted that under apartheid, the institution of traditional leadership forced people to pay these levies in order to support the regime. According to Oomen (2002), taxation was prominent during colonial regimes as a means to show power. This wrong expression of power was further extended to homelands governments who impose these taxes on behalf of the regime. The majority of rural areas in South Africa were underdeveloped or not development yet the regime claimed that taxes were meant to develop them. The new democratic government after 1994 elections stopped the collection of traditional levies because many people were refusing to pay and were questioning the reason behind such payments. Some people are called on the government to pay the institution of traditional leadership to avoid conflict between the institution and the public.

Public participation is an important element to assist the state to achieve the maximum service delivery at the local government level. The Local Government Municipal Structures Act of 1998 and Municipal Systems Act of 2000 provided a significant framework for a participatory local democracy (Kurahashi, 2012; Kargbo, 2007). These acts were the foundation of the relationship between elected local government institutions, traditional leadership institution and traditional communities. The presidential lead projects were set up without the community led demand and planning. They had to come under community control, they have to involve capacity building and business plans. In rural areas the main presidential leads projects have been water projects, land reform projects, community based public works programs and the extension of Municipal Services Program, clinic building program and school feeding scheme (Mthethwa, 2012).

The lack of communication is one of the issues which community members complained about. Municipal councilors are more answerable to their political parties than they are to people who elected those parties. Unlike traditional leaders who had no support previously, municipal councilors are failing in an environment where they are not only funded but are trained to do the work.

## **6.5 Lack of Competent Human and Material Resources**

*One of the biggest threat to the institution is that it is marginalized in the mainstream of decision making – politics, socio – economic matters (ie legislatures and in making decisions that are critical for its long term survival). Generic problem; younger and younger leaders are coming through and they do not go through any induction course in traditional leadership, capitalist pro-western approaches voices a stronger and have resources, lack of legal framework that provides guidance and clarity on their roles, rapidly westernization of their areas of jurisdiction eg. Urbanization, small towns; now new strategy on how to survive within the prevailing challenges (Mr. Ndebele).*

*The institution has been greatly politicized in such a way that it becomes difficult for traditional leaders to exercise their control over their people in a fair a justified manner. Moreover, some young crop of traditional leaders lacks credible experience and knowledge so that on its own is a great challenge to the sustainability of this institution. The government should make*

*it compulsory for the upcoming traditional leaders to be educated and try to establish an institution that would train them on the new forms of leadership (Mr. Jali).*

The issue of traditional leaders' qualification to run the post was raised by some of the participants. They, as shown above, were of the view that the competency of the traditional leader can be a great challenge to how much he or she is able to contribute to the community. His or her contribution to the community becomes limited from the moment he or she is unable to even read or understand some of the policies been created and promoted by the government, yet he or she represents a people on which those policies will be used on.

*Lack of funding and support from the government is major challenge. Contestation for responsibilities between iNkosi and elected municipal official is a challenge which the government will have to deal with. They cannot collect levies and rates to uplift their people.*

*The legislations will have to be amended to provide the meaningful roles to traditional leaders. Should this happen, the communities will view traditional leaders as vehicles of service delivery (Mr. Sanele).*

*In order to provide services to people iNkosi has to be given more money and support by the government and more responsibilities instead of being referred to municipalities for services (Mr. Peter – Ngcolosi council member)*



*Traditional leaders need to be given money in order to provide for people.*

*We are always referred to the municipality whenever we are asking for services (Mr. Riter).*

Mr. Riter is thirty three years old and is born and bred in Ntumeni. In 2012 he graduated with electrical engineering certificate from the Mfolozi FET College. He is the member of the traditional council who was elected by the community. In his capacity as the member of the traditional council is leading the electrification of the area. As a young person is able to draw other young people to participate in community development initiatives.

The issue of funding was also another critical challenge raised by the research participants. The traditional leadership structures are not given development funds but they always remain the custodians of funds raised by rural development committees. To avoid corruption and mismanagement, there is thus a need to establish effective accountability mechanisms.

Although community development in these areas have enjoyed the financial and technical assistance from the local government and provincial government, if the project is not in line with the current government rural community developments efforts, such community projects may not receive state support. iNkosi Dube and iNkosi Bhengu have lamented the fact that insufficient funds have prevented many good ideas that were developed by their communities. There were many abandoned projects because of the lack of funds to complete them (Dube and Bhengu).

## **6.6 Conclusion**

In this chapter, I have explored the numerous challenges faced by traditional leaders in contributing to the developmental projects of government within their communities. Of these many challenges, the issue of legitimacy, public participation, segregation of the towy types of traditional leaders, and funding stood out as the most demanding.

For any rural community development to be successful, influential local leaders and the public must be involved else they might undermine the progress of such programs. Therefore any development programme for the community must work hand in hand with local leaders and the community members on the projects otherwise such project can be slowed down or withheld due to resistance or public protest (Ozor and Nwankwo, 2008).

## **CHAPTER SEVEN**

### **Are There Lessons for South Africa Traditional Leadership of other Societies?**

#### **7.1 Introduction**

As stated by Tonah (2006: 23), in many African countries, “the political institutions created by the nation-state often co-exist and cooperate with traditional political institutions in governance and the administration of the country”. While this characteristic of the co-existence of these two systems of governance is similar, not only in Africa but many other societies in the world, there still exist some forms of differences that can be borrowed and used within other societies, especially South Africa.

This chapter draws heavily from the ideas about traditional leadership in different societies by Moore and Unsworth (2010) in the book “An upside down view of governance”. In one of the chapters in this book, Moore and Unsworth looked at the question of traditional local governance being a problem or a solution. In doing, they explore different society across the world and how the presence of traditional local governance in those societies shapes the governance and development of those societies. Using their idea, this chapter presents how traditional local governance, as practiced in South Africa can be compared to traditional local governance in other societies from the global south, and to find out if there are any lessons for South Africa from these societies.

## **7.2 The Role of Women: The Ghanaian Approach**

According to Tonah (2006: 21), chieftaincy in Ghana “has proven to be a very resilient institution ...in spite of the denigration and the humiliation that the institution suffered during the colonial and the immediate postcolonial period”. Not only has this system of government survived, he claims, but it also boasts of great popularity amongst a greater population of Ghana. Such adherence to traditional leadership he asserted has sufficed despite the association of this system of governance with land and power tussle, corruption and creation of division within the society (Tonah, 2006: 21).

It has been stated that “in southern Ghana, queen mothers play an important role in traditional politics” (Steegstra 2009: 105). Although this term has been said to be a colonial term introduced by Rattray in 1923, to mean the Twi word “ohemaa”, the concept does not necessarily mean the mother of a King, as it may be the case in other societies (Steegstra 2009: 105). Stoeltje (1994) states that “Ohemaa refers only to the female rulers at the upper levels of the hierarchy”. As such, the concept was adopted to refer to queen mothers and paramount queen mothers. Amongst the Asante, the queen mother “is from the same lineage as the chief; she can be his actual mother, but usually she is his sister or cousin (Sackey 1989). This distinction of a queen mother and king signifies the correlation of gender and identity tasks that exists in Akan traditional leadership. Despite this correlation, however, “women in Ghanaian chieftaincies remain politically underrepresented. The regional and the national houses of chiefs reject queen mothers, based on the argument that their admission would be unc customary, while chiefs in general are reluctant to delegate power to them” (Fayorsey, 2006:26).

This segregation and second-class treatment explains the less attention given to scholarly works on the subject matter, as noted by Stoeltje (1994).

### **7.3 Traditional Leadership in Karnataka**

Traditional leadership in Karnataka, a state in South Western India is not much different from most traditional leaderships in other societies. In this society, however, traditional leadership offices are held by local caste groups (Moore and Unsworth 2010: 52). According to Dumont (1980), the caste grouping is the belief, practice and separation of people into high and low class, with the high class ruling the low class. As such, a Brahmin, for example, would be considered as being in a higher class over a cobbler.

Karnataka seem to represents the encounters and ambiguities that are faced by India as the largest democracy of the world. In the rest of India, Karnataka is increasingly seen as the model of development (Kadekodi, Kanbur and Rao, 2007). According to (Kadekodi, Kanbur and Rao, 2007) the panchayati raj reform which were led by the Ramakrishna Hedge government was instrumental in the 1980's 73<sup>rd</sup> amendment and the continuing of financial support of the panchayats. Panchayats means the village institutions and was first mentioned by Ram Raz who was a native judge (Kadekodi, Kanbur and Rao, 2007). It is quite interesting to note that the panchayats of Karnataka who are in actual fact the elected councils, which in the South African context could be referred to as municipal or local government council, are working together with the informal village councils which in the South African context could be called the traditional authorities which were never elected. According to Moore and Unsworth (2010) the village councils who are largely made up of lower castes are actively participating in the elected

councils who are also known as *Gram Panchayats*, meetings. This meant that they have moved beyond their traditional functions of resolving community disputes and enforcing community traditions, instead they are more involved in fundraising, influencing the community development projects and raising matching contributions (Moore and Unsworth, 2010). This is in contrast with the South African and African scenario, where legislations are effectively preventing traditional councils from actively participating in the integrated development plans of their communities but instead become spectators and onlookers with no voting powers.

These informal local government councils of Karnataka are having great influence in the local government elections, *“leaders and members of the informal village councils are standing for election or seeking to influence nominations”* (Moore and Unsworth, 2010). The South African legislations preclude the members of the institution of traditional leadership from actively participating in local government elections as this will expose them to party politics. Instead the Traditional Leadership and Governance Framework Act No. 41 of 2003 provide for the election of traditional councils and the community is only allowed to elect 40% of the members of the traditional council. The informal village councils are more active in the local government issues. In Karnataka the informal village councils are actively involved in developing and representing the needs of their communities in higher level of government and able to discuss the needs of their communities with the Gram Panchayats and closely monitor their performance (Moore and Unsworth, 2010). Village women of Karnataka take an active role in the informal village council and they are able to co-opt the male elected members of the panchayats to sit on the informal council. This new form of co-operative governance has introduced leaders who are not driven by their caste belief (Moore and Unsworth, 2010). According to Kadekodi, Kanbur and Rao (2007) for the fact that the Karnataka informal village councils have existed for centuries “indicate important path dependencies in government and

social services.” Moore and Unsworth (2010) alludes that the progressive outlook of the informal village councils of Karnataka is influenced by number of factors:

Traditional councils of South Africa do not control land as they used to in the pre-colonial era and their control of land was later reduced by the colonial and apartheid regimes. “The apartheid regime confined the institution of traditional leadership into homelands and the 1913 Land Act placed only 13% of land under the indigenous communities” (Gann, 1981: 58). This rendered African communities landless and traditional authorities were rendered ineffective and were unable to control land. The institution had enjoyed unlimited control over land in the pre-colonial period; they allocated land, tax and banish people as they wish. The post –apartheid government’s demarcation board allocated land that was previously in the hands of traditional leadership to the municipalities and this rendered the institution of traditional leadership insignificant. This was further indicated in the Municipal Structure Act of 1998, which only allows traditional council to participate in council discussions but cannot vote on projects and development in their areas. Development is driven by elected municipal elected officials. The Karnataka elected leaders and members of the informal village councils are both working hard to earn (Moore and Unsworth, 2010) “the trust of villagers, and actively retain their support. The increasing shift towards a more collective, externally oriented role for informal councils is also helping to make them more pluralistic and inclusive” (Moore and Unsworth, 2010).

#### **7.4 Traditional Leadership in Pakistani Punjab**

Punjab is one of the Provinces of Pakistan. An overwhelming majority of traditional elite families live (Rais, 2011) and they align themselves with either the army or the civilian leader

in order to form the government. According to Moore and Unsworth (2012) these families were the dominant landowners who came into being as a result of the colonial land settlements processes that took place between the late nineteenth and early twentieth centuries. These landowners (Rais, 2011, Moore and Unsworth 2010) remained powerful regardless of land transformation legislations that were giving way for the electoral local government system and seek power like other agrarian, tribal and castes leaders. The political or governance of Punjab is centred around powerful individuals or the village head who owns the majority of the land or the dominant landowners families and informal council made up of males from the dominant landowners. During the apartheid era in Pietermaritzburg, Edendale area, a group of African landowners wielded much power similar to the Punjab elite. They converged and elected one of their own to become a traditional leader for the period of five years. This system of governance collapsed in Edendale before the attainment of democracy, the landowners lost their land through land invasions and some sold plots of lands to private individuals. In Punjab it seems that, even after the introduction of electoral governance system, they are still powerful and according to Moore and Unsworth (2010) they work with the government to provide services and enable the villagers to access government departments, police and courts. Unlike in the Karnataka and in some African traditional communities, the Punjab landowners were less transparent and they tend to focus inward and pay more attention on access to job and dispute resolution. Punjab landowners instead of complimenting government programmes but they are competing (Moore and Unsworth, 2010). The economic situation like the land tenure system determines the socio-economic structures and who should participate in the informal governance of Punjab. Like in most societies, elitism will always be associated with the economic mobility and Moore and Unsworth (2010) are saying:



*“Educational attainment across three generations is an indicator of economic mobility and it is closely related to a household’s historic position, with historically depressed social groups doing much worse than the rest and continuing to diverge from them. Moreover, the historic village level institutions and socio-economic structures affected intergenerational mobility” (Moore and Unsworth, 2010.* This view is also shared by Rais (2011) who said referring to the economic change in Punjab *“I wish to make the argument that social and political behaviours are dependent on how the economic status of individuals, social groups and society changes. This change, however, is not yet on the scale that would wipe out the traditional voting blocs built around caste, locality and kinship and maintained through vertical patron-client relationships.”* For Rais (2011) the Punjab’s traditional governance system has not changed and there are no prospects for change any time soon. There is still a great deal of inequality and according to Moore and Unsworth (2010) the Punjab community is divided in such that, “mobility was higher across all social groups in villages where land inequality was less and authority was more horizontally distributed, compared to villages with greater historic inequality, a larger proportion of landless tenants, and more hierarchical social governance structures” (Moore and Unsworth, 2010). Land is believed by some political groupings in South Africa, like the Pan Africanist Congress, Azanian People’s Organisation and newly formed Economic Freedom Fighters, as something that could address the inequalities that is prevalent in our societies. Notably these political organisations have failed to convince the majority of South African communities to vote for them. Rural or traditional communities of South Africa have shunned these organisations in such that some are no longer represented in parliament. One might ask the question, is land the most important factor in the current politics of South Africa? Recent election polls have shown that for an ordinary South African land is no longer a key factor, but people are more concerned about housing, water,

sanitation, jobs and education therefore their voting patterns since 1994 is influenced by these promises.

The democratic government promulgated the Land Rights Act which aimed at addressing the land question in South Africa. “President Jacob Zuma has, in terms of section 84(2) (a) of the Constitution of the Republic of South Africa, 1996, assented to the Restitution of Land Rights Amendment Act. The Act now provides for the re-opening of the lodgement of land claims by people who missed the 31 December 1998 deadline to lodge land claims. The lodgement of land claims shall take place over a period of five years, ending on 30 June 2019” (Department of Rural and Land Affairs, 2014). King Goodwill Zwelithini (2014) in his address during the opening of the KwaZulu-Natal Provincial Legislature said he will be filing a land claim on behalf of the Zulu nation for the land that was taken by the colonial regimes. In Africa like in Punjab, landownership symbolizes power and authority. Without land, a man was powerless and has no important role in society.

### **7.5 Is traditional council a solution or a problem to South Africa’s service delivery crisis?**

According to Ntonzima and Bayat (2012) in their paper titled “*The role of traditional leaders in South Africa-a relic of the past, or a contemporary reality?*” The White Paper on Traditional Leadership and Governance was necessary for the transformation of undemocratic, unrepresentative and unaccountable system of governance. Therefore the Constitution in particular Chapter 12 envisioned the societal transformations which will include the institution of traditional leadership, this institution was seen as the key partner in providing services to rural communities.

Both the colonial and apartheid regimes used traditional authorities as an extension of their control over the African rural communities. Khunou in his paper titled *“Traditional Leadership and Independent Bantustans of South Africa: Some Milestones of Transformative Constitutionalism beyond Apartheid”* said, traditional authorities were used by the apartheid regime in the Bantustans of Transkei, Bophuthatswana, Venda and Ciskei. They were no longer accountable to their communities but to the apartheid regime (Khunou, 2009). In order for these governments to be able to exercise their control over rural African communities, they enacted and passed several pieces of legislations aimed at controlling the institution of traditional leadership and reduced powers that were previously enjoyed by traditional leaders.

*“The governments of Bantustans used different political, constitutional and legal practices and methods to achieve this disintegration. The gradual disintegration and dislocation of the institution of traditional leadership led to the loss of valuable knowledge of the essence and relevance of the institution of traditional leadership” (Khunou, 2009).*

The creation of traditional authorities which were deemed undemocratic furthered incongruity and was used by those who opposed the existence of traditional leadership as a reason for it to be done away with. Recently in his column in the Business Day, Athol Trollip the former leader of the DA in parliament compared traditional authorities with ancient slave traders.

*“Since the slave tore through West Africa systems of divide and rule, collective allegiance to chiefs and tribal leaders has been the biggest stumbling block to development in Africa. Traditional authorities curtail development, because those living in the former homelands do not have security of tenure over their properties. Accommodating traditional leaders in the constitution and entrenching the Bantustan system through post -1994 legislation is tantamount to allowing chiefs to enslave members of the same ethnicity” (Nicolson, 2012).*

The question of citizenship of the rural communities has been always raised by critics of the institution of traditional leadership,

*“Although rural inhabitants are effective owners of land in the sense that they have lived in these areas for long periods of time, landholding based on the permit to occupy system does not provide them with a legally secure title comparable to a freehold title. It is, above all, this security that created conditions for the exclusion of rural inhabitants from the administration and management of what is essentially their land” (Ntsebenza, 2004).*

The unclear roles of traditional authorities have resulted in controversy since post 1994. We noticed that some traditional leaders strategically shifted their allegiances and aligned themselves with the ANC in the new dispensation. According to Greg Nicolson, their aim was to use their influence in the ANC to protest against any transfer of their roles and responsibilities to the newly created municipalities (Nicolson, 2012). The post-apartheid government was faced with the issue of traditional authorities who were the creation of the apartheid and Bantustans regimes. The democratic government according to Khunou had to transform the institution of traditional leadership to make it comply with the 1996 Constitution in terms of the democratic values and principles as set out in the constitution (Khunou, 2009). The government passed the Traditional Leadership and Governance Framework Act 41 of 2003 which was aimed at transforming the institution of traditional leadership and to make it compatible with the 1996 Constitution of the Republic of South Africa.

Mazibuko Jara in his paper titled *“Neo-apartheid citizens or subjects?”* views the new legislations pertaining to traditional leadership as step backwards and does not take people seriously.

*“However, the post 1994 traditional laws roll back the will of democracy by re-enacting power relations from the past without recognising current life and how people want to be*

*governed. Through these laws traditional leaders continue to hold sway in rural areas, which is different from what was happening in the late 1980's, until these laws brought them back. The result is hollowing out of democracy and the reinforcement of ethnic identities in problematic ways that builds on the apartheid scheme. Ethnicity is incorporated and benefits accrue to the elite and powerful (Jara, 2012).*

According to Jara, the newly passed Traditional Leadership and Governance Framework Act 41 of 2003 is not different from the pieces of legislations that were enacted by Bantustans governments. Apartheid and homelands boundaries seemed to have been restored and the majority of black South Africans are still under the different type of governance from the rest of the other South Africans. This was how the British colonialists controlled and manage Africans through its policy of indirect rule which was expressed in the following institutional reforms:

1. *Recognition of traditional leaders (Native Administration)*
2. *Establishment of Native Courts*
3. *Native Treasuries to which traditional leaders collected taxes from their subjects*  
*(Jara, 2012).*

Traditional authorities were mainly used to collect taxes on behalf of the colonial masters and were task with the mobilisation of workforce. By conferring powers on the traditional authorities the colonial and apartheid regimes successfully co-opted traditional leaders. The traditional leader according to Mamdani was an essential element of the local government.

*“Not only did the chief have the right to pass rules governing persons under his domain, he also executed all laws and was the administrator in his area, in which he settled all disputes. The authority of the chief thus fused in a single person all moments of power, judicial, legislative, executive and administrative. This authority was like a clenched fist,*

*necessary because the chief stood at the intersection of the market economy and non-market one. The administrative justice and the administrative coercion that were the sum and substance of his authority lay behind a regime of extra-economic coercion, a regime that breathed life into a whole range of compulsions: forced labour, forced crops, forced sales, forced contributions and forced removal” (Mamdani, 1996).*

Traditional authorities were protected by the colonial and apartheid regimes. They assume their positions through ancestry and were never elected through the democratic processes. They enjoy an unlimited term of office and as Mamdani states, “*they enjoyed the confidence of their superiors*” (Mamdani, 1996).

In order to entrench its superiority over the African communities, the apartheid regime introduced the Black Traditional Act 38 of 1927. Act 38 of 1927 was used by the colonial to ensure the dismantling of the African traditional system of governance and administration and this allowed the apartheid regime to take charge of rural governance and native affairs. This legislation turned traditional authorities into agents of the regime and were awarded stipends. The Black Authorities Act of 1951 was an instrument that was used by the regime to implement its oppressive policies and made traditional authorities the extension of the regime. Black Authorities Act of 1951 enables the regime to establish new structures in order to ensure that the requirements of the Black Traditional Act were fully met. Traditional Authority a very important structure was created by the regime and the Governor General became in charge of traditional authorities. The Governor General was given powers to create, divide or dissolve any tribe.

According to Nthai, “*One of the tragedies of the interference by the successive apartheid governments in the institution of traditional leadership is that undemocratic structures of governance were established, commonly known as traditional authorities. These structures*

*composed council members appointed by a traditional leader, who in most cases would appoint his or her close and distant relatives as members” (Nthai).*

In its quest to transform the institution of traditional leadership and make it compatible with the democratic governance, the post-apartheid government enacted the Traditional Leadership and Governance Framework Act 41 of 2003. The *Traditional Leadership and Governance Framework Act (No 41 of 2003)* provided for the transformation of apartheid created traditional authorities into traditional councils with new roles and duties in the democratic local government.

Traditional Councils were established by communities which the Premier has recognised as traditional communities and the legislation prescribed the composition of the traditional council in the following manner:

- 33% of its members must be women
- 40% of its members must be democratically elected
- The remaining members can be selected by the traditional leader in terms of custom.

In terms of the Framework Act traditional councils are supposed to operate in their arrears of jurisdiction and to perform the following duties:

- They are supposed to facilitate the involvement of the traditional community in the development of a local government’s integrated development plan.
- They should work with local municipalities in identifying community needs.
- Make interventions recommendations to government that will contribute to development and service delivery in the area controlled by the traditional council.

- They should participate in development programmes of local municipalities and of the provincial and national spheres of government.
- They are supposed to promote indigenous knowledge systems for sustainable development.
- They need to administer the affairs of the traditional community according to custom and tradition.
- Provide assistance, support and guidance to traditional leaders in the use of their powers and how they perform their functions
- They are supposed to participate in the development of policy and legislation at local level.
- They should enter into service delivery agreements with municipalities regarding the provision of services to rural communities.
- They must promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery.
- They must bring to the attention of the local municipality about any danger that threatens the area or people living in a particular traditional council area.
- They are required to perform their duties and use their powers according to customary law in a way that is consistent with the Constitution.

Traditional councils have to be accountable to the provincial government by keeping proper financial records, by disclosing any gifts received and by following a prescribed code of conduct.

Partnerships between municipalities and traditional councils are encouraged and laws must be passed to strengthen these partnerships.

The Former Deputy Minister of Co-operative Governance and Traditional Affairs, Yunus Carrim when addressing the Ethekewini Municipality's traditional leaders said "*It is against this*



*background that the relationship between local government and traditional councils must be located. In terms of legislation, traditional councils are required to uphold the values and administer the affairs of a traditional community, and assist traditional leaders to perform their functions. They are meant to work with municipalities to identify the needs of a traditional community and facilitate their involvement in municipal affairs, including through shaping IDPs (Integrated Development Plans) and participating in service delivery. They have roles in respect of disaster management and the promotion of indigenous knowledge systems. Traditional councils are meant to reject tribalism, promote peace and foster social cohesion. Traditional councils are meant to contribute to the system of cooperative.*

*National and provincial government departments may also allocate to traditional councils roles in land administration; agriculture; administration of justice; safety and security; health; welfare; arts and culture; tourism; registration of births, deaths and customary marriages; and the management of natural resources”(Carrim, 2010).*

Aninka Claassens is however critical of the Traditional Leadership and Governance Framework Act 41 of 2003, according to her this piece of legislation was supposed to establish new laws that will empower the institution of traditional leadership, however the act merely dealt with the creation of new structures, boundaries, hierarchy of state-recognised traditional leaders, traditional communities and traditional councils (Claasens, 2013). This view is further articulated by Mazibuko Jara who stated that “*The Traditional Leadership and Governance Framework Act deems all traditional authorities as traditional councils, entrenching the status quo of 1994 and ignoring disputes about boundaries, imposed tribal structures and ethnic groups*” (Jara, 2012). The act is shallow on the democratization of the institution of traditional leadership. For the fact that only 40% is elected by the public and the majority must be chosen by the traditional leader

and in most cases these are his close friends and relatives. This sort of arrangement is rendering the institution not compatible to the democratic elected municipality and compromised its service delivery role as it is stated in the Traditional Leadership and Governance Framework Act 41 of 2003.

The service delivery role of traditional councils is further curtailed by the Municipal Structures Act of 1998. This act allowed the institution of traditional leadership to participate in local municipal councils meeting (Municipal Structures Act of 1998). Participating in council meetings by traditional leadership if they cannot vote, it defeats the intention of the Traditional Leadership and Governance Framework No. 41 of 2003 as it is stipulated above. The South African Local Government Association on its Local Government Brief bulletin admits that *“Since its fusion into the democratic local government system, the role and place of the institution of traditional leadership in municipalities has been fraught with tensions, confusion and contradictory practices”* (Local Government Brief, 08/2012). The Municipal Structures Act of 1998’s section 81 is making reference that only 20% percent of traditional leadership can represent rural communities in the municipality where there are traditional leaders in the area. Again Framework Act 41’s section 5 encourages partnerships between the municipalities and traditional councils. Section 4 of the Framework Act 41 stipulate that the duties of the traditional council should include the following

- *Supporting the municipality in the identification of the needs of the community, facilitating the involvement of the traditional community in the development or amendment of the IDP of the municipality in which the community resides and participating in the development programmes of the municipality, (Traditional Leadership and Governance Framework Act 41 of 2003).*

In essence both the Municipal Structures Act of 1998 and the Traditional Leadership and Governance Framework Act 41 of 2003 do not provide traditional councils with meaningful roles in the municipality if they can only take part in debates affecting their areas but cannot vote on issues affecting their areas. The Congress of Traditional Leaders of South Africa is demanding a greater participatory role from the government regarding the provision of services to rural communities. In its submission to the Service Delivery Commission in 2009 the Congress of Traditional Leaders of South Africa stated that:

- *The constitution of the Republic of South Africa created the third sphere of government which is the local government. Local government is provided with clear powers and functions. The local government is entrusted with service delivery to areas of government (Contralesa, 2009).*

The White paper on Local Government and Traditional Leadership had given the institution of traditional leadership an oversight role. According to (Contralesa, 2009) this was a role to be played by the traditional leadership and traditional councils. Despite the fact that the Framework Act 41 and Provincial Acts have been promulgated, the role of the traditional council is still not being considered by municipalities. According to the then Acting Minister of Cooperative Governance and Traditional Affairs, Mr Nathi Mthethwa, the strategic role of the Traditional Affairs department is to assist the institution of traditional leadership to transform itself to be a strategic partner with Government in the development of communities (Mthethwa, 2011). Traditional leaders are however not happy with the pace of transformation and the role they currently play in promoting development in their communities. Service delivery protests taking place in mainly urban areas could be seen taking place in rural areas. Rural communities are also

faced with the service delivery crisis and they are even more undeveloped than the urban poor. The Congress of Traditional Leaders of South Africa is calling for the government,

- *To expedite transformation of traditional councils in line with the Traditional Leadership and Governance Framework Act 41.*
- *To have essential departments establishing offices in the traditional councils courts to speed up basic services like home affairs, welfare and primary health care.*
- *To align all municipal wards into traditional wards as this will create a coherent engagement with Integrated Development Process between local municipalities and traditional councils. Integrated Development Processes as it stand are very superficial and local government councillors are not able to provide for rural communities. Section 16 of the Municipal System Act stipulates procedures for community participation at local government but this clause is never applied by municipalities and this has resulted to poor service delivery due to non-compliance with the Systems Act's application of community participation, Integrated Development Process and Budgeting (Contralesa, 2009).*

There is a great need for the relations between traditional councils and municipalities to be improved. The traditional councils and the local government need to recognise each other's role and status. There is also a need to provide training to both institutions on policy and legislation so that they will understand their roles and responsibilities. Their relationship should be beneficial to both parties. According to (Mthethwa, 2011) if municipalities and traditional councils develop effective relationships, service delivery and development can be significantly advanced in rural areas, where the biggest challenges are. With the system of cooperative governance, each structure

of government needs to work with each other to achieve the developmental outcomes required to ensure a better life for all.

Traditional Leadership and Governance Framework Act 41 of 2003 has been trampled upon and not considered by municipalities. For instance the key section of the act, Section 5(1) is forcing the national and provincial governments to encourage partnerships between municipalities and traditional councils. In terms of the legislation, traditional council are supposed to promote socio-economic development of their communities. The municipal officials are using both the Municipal Structures Act and Municipal Systems Act not to recognise the role of traditional council as important partner in service delivery.

Notwithstanding the fact that traditional councils are not taking part in the execution of the integrated development plans and this is an exclusion from exercising their powers. Therefore traditional councils are not seen by municipalities as solution to service delivery and according to South African Local Government Association, traditional councils are not members of municipal council and cannot vote but can only participate in debates affecting their communities (Local Government Brief, 08/2012). It means that they can vote for budget allocations and for projects in their areas. Like many African countries, South Africa is confronted with a problem with regard to traditional councils and how to deal with the (Ray, 2003) issue of determining what authority to recognise for them in the local government structure. According to (Ray, 2003) the question of recognition of traditional leadership in rural and local government has long proved difficult and attention demanding upon those who have controlled the colonial and post-colonial states.

## **7.6 Women traditional leaders: customs and traditions compromised**

South Africa like many African countries is a patriarchal society; traditional leadership has been a preserved territory for men only. Men were viewed as the only people who can govern and

decide for the entire community. The former traditional authorities were made up of elderly men only. The newly introduced pieces of legislations like Communal Land Rights Act, Traditional Courts Bill and the Traditional Leadership and Governance Framework Act are disregarding women.

According to Ashton (2010) the most upsetting attribute of traditional leadership in South Africa is the issue of gender relations. Despite that it was seen as constitutional contradictions to allow equality to women, on the contrary the institution of traditional leadership does not allow women to play a meaningful role. It is only recently where women has been allowed to take up roles as traditional leaders, but this is happening under extreme opposition from the males and in some cases courts intervened to settle these disputes.

In the Province of KwaZulu-Natal the custom and tradition continue to be used to prevent women from becoming permanent or senior traditional leaders. Women traditional leaders are in the past decade only been allowed to act as regents on behalf of their minor sons. The now repealed KwaZulu Act on the Code of Zulu Law No.16 of 1985 was used to preclude women from inheriting after the death of their husbands. In terms of Chapter 6 (Section 29) of the KwaZulu Act on the Code of Zulu Law No.16 of 1985:

- 1. If upon the death of a family head other than a chief the heir is too young to assume the position, the family home under the care of the mother of the heir: Provided that, should occasion require, the Commissioner or Magistrate may, in the exercise of his administrative functions under this Act, appoint any other suitable person to be the guardian of the heir and to take charge of the family home.*

2. *If upon death of a family being a chief, the heir is too young to assume the position, the Secretary may appoint some suitable person to be the guardian of the heir and to take charge of the family home.*
3. *Guardianship under this section terminates upon the heir assuming the control of the home (KwaZulu Act on the Code of Zulu Law No.16 of 1985).*

Mark Butler (2002) stated that, “Transformation informed by gender concerns would have many implications for the institution of traditional authority. With regard to the question of land specifically, at least three key areas can be highlighted as requiring attention: namely, the extent to which traditional values and rules unfairly discriminate against women in so far as they define (i) inheritance rights, (ii) land –use and access rights, and (iii) participation in local governance and decision making. Historically the traditional rule-systems governing these matters have defined women’s rights according to their relationship to men, in particular in terms of their marital status and not in terms of their individual status as people, citizens and women in their own right.” As stated earlier on in this section, the democratic government’s several pieces of legislations have not fully addressed the issue of women and their role in the institution of traditional leadership, especial their role as permanent members of the institution. Reference made by the Traditional Leadership and Governance Framework Act 41 of 2003 to the role that woman is supposed to play does not deals with succession laws of inheritance other than to talk about them being members of the traditional councils. Women allowed only 33% of representation in traditional councils as opposed to 67% men representation. This effectively reduces the women voice in decision making in this temporal structure.

The Province of KwaZulu-Natal is having a few women traditional leaders who are regents either for their sons or an *iNkosi*/traditional leader did not produce the male issue. *Ibambabukhosi* /Regent of the Shabalala clan in the Amajuba District Municipality is the acting traditional leader who is not acting for her son.

*“My late father was appointed INkosi of the Shabalala clan in Wakkerstroom, an area which is falling under the jurisdiction of KwaZulu-Natal. My father was married to one wife by Christian rites. My father and my mother were blessed with seven children. We are the set of seven girls and I am the first born of my parents. After the passing of my father, the family met and nominated me to be the successor to my father since he had no male child. Recommendations of the family were sent to the Department of Traditional Affairs. Shockingly the Department did not support the recommendation of the family, which recommended that I be appointed the successor to my father’s throne. Instead the Department said I should be appointed acting traditional. It was said I will act for my distance uncle, who stay in Newcastle and have never been to the area. I was given a term of five years which is reviewed after every five. Last year 2013 I was reviewed and re-appointed on an acting capacity. We females are subjected to this unjust law and we are not allowed to succeed our parents because the custom and traditions does not permeate that. I suggest that the Government amends the legislation in particular the area of succession to accommodate women” (Thandi Shabalala).* Women issues are not fully addressed by the Traditional Leadership and Governance Framework Act No.41 of 2003. Customs and traditions impede the incorporation of women into the institution of traditional leadership; instead the act renders them temporal actors.

The Constitutional Court had to decide on a landmark case of the Valoyi traditional leadership in the Limpopo Province, where traditional leadership was removed from the royal house because



it has failed to produce a male child. The traditional leader of Valoyi, *Hosi*/Chief Foloza died in 1968 and left behind his only child and daughter by his principal wife. Due to the customary law of the Valoyi which prevented women from succeeding their late fathers as traditional leaders, the younger brother of Foloza, Richard was given the position of the *Hosi*/Chief in 1968. In 1996, the Valoyi traditional community somersaulted from their earlier decision and return traditional leadership to the house of Foloza and his daughter Shilubana was recommended for the position. Her uncle Richard who was present when the decision was taken supported the decision of the royal family; he was allowed to continue until Shilubana was ready to take the position. Richard however changed his position and was no longer willing to relinquish the position and instead he chose his son Nwamitwa as his successor. At his demise in 2001, the Valoyi royal family wanted to install Shilubana as the traditional leader a move that was interdicted by Richard's son Nwamitwa. The matter was heard by two courts and they both confirmed Nwamitwa and ruled Shilubana as ineligible based on her lineage not on gender and that the appointment of Shilubana was not in accordance with custom. The matter was further referred to Constitutional Court which ruled that the power to develop customary law by traditional authorities was not considered by earlier courts. Section 211(2) of the Constitution allows traditional authorities to amend and repeal their own customs laws.

Section 211(2) provides that:

*A traditional authority that observes a system of customary law may function subject to any applicable legislation and custom, which includes amendments to, repeal of, that legislation or those customs. (Constitution, 1996).*

This judgement did little to enhance women position in the traditional leadership, traditional authorities are male dominated. This requires a complete overhaul of the legislation, in particular

the Traditional Leadership and Governance Framework Act 41 of 2003 to address the women succession to traditional leadership. It can be however recognised that the government cannot prescribed on customs and traditions.

Women has a profound history in Africa, Zulu women like King Shaka's mother Nandi played a major role in developing Shaka to become one of the most respected leader. Queen Mkabayi kaJama united the Zulu clan during difficult period and she reinforced the military successes of Shaka's army. African women had enamours powers in the pre-colonial and apartheid era. Their role in traditional leadership was effectively stopped by the legislations which were passed during the colonial and apartheid period.

According to Obediah Dodo (2013) Africa had produced a number of good female traditional leaders who through the encroachment of colonialism lost their kingdoms. Some scholars have used the social role theory (Eagly, 1987, Williams and Best 1982) to support the different roles between men and women in society. This theory questions over the competencies women in leadership. This creates a belief that leadership positions should be based on the muscularity and strong built and these are men attributes. Therefore (Dodo, 2013), leadership role are deemed to be the reserve of males ahead of females because of these characters. This argument goes against the historical background that, some societies were matrilineal which means women leaders have meaningful roles in governance structures, as advisors, regents, soldiers, army commanders and body guards. For instance in Congo, Loth (1987) there were women traditional leaders who acted as regents and kings, women like Donna Veronica, Donna Sussane and Amina from Niger.

According to Dodo (2013) *"Elsewhere, women also played important roles in governance as demonstrated by Senegalese king who, when carrying out diplomatic negotiations with foreigners, would always be surrounded by his wives as advisors. While Queen Lukokesha of the Lunda*

*kingdom in Congo had her own court and played a decisive role in the selection of the king. Mbuya Nehanda of the pre-colonial Zimbabwe and Mekatilili of Kenya waged spirited wars against British in 1896 and 1913 respectively as they resisted colonial administration. These leaders managed to mobilise with great wisdom and precision their subjects against a common enemy.”*

In the Easter Cape Province, permanent women traditional leaders of the AmaRharhabe clan were recently installed. They were accepted by their communities. Though their appointment has some limitations as there are customs they cannot lead, in their interview with Lulamile Feni (2013) at their inaugurations

*“I am talking about customs like officiating over circumcision and initiation as well as ritual slaughtering of cows. This is customarily a responsibility of our fathers and brothers” (Msutu, 2013).*

*“But even if we are traditional leaders, as women we remain women and can never lead some customs, like officiated over circumcision and initiation and as well as ritual slaughtering cows. The royal family felt that I must assume the position, not because I am a woman, but that I am the rightful heir and only child” (Siziba, 2013).*

Ascendency to traditional leadership position of Shilubana, Msutu and Siziba can be seen by traditionalist as the beginning to an end of the institution of traditional leadership and signalling the change in the male based hereditary system. The issue of succession as the Constitutional Court ruled in the Shilubana vs Nwamitwa case, that the traditional communities can amend and repeal customary laws; it should be matter that is left to the royal family to decide on who should be the heir. Each royal family varies from the other royal family and it should not be a blanket approach.

Women traditional leaders in the province of KwaZulu-Natal occupy position in the traditional leadership institution as regent on behalf of their sons who are still minors. In an event where the first married wife or the principal wife did not produce the male, the rights to heirship is moved to the second wife's sons. In some cases a women is forced to a levirate or sororate relationship as the custom dictates. The custom is meant to keep the position of traditional leadership in the correct house or the royal family lineage. Women members of the royal family are always gagged from discussing succession issues. In cases where succession disputes have erupted, only male members of the royal family and traditional authority which is predominantly male discuss the issue. Decision taken by males is forced down to women who at times have no choice but to accept.

After a long dispute between her family members over who should act for her young son, *Ibambabukhosi* Khumalo of the Ntungwa clan in Ladysmith was finally chosen by the majority of family:

*“When my husband the late iNkosi died in 2002 my son was two years old. Some members of the royal family did not want me to act for my son. They were saying that in their clan women has never lead and the custom does not allow that to happen. After several meetings and some arguing on my behalf, that I am the rightful person who will take care of my son. They cited experiences of other clans where the male acting traditional leaders neglect the heir and sometimes refuse to vacate the seat when the heir has reach his majority. They were not prepared to go through that experience. I was recommended to the department and was appointed in 2003. After every five years the department review my position by seeking fresh support from the family. So far nothing has changed; family members are still supporting my regency. But I think the legislation should*

*be amended to protect women from royal family members and allow us to make our own decisions” (Khumalo, 2014).*

One may argue that traditional communities in KwaZulu-Natal are still suffering from the relics of the apartheid and colonial legislations which did not recognise women as leaders but rather as properties. Out of three *IziPhakanyiswa* traditional leaders in the province of KwaZulu-Natal only one is a woman. INkosi Dube of the Kholweni –Ntumeni traditional community in the uThungulu District Municipality is the only woman isiphakanyiswa. Her appointment came after the fierce election battle between her and other two male contenders.

*“Our traditional leadership system is different from others. We were once the mission reserve under the leadership of missionaries who settled here at Ntumeni. When they left the area, the church was given two options; whether to revert to the hereditary chieftainship or elect a leader to lead for five years. Any person irrespective of gender can be nominated and contest the elections. If she wins, like I did, that person is supported by the entire community. I think in areas where they follow the hereditary system, women are still not free or recognised and I pray that our constitution will be amended to allow them to freely take part in the traditional leadership”(Dube, 2014).*

Bekker and Boonzaaier (2008) in the case of *Shilubana vs Nwamitwa* said, “While they are in general agreement that women should not be excluded entirely from the office of traditional leadership, they submit that women’s inclusion should be achieved by an evolutionary process rather than by rigid judicial or legislative decree. Succession by women can in fact take place within the ambit of current usage of law.” The constitution and framework act were somehow silence on the women roles in the traditional leadership.

According to Monde Nkaswe (2008) the judgment in the Shilubana v Nwamitwa case was the recognition of the need for the transformation of the traditional leadership institution more particular its patriarchal nature. The judgment indicated that the traditional communities have to be part of the social change. Customary law structures like the royal family have to play a major role in affecting social change and ensure that change accommodates the principles of equality which is enshrined in the Constitution. For Nkaswe (2008) the judgment dismisses the argument advanced by traditional leaders that the representation of women in traditional leadership structures should be seen in the context that the institution is hereditary in nature and that to preserve the genealogical line, male primogeniture must be maintained.

This view is however not shared by other cultural groups like the Icamagu Institute's director, Nokuzola Monde (2013) who said:

*“This is diluting the whole issue of traditional leadership. People have now moved away from the original definition of traditional leaders. Traditional leadership involved many things including people going to war or battle, initiation and heading family ritual and many others. Now people have reduced it to job and career creation. People tended to have a Eurocentric view or definition of traditional leadership and wanted to change the original definition” (Monde, 2013).*

Nokuzola Monde sees the appointment of women traditional leaders as a strategy to accommodate gender equality at the expense of traditional leadership. This according to her should not be encouraged if we are still interest in our custom, “The fact is that we are living in a patriarchal society and traditional leadership is patriarchal and the succession should therefore be male primogeniture nothing else, unless we want to do away with the concept of traditional leadership” (Monde, 2013). Many people have according to her are driven by money and salaries hence they want to dilute our customs and traditions.

Ndileka Loyilane of the Commission on Gender Equality said the move to appoint women traditional leaders was encouraging, “Some women can even lead better than men in all respect. We cannot discriminate between men and women” (Loyilane, 2013).

This view is supported by Udodinma Okoronkwo-Chukwu (2013) who said like many societies of the world, the Nigerian society is patriarchal but the Nigerian’s woman role is not that of a housewife who sits at home and expects the man to provide her with all the family needs. Both man and a women work together to uplift their family. In Nigerian traditional community both men and women are contributors to the socio-economic development of their communities and they are leaders in their own rights. There is a tendency by many to ignore the exploits of the women when it comes to development of our continent and this for (Chukwu, 2013) is regrettable. It is therefore important for us to learn from the past histories so that our future is enhanced. The roles of women in our societies have not been raised by history scholars. She cited Kleinberg (1988) who sees it as “one of the scandals of the world which we live that women have been systematically omitted from accounts of the past, it warps history by making it seem as though only men have participated in events thought worthy of preservation.”

As it was mentioned in this chapter, Chukwu (2013) in her study of the Nigerian women is saying “The Nigerian women were also part of the socio-economic development and political development of the many ethnic groups that make up the nation. Many dynasties were founded and nurtured by women who determined the fate of kingdoms as well men.” In Nigeria, Zazzau like Mkabayi of the Zulus founded the old city and her bravery could be attributed to her mother Queen Bakwa Turunku. These women were more interested in the territorial expansion and borders hence they remained not married so that they could achieve their goals (Chukwu, 2013).

Women who possess leadership qualities can meritoriously take any responsibility that is given to them. However women face challenge in many African societies, the main one being the lack of trust from men who occupies leadership position. For Glen Ashton (2010) the tragedy that is faced by many societies is that the power of women is forgotten and “that now is being resisted strongly by reactionary traditional leaders is constitutionally unacceptable. An unelected and often unrepresentative male leadership is nothing less than an anachronism in our modern constitutional democracy.” The neighbouring Botswana is a good example of women empowerment and traditional leadership. There is a gradual ascension of women traditional leaders, chief Mosadi Seboko was in 2001 appointed to the House of Chiefs as the chairperson and she played a very important traditional leadership role (Ashton, 2013).

There has been a campaign by the governing party to have 50/50 representations in all spheres of government. Ironically this has never been realised, for instance out of eight provinces under the control of the African National Congress only one has the female Premier. This indicates the slow pace of transformation in particular in addressing the issue of equality.

Though the democratic government has put in place pieces of legislations to preserve and transform the institution of traditional leadership, there is more that needs to be done and this requires a political will. This must incorporate a strong notion of gender equality so that rural women will have a meaningful role play in the institution of traditional leadership.

For Ashton (2013) the government has clearly recognised some shortcomings in traditional structures and yet there remains a tendency by many within the government to bow before the pressures of traditions and customs that all too often lie at odds with the ideals of egalitarian and progressive developmental state. The government in its quest for the transformation agenda in particular the gender equality introduced several constitutional measures which are specifically



aimed protecting women rights. Section 9(3) requires the government to take concrete actions to address discrimination and inequality. Various legal frameworks and acts which were supported policies and charters were developed to safeguard women's rights and that they enjoy equal rights and equal opportunities. The Promotion of Equality and Prevention of Unfair Discrimination Act No.4 of 2000 is supposed to strengthen section 9(3) and Chapter 9 institutions like the Commission for Gender Equality was established so that it can educate, lobby, research, advise and report on issues concerning equality. The national gender programme was established and housed in the presidency and the creation of the Office of the Status of Women which was tasked with the drafting of the Gender Policy Framework. These prescripts and legislations are short of addressing rural women issues instead benefited urban women.

Contradictory to these measures the government introduced the Traditional Leadership and Governance Framework Act No.41 of 2003 which made provision from among other the things the establishment of traditional councils. Traditional councils are by nature undemocratic in their composition. The majority members are handpicked by the traditional leader and the women have the small representation. This effectually renders women's voice in the institution of traditional leadership is not loud. Siqwana-Ndulo (2013) writes, *"This is more likely if they elected by the community on the basis of their demonstrated interest, ability and strength to stand up for women's interests against a majority of conservative males and loyalists."* The Communal Land Rights further placed rural women in defenceless situation with regard to land ownership.

The government will have to attend to the following with regard to traditional leadership and women roles:

- *Develop the implementation strategy for its policies. The problem arises when these policies are to be implemented, men are usually charged with this exercise.*

- *An amendment to the Traditional Leadership and Governance Framework Act 41 of 2003. The act should increase women's participation in traditional councils from 33% to 50% and this will give women more voice. Such amendments will further compliment the Promotion of Equality and Prevention of Unfair Discrimination Act No.4 of 2000 and make the Act compatible with Section 9(3) of the Constitution.*

The customary law has been used by those who are opposed to women ascension to traditional leader as rule which they claim it cannot be altered. According to Phathekile Holomisa (2010) it is the custom that dictates who should be the traditional leader.

*“Legitimacy of ubukhosi is derived from custom, not from the constitution and the Bill of rights and it is not automatic that a woman as the first born is successor. If a traditional council decides to go against the custom, the court can allow that, but we do not accept” (Holomisa, 2010).* The constitutional imperatives seem to be undermined and contravened by the customary law and I think this requires the judicial interventions. As Vos (2010) states that,

*“As the Constitutional Court makes clear, this view by Phathekile Holomisa is not sustainable. Several provisions in the Constitution affirm that –like common law, customary law is not subject to the Constitution and cannot contravene the Constitution. Moreover, although Courts should try and respect the right of communities that observe systems of customary law and should try and respect their right to develop their law as they wish, where a custom discriminates against women or infringes on the rights of individuals, a court had duty to declare that custom unconstitutional and to amend it” (Vos, 2010).*

## **7.7 Makhadzi's role in the Bavenda traditional leadership**

The Venda nation is located in the northern province of South Africa called Limpopo. Their area borders Zimbabwe. Some of the Venda people could be found in Zimbabwe in an area which

borders South Africa. Venda people established their Kingdom in 1688 under the leadership of Dambanyika who lived at the place called Lwandali. According to Matshidze (20013) the Venda people has got an interesting combination of cultures which is the integration of East African, Central African, Nguni and Sotho characteristics. The language that is spoken is Tshivenda or Venda.

This subtheme investigates the role of the Makhadzi in the traditional leadership and Venda community. According to Trinity Tshisevhe (2014):

*“Generally in a Vhavenda family (Community) Makhadzi (aunt) and Khadzi (the head of the family’s sister) plays an important role in their brother’s family affairs. It is the role of the Makhadzi to perform certain rituals in the family, bring stability to the family, they are also involved in process such as lobola negotiations and they also have to mediate when there are marital problems with the family. Hence we also find that Khadzi and Makhadzi play a pivotal role in the Vhavenda traditional leadership.*

*According to the knowledge that I gained from hearing the elders when they talk, the Mutumeri or the family structure plays an important role in the Vhavenda traditional leadership. The Vhavenda traditional leadership structure comprises of five branches or role players.*

*The first branch or the first role player is Netshiozwi (the mother queen) this one might not be the biological mother to the regent, she might be chosen from the other wives.*

*The second role player and the most important one is the Khadzi (sister to the King) and Makhadzi (Aunt to the regent), this is the most senior female position other than that of Queen in the Vhavenda traditional leadership. Vho Makhadzi lives with the traditional leader and her role is to maintain order in the family, the clan, the entire community and to guide the traditional*

*leader. There is a belief that the Makhadzi receive her knowledge and guidance from the ancestors and she becomes the mediator for the whole clan and the community hence a traditional leader cannot rule without Khadzi or Makhadzi. The Khadzi in consultation with other family structures and the royal council decides or nominates the new traditional leader after the death of the king (chief).*

*The third role player is Ndumi (this one can be considered as a secretary in the Modern day society), he is the leader's closest advisor and he is chosen from the leader's siblings and thus referred to as Khotsimunene. The final set of role players is the Makhadzi (previous Khadzi) and Vhavenda (previous Khotsimunene). (As explained while elaborating on the roles of Khadzi, Makhadzi, Ndumi and Khotsimunene in the beginning)" (Tshisevhe, 2014).*

Buijs (2002) states that "A chief is succeeded by his son, who is appointed by the Makhadzi and Khotsimunene, his father's brother. When these two appoint the new heir, they at the same time appoint one of his sisters to be the Khadzi and one of his brothers to act as ndumi. On the death of their brother these two will take up positions of Makhadzi and Khotsimunene." This was also confirmed by Vho Japan Mphephu at the installation of the traditional leader who said "*Only the Khadzi and Khotsimunene had the authority to install the leader*" (Luvhengo, 2014). Hence on that occasion the new traditional leader was inaugurated by Vho Makhadzi Masindi Nelwalini. In the institution of traditional leadership the Makhadzi plays a very important role in matters concerning the royal family traditional leadership succession rule. It is quite interesting to note that the Shona people of Zimbabwe are having the Makhadzi, Huffman (1996) states:

*"In the Shona kinship system today, a father's sister is known as samakhadzi and she officiates over inheritance proceedings when her brother dies. In 1956 a sister of Chief Maranke in eastern*

*Zimbabwe acquired authority over part of the community when she was installed with him and several cases of headwomen are known among the Manyika.”*

This suggests that a sister of a traditional leader in Zimbabwe is having the similar role as the Makhadzi of the Vhavenda in South Africa. As an advisor to the traditional ruler, Makhadzi is consulted on all matters that affect the community and her decisions are taken and implemented. She lives in the chief's residence whilst her husband and children stays elsewhere. She use to receive a percentage from the taxes collected by the traditional leader and she is accorded with the same respect like the traditional leader. Stayt (1931) men who women in most cases will kneel in their presence are kneeling in from of the Makhadzi. Buijs (2002) writes:

*“In addition, her home is a sanctuary for criminals and murderers, whom she may reprieve and her consent is needed before war may be waged. In all these matters her judgment takes precedence over that of the chief and he is bound to submit to her decisions.”*

Matshidze (2013) is saying,

*“In the royal family Makhadzi plays an important part in succession matters as well but she does not does not do that alone. She works with the Khotsimunene a traditional leader's paternal uncle. The Makhadzi, the Khotsimunene and the traditional leader are important in Venda traditional leadership. She commands a privileged position in the kinship system of the Venda and particularly in the royal houses. The Venda descent system is patrilineal and therefore male dominated. Makhadzi is thus strategically, a female father. She along with a senior paternal uncle, Khotsimunene and the chief constitute the supreme organ of traditional leadership in Venda. It is in this respect that Venda traditional leadership can be aptly characterised as a triumvirate.”*

In the Venda community the Makhadzi plays an important role in the socio-political system. Matshidze (2013) states that the role of the Makhadzi was relegated to the less important status by the successive colonial and apartheid regimes. The encroachment of colonialism in Africa had a negative effect on traditional cultures and that meant that the Makhadzi were marginalised and silenced and their role as advisors to the traditional leader and custodians of indigenous knowledge were undermined. It also meant that (Buijs, 2002) this did not affect the position of Makhadzi on chieftainship but also the kinship relationship of commoners was also undermined.

Legislations passed by the colonial and apartheid regimes were silenced on the role of the Makhadzi in the institution of traditional leadership. The new democratic government intended to restore the dignity and recognise the institution of traditional leadership by including sections 211 and 212 in the chapter 12 of the constitution. In section 211(1) of the Constitution, the status and role of the institution of traditional leadership and customary law is recognised subject to Constitution, on the other hand section 212(1) allows the institution of traditional leadership to participate at local government level but on issues affecting their communities. This chapter of the constitution has been contested by traditional leaders and they demand that it must be amended to provide them with more authority and meaningful roles similar to those given to municipalities at local level. The government further introduced the Traditional Leadership and Governance Framework Act No.41 of 2003 which attempt to provide the institution with more roles and responsibilities. The Traditional Leadership and Governance Framework Act aimed at transforming the traditional authorities which were seen as undemocratic and authoritarian into traditional councils. Traditional councils were arguable democratic because communities elect 40% of the members and women has the 33% representation in the council. The government sees traditional council as the best institution to represent traditional communities at local level. Like

the colonial and apartheid legislations, the legislations that were promulgated by the democratic government were silent on the role of the Makhadzi. Matshidze (2013) in his writing says,

*“Despite the controversies, the reason why makhadzis were left out in these legislations remains a major concern. As noted, they perform crucial roles in traditional leadership. While the government sought to recognise traditional leadership a snub to makhadzis as part of the traditional leadership begs the questions whether they are for any relevance in a new democratic order. Who then will play the vital role that the makhadzis played in traditional societies? Were they given snub because they were women? Did even parliament understand the role of makhadzis when enacting the legislation giving effect to traditional leadership in a new legal order?”* (Matshidze, 2013).

Research has shown that, among the Venda communities, the institution of the Makhadzi is superior to that of Hosi/Chief. Like many tribes in South Africa and Southern Africa, the Venda people are patrilineal in nature but are having the women Makhadzi playing a dominant role. Makhadzi is recognised by these communities as the legitimate leader, whose decisions are taken seriously by members of families and communities. Matshidze (2013) *“in the governance structure of these traditional institutions, females have always played an important role.”* The role of the senior sister in many African communities, like amaZulu, Xhosa, Sotho, Shona and Venda has a very important role. I must however state that the role of Makhadzi supersede others, she is more powerful. She is actually the *de facto* traditional leader whilst the traditional leader is the legal leader. Makhadzi in the Venda communities plays a role of being a religious leader; this role is played by male traditional leaders in many communities. According to (Van Warmelo and Phophi, 1949 in Matshidze, 2013) Makhadzi also puts in place mechanism to safeguard stability

in the institution of traditional leadership and is able to diffuse disputes regarding succession or any family dispute.

As stated in the 7.5 section above that the rural women issues seem to have been ignored by legislators. It might as well happen that the role of Makhadzi was shunned by lawmakers because she is a woman. The Limpopo Traditional Leadership and Governance Act is also not explicit on the role of Makhadzi as Matshidze (2013) puts *“it defines traditional leaders in a manner that excludes Makhadzi. The act alluded to the functions that are performed by Makhadzi like regency; it does not however mention the word Makhadzi.”* It is important that the Traditional Leadership and Governance Framework Act No. 41 together with the provincial legislations on traditional leadership be reviewed to accommodate the Makhadzi and women traditional leaders in general. The recognition of Makhadzi (Matshidze, 2013) would restore their confidence that their role in society is appreciated by the state and their role will not be obsolete. Buijs (2002) to augment the status of Makhadzi in the institution of traditional leadership and to receive recognition from the state says;

*“The Makhadzi is a force to be reckoned with in her brother’s household, an advisor whose presence is necessary at all important time in the life of her brother and the lives of his children and wives.” (Buijs, 2002).*

## **7.8 The Lessons for South African Traditional System**

The institution of traditional leadership in South Africa is faced with challenges which were the creation of the colonial and apartheid regimes. Several pieces of legislations like the Black



Authorities Act, Black Traditional Act and Land Act undermined the institution of traditional leadership and these legislations rendered traditional leadership irrelevant and aloof from their communities. Women roles were eradicated and they were made to play the insignificant role in the family and community matters.

The democratic government of South Africa inherited pieces of legislations which were anti-democracy and the institution of traditional leadership. The 1996 Constitution recognise the existence of traditional leadership. Chapter 12 of the constitution is not explicit on the roles and responsibilities of the institution of traditional leaders and was seen by traditional leaders as giving clear roles to municipalities. The enactment of the Traditional Leadership and Governance Framework Act 41 of 2003 failed to give the institution the meaningful roles. The act transformed traditional authorities into traditional council with no voting powers at council meetings as it is stipulated in the Municipal Structures Act of 1998.

Africa's challenges are South Africa's challenges when it comes to the institution of traditional leaders. Women issues are not properly addressed. In countries like Ghana, Nigeria and Zimbabwe women's role in the institution of traditional leadership are not highlighted and women are not allowed to participate in rural government affairs. South Africa's legislation on traditional leadership provides for only 33% of women participation and this is not adequate as women voice is suppressed by the dominance of males in the structure. The role played by the Makhadzi and other female members of the royal families need to be legislated to enable them participate and provide meaning input in the rural governance.

Karnataka's model of rural development and the relationship between the informal local council and elected local government can benefit South Africa. The relationship between the elected local municipal officials and traditional leadership does not exist in South Africa; this has been

effectively curtailed by government legislations. In Karnataka the informal local council actively participate in council meetings and exert greater influence. This relationship has allowed the government and other stakeholders to provide development and become the model of development in India, this model if could be used by South Africa can produce the best result in term of rural development. Rural development in South Africa is hindered by the lack of co-operative governance between these two governance structures. The Municipal Structures Act and the Traditional Leadership and Governance Framework Act need amendment that will provide for the greater participation of traditional councils in the development of their communities.

## **7.9 Conclusion**

This chapter looked into the positive role that traditional councils play in promoting rural development and the case of Karnataka was used to show the successful co-operative governance and how this model of rural development can be used in South Africa to promote service delivery and development.

Women had played an important role in the development of the institution of traditional leadership and their role is no longer recognised by the institutions of democratic governments. South African legislations that were passed in the democratic period are not recognising women and this chapter seek for the amendment of these legislations to show greater participation of women in traditional leadership and governance.

Land is the major asset that the traditional leaders possess during the pre-colonial era and was used by traditional leaders to exercise power over their subjects. At times traditional leaders

abused their roles as custodians of land on behalf of their subjects and this chapter looked into Punjab's abuse of power by landowners and a stronger legislation is needed to cater for land distribution. Many traditional leaders sold community lands without consulting their people and pocketed the proceeds for their own use.

## **CHAPTER EIGHT**

### **‘Agitation’ for Cooperative Governance**

#### **8.1 Introduction**

While there has continued to be a strong agitation for collaborative or cooperative governance between traditional leaders and elected political leaders in South Africa, there is also a danger of boxing one’s self into one school of thought or the other without allowing for a wider perspective and analysis of the current situation in governance and its demands. The two schools of thoughts that have been the default of many advocates of collaborative governance, as asserted by Sithole and Mbele (2008: 14) are the pragmatists and those advocating for organic democracy. Both schools, however, do not lead to the road to consensus in collaborative governance as it would have been expected. While the pragmatists advocate for “a ‘middle road’ on the basis that traditional leaders should be useful for as long as the extension of democratic local governance is not sufficient towards the rural areas.” (Sithole and Mbele 2008: 16). However, an opposing view regards this type of leadership as having a number of roles to play in the contemporary government. As such, this chapter explores these schools of thoughts, the ideas they propose, and how those ideas can be of value to the promotion of collaborative governance and how those ideas fall short of the task in which they seek to achieve.

#### **8.2 The Democratic Pragmatists’ Approach**

Sithole and Mbele (2008) state that the institution of traditional leadership in South Africa has generated interest and created an extensive debate among scholars. The pragmatists approach to the definition of democracy is that of liberal tradition which (Sithole and Mbele, 2008) the individual rights and freedom are prioritised. Thomas Koelble (2005) brings in different dimension in his analysis of the of concept democracy when he writes that;

*“The concept democracy is trans-historical, as the many attempts to link Athenian notions of direct democracy with the representative democracies of the 20<sup>th</sup> century illustrate. The concept democracy is also transcultural, as shown by the endless attempts to illustrate that democracy is.....these trans-historical and transcultural assumptions are the used to justify what amounts to an analytical trick in which the analyst uses then democracies of Euro America as an uncritical template in terms of which the newer democracies of the post –colony can be studied, classified and often found wanting” (Koelble, 2005).*

This notion as presented by Koelble is problematizing the infusion of traditional leadership into post-apartheid democracy. Traditional leadership is the institution; though it is recognised by the Constitution, it is still viewed by some as an undemocratic institution and cannot fit in the new dispensation. The new government has used the European democratic standards to define democracy in South Africa which rendered the pre-colonial’s interpretation of democracy in Africa invalid and not in line with the principles of human rights and freedom as expounded in the Constitution. One might argue and say African democracy is different from that of Europe and it cannot be measured against European laws. The ‘democracy’ cannot be the same and countries must be allowed to practice their cultural democracies. Koelble (2005) also rejects the notion that;

*“Democracy means the same across time and space. There is the conceptual difficulties associated with words such as democracy and characterises democracy as a social imaginary*

*that is in a process of evolution rather than only an institutional system with well-defined rules, procedures, practices and institutions”*(Koelble, 2005). Our interpretation of democracy must be informed by the fact that ours resulted from history and culture. Thus South African democracy cannot be separated from these two elements.

For Koelble (2005) the notion that rejects these elements as expounded by those who are against the inclusion of African democracy, *“Proponents of this approach argue that the methods of the first school are inappropriate for the study of the newer democracies as they ignore the historical and cultural differences between the western templates and their post-colonial counterparts. Moreover, the international context at the beginning of 21<sup>st</sup> century imposes several limits and constraints upon post-colonial democracies, which have to be taken into account in a serious attempt to understand the dynamics of the formation of democracy in such post-colonial and post-apartheid context”*(Koelble, 2005). Guillermo O’Donnell (1993) in his very much earlier made reference to the institution of traditional leadership, suggested that in some areas of South Africa, democratic rights are not respected as enshrined in the constitution and political structure for the implementation. The emerging democracies according to O’Donnell (1993) created new polities which must be considered polyarchies that have systemic variations in their approach of democratic rights. The term polyarchy was first coined by Robert Dahl and describe a political system that has a procedural minimum of contested of contested and competitive elections for office; participation of the citizenry is through some form of collection action and accountable rulers subject to the rule of law (Dahl, 1971). In his argument O’Donnell (1993) used colour coding scheme to define states democracies and member participation;

- Blue regions represent areas where the state and institutions are present, highly visible and where the rule of law prevails.

- Green regions denote areas where the state enjoys territorial penetration but is not visible.
- Brown regions is where the state is not existing, this mean that the state unable to reach the rural communities because of a low number of community members.

This categorisation of regions is problematic; there are highly populated areas which the state has failed to attend to their needs. The majority of service delivery protests are happening in urban areas of Durban, Johannesburg and Cape Town. Many (Hansen, 2001; Comaroff and Comaroff, 1999; Chatterjee, 2004 and Caldeira, 2000) suggest that even in highly populated urban areas, the reach of the post-colonial state is mediated through a variety of associations. This is an indictment to the modern democracy which is blaming its non-delivery of service in rural areas on traditional leadership.

The core of the debate by the pragmatists is whether the institution of traditional leadership is compatible with the modern democratic governance and the constitution which underpin democracy and human rights. This debate according to Sithole and Mbele (2008), in turn created two different views concerning the institution of traditional leadership, the democratic pragmatists and the organic democrats.

The democratic pragmatists argue that the institution of traditional leadership is hereditary and thus makes it incompatible with the democracy. According Logan (2008) the democratic pragmatists view the institution of traditional leadership as gerontocratic, chauvinistic, and authoritarian and an irrelevant form of rule which is anti-democracy. Sithole and Mbele (2008) expand the democratic pragmatists view that, “traditional leadership as a system that

allows inheritance of leadership is incompatible with democracy” (Sithole and Mbele, 2008: 5).

The above argument is maintained by democratic pragmatists, that traditional leaders are an illegitimate institution that was placed and collaborated with the colonial and apartheid regimes. Traditional leadership was found by the colonialists as a perfect match of their authoritarian and undemocratic style which denied the majority African their freedom (Ntsebenza, 2007). Traditional leadership were seen by others like (Mamdani, 1996) as the institution that did not recognise rural communities as citizens but rather as subjects. What informs this view according to Sithole and Mbele (2008: 4) “traditional leadership does not give everyone a chance to be elected and it does not appear to have systems for recourse against unfair exercise of power?” The institution of traditional leadership is the system that discriminate women, because of its patriarchal nature, men are dominant and the rule of primogeniture is used in succession. This according to Sithole and Mbele (2008) is disadvantageous to women in particular those residing in rural areas. This notion might be misplaced in the democratic dispensation. I think that, legislations like Traditional Leadership and Governance Framework Act No. 41 of 2003 and the Constitution of 1996 failed to provide the rural women with the meaningful role in traditional governance. In my view the democratic pragmatists might be levelling unfair criticism to the institution of traditional leadership instead of lobbying the government to recognise the role of rural women in traditional governance.

The notion that the traditional leaders have re-inserted themselves in the political arena in South Africa is an argument that according to (Koelble, 2005) would be risky to ignore. According to Przeworski (2000), “The re-emergence of traditional leaders points to the lack of economic growth and development”. Przeworski’s interpretation according to Koelble (2005) meant that the re-emerging of traditional leadership as not only an



infringement of democracy but as something that indicates the return of authoritarian rule. The Municipal Structures Act of 1998 and Municipal Systems Act of 1999 were crafted to weaken the institution of traditional leadership but they according to Koelble (2005) re-asserted the traditional leadership in the local government politics. The enactment of these acts was meant to transform local governance in the country establish elected municipalities. This however reduced the number of municipalities and incorporated the former Bantustans areas which were largely rural and under traditional leadership structures. 20% of seats were to be allocated to traditional leaders which meant the elected officials will drive the service delivery initiatives in traditional communities thus making the traditional leadership inactive.

In the ruling party, the African National Congress there was those who were against the continuing existence of the institution of traditional leadership. This faction viewed traditional leaders as having collaborated with the apartheid regime to wage war against the democratic forces. However this view never triumphed in the party and according to de Jong (2006) who was not entirely the democratic pragmatist said “the overthrow of the anti-traditional leadership thinking within South African government as a result of traditionalist reasserting themselves” (de Jong, 2006: 11).

This view is, according to Sithole and Mbele (2008) surprising because government is doing what it is supposed to do, which is to restructure the institution of traditional leadership in terms policy development. The local politics has been according to Sithole and Mbele (2008) been played down by the so-called elites who only until these matters affects them directly than it is highlighted. Traditional leaders have been in existence during the pre-colonial, colonial and apartheid times. The notion of reinsertion is actually misguided but what is noticeable according to Sithole and Mbele (2008:7) scholars and other sources

of information have of lately placed more focus on the institution of traditional leaders. This has however introduced a fresh debate on the relevance and legitimacy of traditional leadership in the so called rural communities.

This sudden “resurgence” of traditional leadership is according to democratic pragmatists like Ntsebenza (2006) cited in Sithole and Mbele (2008) was being used by the government as the vote bank for the purpose of national and local elections. Ntsebenza argues that,

*“Traditional leaders have waged concerted campaigns and lobbied government including, [by passing] official channels, to ensure a place in the emerging South African democracy. Ironically, traditional authorities have used resources the government has made available to them to achieve their objectives. [.....] Traditional authorities have used these resources to consolidate their position. Those who are in Parliament, for example, chief Holomisa, Nonkanyana, have also ensured that they use their positions as Members of Parliament of the African National Congress to advance the interests of their constituency”*(Ntsebenza, 2006 cited in Sithole and Mbele, 2008:7).

Position of traditional leaders according to him has been further strengthened by the partnering of traditional authorities, Congress of South African Traditional Leaders and Inkatha Freedom Party. This new alliance forces the African National Congress to succumb to pressures and ensure that its relationship with the CONTRALESA is not eroded and to gain more support from the traditional authorities and their communities. Inkatha Freedom Party was accommodated in this relationship to prevent the re-occurring of violence in KwaZulu-Natal (Ntsebenza, 2006).

Sithole and Mbele (2008:8) espoused the view that say, human rights of individuals are not necessarily the competency of the institutional leadership only but it is key to any form of governance. They claim that traditional leadership therefore will always, in a sense, remain “antithetical” to this view “of human rights” because appointments to the position of are still exclusively hereditary and primogeniture in nature.

Democratic pragmatists thus portray the institution of traditional leadership as the institution that was put into power by an apartheid regime and assisted the regime to stay in power. This school of thought maintain that the integration of the institution of traditional leadership with the democratic government institutions is misguided and this will compromise the democracy. This view is supported by Ntsebenza (2006) when he says,

*“I have, however, argued that the recognition in the South African Constitution of the institution of traditional leaders, coupled with the promulgation of the Traditional Leadership and Governance Framework Act No.41 of 2003 and Communal Land Rights Act in 2004 run the risk of compromising this democratic project.....These laws give traditional authorities and their appointees unprecedented powers in land administration. I have argued that control over land in rural areas is crucial in the development project in these areas. This would mean that rural development would be controlled by unaccountable structures, a disturbing departure from the democratic ideals enshrined in the constitution” (Ntsebenza, 2006).*

Sithole and Mbele (2008) there is nothing new with regard to the land ownership by traditional leaders. In the pre-colonial era traditional leaders were the custodian of the land held in trust on behalf their communities. They argue that,

*“Of course, given the fact that most amakhosi confessed being the facilitators of land use rights in the context where families already do land transactions between themselves, amakhosi would be puzzled by what novelty this argument brings. Even though when pushed for suggestions the democracy pragmatists bring little that is far from current realities, there is a lot of conceptual squabbles that they bring out in their arguments” (Sithole and Mbele, 2008:9).*

The above argument by Sithole and Mbele dismisses an argument that was put forward by Cousins and Claassens (2004). The system of titling of rural land will be difficult to implement in rural areas, because the rural land is deemed to be communal in nature and traditional leaders are responsible for land distribution. Their suggestion that,

“In relations to land rights, one view is that only land titling provides adequate tenure security – but forms of group title must be made available, as well as individual title, given strong rural demand for a community based form of tenure” (Cousins and Claassens, 2004 cited in Sithole and Mbele 2008: 9). This form of arrangement has created conflicts between traditional leaders and land trusts in various communities in the South Africa where this has been implemented. Traditional leaders felt undermined by trusts who are legally the land owners and they have power to distribute and lease the land without seeking the traditional leader and traditional council approval. Traditional leaders and traditional council still regard themselves as custodian of the rural land. Is the Communal Land Rights Act of 2004 correctly implemented? This is the questions that we should be asking, because the Communal Land Rights Act of 2004 is according to (Koelble, 2005 and Ntsebenza, 2004) make provisions to general rule with regard to land administration and areas under traditional authority is accommodated, traditional leaders are given right to distribute communal lands and decide on how it should be utilised. I believe the act should also

introduce the regulatory measures for the land trusts to avoid conflict between the two structures.

### **8.3 The Organic Democratic Approach**

Democratic pragmatists dismissed the institution of traditional leadership, citing that it was undemocratic and was incompatible with the elected democratic governance system. Pragmatists in their approach regarded the institution's hereditary system as undemocratic and authoritarian. It was the institutions that has collaborated with the colonial and apartheid regimes and was used by oppressive regimes implement policies and legislations that oppressive. For this group the institution of traditional leadership was against the principle of the human rights and freedom of expression.

Obviously there has been the notion and assumption that the representative democracy, which is the form of democracy that allows people to vote for their candidate who will represent them at various level of government, is the only interpretation of democracy. Yet there is another form of democracy which is the organic democracy or direct democracy. This form of democracy has been used by some of the European countries like Switzerland. Direct democracy allows people to directly engage with the leaders and actively participate on issues affecting them. Institution of traditional leadership has the high degree of participation by community members through *izimbizo*/public gatherings and decisions are arrived at on consensus basis.

The proponents of the organic democratic are challenging the view held by pragmatists. According to Sithole and Mbele (2008), the institution of traditional leadership is not seen by

advocates of this school of thought as different. There are democratic elements in the institutions; therefore our use of western interpretation of democracy can lead us into misconception about the institution of traditional leadership.

As such, proponents of the institution of traditional leadership hold the view that the institution of traditional leadership has the significant role to play in the democratic dispensation. According to Sakyi (2003), the institution of traditional leadership was in good charge of the social, economic and political systems that were governing the traditional communities. To ensure safety and order in the society the institution has system to control social behaviour which is based on traditions and customary laws. The institution of traditional leadership was able to maintain order and stability and upheld democratic norms and standards of openness and accountability (see Ansere 1993; Ayittey 1992; Keulder 1998 and Tangwa 1998). According to Makgoro (1994), though the institution of traditional leadership was not open to electoral system, it applied powers and authority through traditional councils which repudiate authoritarianism. According to this view the institution of traditional leadership was based on accountability, consultations through public gatherings and decentralization through traditional councils (Williams 2002).

This school of thought see (Sithole and Mbele, 2008) the institution of traditional leadership as the system of governance is able to fulfil and cater for needs of the community members who understands more than one type of democracy. Traditional leadership is an institution that as able to fill in where the modern governance is not able to reach. This interpretation according to (Sithole and Mbele, 2008) is reducing thinking that the conventional governance is failing to carry its legislative mandate of providing services.

These views were further expounded by Koelble (2005) when he said;

*“Mandela himself is on record as a supporter of village level democracy in which the chief plays a decisive role. In his autobiography, for instance, Mandela fondly recalls the way in which the chief in his district made decisions after much discussions and negotiation and the weighing of collective sentiments. In numerous other accounts, Mandela has made a case for an African version democracy that takes into account traditional leadership structures and rebuilds shattered cultural pride by restoring some Africa’s most important cultural values, such as expressed in the term Ubuntu or humanity, to its rightful place”*(Koelble,2005).

Traditional political values and customary as illustrated by Mandela, are vital roles for the traditional authorities who are still keeping these values and will help in the transformation of South Africa’s governance system. Traditional leaders and traditional leadership institution that are best placed to lead this practice as part of the rural governance structures. Institutions of traditional leadership is providing the platform where community needs are supposed to be discussed and are in the better position to inform the conventional government on the needs of their subject.

According to Mandela (1994) in Koelble (2005);

*“It was democracy in its purest form. They may have been a hierarchy of importance among the speakers, but everyone was heard; chief and subject; warrior and medicine man; shopkeeper and farmer; landowner and labourer. People spoke without interruption, and the meetings lasted for many hours. The foundation of self-government was that all men were free to voice their opinions and were equal in their value as citizens”* (Mandela, 1994 in Koelble, 2005).

Sithole and Mbele (2008) when writing about the assumptions of the organic democracy state that:

- *The traditional leadership institution has suffered abuse and manipulation by apartheid regimes but it has withstood these challenges. Traditional leadership existed even during the European colonialism and therefore it was not invented by apartheid. Its abuse by successive government needs careful analysis.*
- *Whilst the human universalism that democratic pragmatists propound via reification of individual human rights is undisputed, organic proponents believe that traditional leadership offers unique attributes of leadership that fulfil specific social and governance needs of people as communities.*
- *The location of traditional leadership within communities both physically and culturally serves a specific unique purpose that people must be entitled to. This is over above the often paternalistically expressed view on the inadequacies of local government efficiency in many rural communities- a gap that traditional leaders are seen to supplement.*
- *Western democracy is often caught up in how it is elected and what institutions extend it. It is informed with principles which must play themselves out in order for justice to all be accessible and visible. Traditional leadership should perhaps be seen as an alternative form of democracy that places less emphasis on how governance comes into being, but more emphasis on the rationalisation of justice based on cultural –moral principles, and expressed human feeling, all of which will be under vigorous negotiation on a case by case social issue basis. Traditional leadership is therefore a facilitatory democracy more focused on issues that rigidified process.*
- *Cultural relativism is not mutually exclusive of individual human rights and relativism must not be interpreted to mean disabling of people's ability to rationalise and change*



*culture continuously and with reference to specific circumstances. This has always been the case with traditional leadership and customs.*

- *Culture and custom, which is what traditional leadership are often aligned with, must not be assumed to be hindrances to universal democratization, without differentiation. The interconnectedness of culture and custom must not be trivialised as something that can be changed by mere proclamation of legislation.*

*(Sithole and Mbele, 2008:11-12).*

To argue that the traditional leadership is the important component of the rural local government, Donald I. Ray (2003) uses the notions of the pre-colonial, colonial and post-colonial states of dividing African authority and traditional leadership legitimacy. In Ghana despite (Ray, 2003) the recognition they have received from the post-colonial government, traditional leaders are still regarded junior partners. Assumptions by Sithole and Mbele (2008) are further articulated by Ray (2003) who said, “Traditional leaders, while not having a substantial formal role in rural local government, do carry out carry out a number of important local governance functions that the formal local government is not carrying out because it lacks the resources, capacity or understanding.” Traditional leaders seem to have a meaning role to play in local government. The supporters of the institution of traditional leadership are not arguing that the institution must not democratise but they argue on the basis that traditional leadership cannot be blankly assumed to be undemocratic. Sithole in an earlier (2005) defines traditional leadership as something that ties its social responsibility towards people and have moral responsibilities to their people.

Molutsi (2011) argue that the relationship between the traditional leadership and modern government will always in a strained mood and one will emerge dominant over the other. Therefore for their survival these two institutions need each other. “In order to reach the

population and be seen as legitimate, it became apparent that modern political institutions required the endorsement of customary structures” (Molutsi, 2011). The Botswana traditional leadership Molutsi (2011) states;

*“The kgotla is a traditional system, historically authoritarian and strongly dominated by the male elders. It has however been adapted to modern democratic systems and practices. How? First, by making sure that not only men can be chiefs; to accomplish this, female chiefs have been appointed or inaugurated” (Molutsi, 2011).* When dealing with institution of traditional leadership pragmatists argue for a middle road, as suggestion that traditional leadership can only cover as an extension of the democratic local government where it can reach in rural areas.

## **8.4 Blurring Lines**

Since the demise of colonialism and apartheid in Africa and the advent of new democracies and dictatorships; the institution of traditional leadership has been under intense scrutiny from academics and governments.

These views are represented by those whom we have referred to as democratic pragmatists or modernists. A view that is ‘agitated’ by this school of thought is that the institution of traditional leadership is an old form of governance which has no role in the modern system of governance. For them the institution of traditional leadership impedes democracy and it should not be accommodated by the conventional governments. In many parts of Africa, traditional leadership has been associated with colonialism. Ntsebenza (2007) in his critical analysis of the institution of traditional leadership states that the democratization of South Africa was faced with the challenge of dealing with the legacy of the homeland system. In his dismissal views of the

institution of traditional leadership Ntsebenza (2007) argues that the colonial rulers had to deal with the governance challenge of how as the minority were going to govern the majority indigenous communities. Like in many parts of the colonial Africa, they had only one option and that was the policy of indirect rule. In South Africa the institution of traditional of leadership became the perfect platform which was used to implement the policy.

Traditional leaders collected taxes on behalf of the colonial rulers; black reserves provided cheap labour and traditional were instrumental in the creation of the Bantustans.

The colonial and the apartheid regime used the institution of traditional leadership to further its authoritarian and undemocratic system of government. For this, the institution of traditional leadership earned itself the title of being ‘collaborators’.

Quinlan and Wallis (2007) claim,

*“An extension of this argument is that the institution of chieftainship stands alongside the bureaucracy of modern state and, therefore, the institution needs to be transformed to the effect that chiefs become line functionaries within local government structures” (Quinlan and Wallis, 2007).*

This notion is further articulated by other scholars (Ansere, 1993; Ayittey, 1992; Keulder, 1998) when they view the hierarchy characteristics of the traditional leadership institutions as it was mainly designed to maintain order and stability in their communities and upheld democratic principles, there was greater public participation and decisions were consensus based. Sakyi (2003) in Kargbo (2007) commented;

*“Traditional leaders once held a firm grip on the social, economic, and political system that governed society. There were systems in place to regulate behaviour; rules were well enforced*

*to ensure a safe and orderly society. They had an adequate revenue base through taxes and other donations and royalties to support families and meet their societal obligations.”*

This view affirms a notion that speaks about accountability, consultation and decentralization being pillars of the institution of traditional leadership. Williams remarked that;

*“The democratic aspects of traditional leadership and authority systems were instrumental in mediating the autocracy of the kingdom but were undermined by colonialism. Physical force as the means by which African leaders exerted their authority was apparently exceptional before colonialism. Potentially highly exploitative practices such as polygamy and taxation were possible because of citizen deference to kingly authority and via specific ceremonial procedures and limitations.”(Williams, 2002).*

Notwithstanding that the institution of traditional leadership has generated a divergent of paradigms and there is confusion which is further engendered by promulgated legislations and produced what I have called *“The blurring lines”*.

The Local Government Municipal Structures Act, 1998 problematize the role of traditional leaders in the local government. It is an act which makes provision that allows traditional leaders to attend council meetings and be bound by the Code of Conduct for Councillors, such prescription does not turn traditional leaders into councillors nor do they have voting powers . This type of an arrangement has created some delicacies. The “integration of the institution of traditional leadership into the democratic” elected local government has been apprehensive, tense, confusing and contradictory (Sithole and Mbele, 2008:1). The South African Local Government Association claims that it receives enquiries from some municipalities on the role and status of traditional leaders in municipalities.

What is salient about the Local Government Municipal Structures Act of 1998 is that in its Section 81, 20% of traditional leaders may represent the traditional communities in municipality meetings where there are traditional leaders. This effectively prevents 80% of traditional leaders from participating in that particular local government. The majority of traditional communities remain not represented in municipal councils. This therefore contradicts Section 5 of the Traditional Leadership and Governance Framework Act of 2003. In term of Section 5 of Framework Act, the municipalities and traditional councils can form partnership, however the Municipal Structures Act preclude the majority of traditional leaders from participating and forming partnerships with Municipalities.

This confusion is further created by Section 4 of the Traditional Leadership and Governance Framework Act No. 41 of 2003 when it allocates the role of traditional councils and this is how it is stated;

- Supporting the municipality in the identification of the needs of the community; facilitating the involvement of the traditional community in the development or amendment of the Integrated Development Plan of the municipality in which the community resides and participating in the development programmes of the municipality (Framework Act, 2003).

The Integrated Development Plan is a tool that the municipality uses to pass its budget allocation. Traditional leadership institution is having no input in the drawing up of this document and it is prevented from voting for the budget that is meant to develop their areas. It is therefore seen by some as ironical that traditional can just participates in debates but cannot vote on issues affecting their communities and not all traditional leaders represent communities. This can be viewed by others as the strategy that the Government is employing, of dividing

traditional leaders so that the institution of traditional leadership is weakened and eventually eroded.

The non-participation of the institution of traditional leaders in the local government institution is attributed to the Government's not providing and determining the number of traditional leaders that can attend council meetings. Conspicuously matters that affect traditional communities have been moved to a powerless structure of the Local House of Traditional Leaders. There is a move by Government to further curtail traditional leaders' from taking part in council meetings by placing them at ward committees. Changes in policy, regulations and legislations might be done to affect this. Ward committees are nothing else but party political structures aimed at mobilizing support for political parties. Arguably the involvement of traditional leaders at ward level is a strategy that is used by the ruling African National Congress to get rural votes.

In order to deal with the issue of blurring lines, the government has to take seriously the issue of the roles and functions of traditional leadership at all levels of governance. Legislative amendment is necessary for the realisation of a sound a partnerships between democratic local government and traditional leaders. This will effectively eliminate confusions that have been created by current legislations.

## **8.5 Reaching Towards a New Approach**

Jennifer Kargbo (2007) in her critical analysis of the institution of traditional leadership's role in the modern local government stated that;

*“Like every human society, African societies were governed through structures that ranged from those that were highly hierarchical to those that were highly decentralised. In fact, it was partly because of the fact that the institution of traditional leadership is an integral part of African cosmology that at the onset of British colonial rule on the continent, Lord Lugard, the British colonial administrator in the Northern Nigerian Caliphates, concluded in his dual mandate that the institution of traditional leadership was to be accommodated at the local government level. This conclusion about the relevancy of chieftaincy led to the introduction of the indirect rule system of administration in most of the British colonies throughout the continent” (Kargbo, 2007).*

There should be no need for one to concern himself/herself with the intentions of the colonialists to keep the institution of traditional leadership and according to Kargbo (2007) the institution of traditional leadership represent the African communities’ social, cultural, political and economic panoramas. This resilient and irrepressible nature of the institution of traditional leadership made it withstand harsh policies that were adopted by the leaders of the independent Africa assisted by the so called liberal or democratic pragmatists to weaken and obliterate the institution of traditional of leadership. This resilience by the institution of traditional leadership assisted Africa to develop a new approach which borrowing from Kargbo (2007) was to be called the ‘the culture of institutional duality’. The institutional duality is a system of governance which is accepted and legitimised by traditional communities. This system of governance is a harnessing medium for the successful co-operative governance. The institutional duality is accepted by traditional communities as Kargbo (2007) states that,

*“It is quite evident that in the minds of Black South Africans in South Africa, there is no distinction between traditional authorities and local government, while they perceive the Provincial and National governments as representing one structure. This finding is in fact, the*

*gist of the argument by traditional authorities as represented by Chief Mangosuthu Buthelezi during the country's constitutional negotiations in the early 1990s that traditional authorities are the local government" (Kargbo, 2007).*

When she was addressing traditional leaders, MEC Dube (2011) of the Co-operative Governance and Traditional Affairs in KwaZulu-Natal, in her address she articulated the view that supports the institutional duality, she said;

*"We wish to reiterate our position as the Provincial Government, which is that we see the institution of traditional leadership as having a strong potential to play a significant role in driving the government's programme of action, especially in rural communities. Hence this democratic government has undertaken to assist this esteemed institution to support all the programmes of government which are intended to improve the lives of our people" (Dube, 2011).*

Again this view of institutional duality was covered by the Premier of KwaZulu - Natal, Zweli Mkhize (2011) when he recognised the fact that the institution of traditional leadership was the oldest form of governance which was just tainted and used by colonial administrators. His views on traditional leadership rebuffed the pragmatists approach, in particular when he said;

*"It is our view that since time immemorial the institution of traditional leadership was always progressive in nature and character. It was never an antithesis of the democratic principles. It was the forces of colonialism and imperialism that undermined the progressiveness of the institution of traditional leadership instead of harnessing it" (Mkhize, 2011).*

The institution of traditional leadership was now recognised as the institution that is in the better position to uphold and contribute to the values of human dignity, equality and non-sexism.



Defending these values used to be the preserve of the democratic government and its institutions.

According to Mkhize (2011) it is a great necessity for these two institutions to work together for the promotion of good governance and service delivery;

*“A healthy synergistic relationship between traditional leaders and elected councillors is a necessary condition in order to achieve sustainable service delivery in area under Amakhosi, especially with regard to the identified service delivery backlogs in respect of the basic services like water, sanitation, housing, energy supply and health care” (Mkhize, 2011).*

Traditional leaders in their fight for equal recognition are claiming to have been the champions of development in their communities. In KwaZulu-Natal, traditional leaders especially those who were aligned to the Inkatha Freedom Party claimed that in the pre-1994 era they built schools community halls, clinics and were the champions of promoting agriculture with the help of the homeland government. A Limpopo traditional leader in Kargbo (2007) said to highlight their role;

*“We developed, even before the current local government, and produced what we called Community Integrated Development. We analysed the area and said we can’t build on things that we don’t have. We should focus on things that we do have, and we looked in that community we concluded that it is a mountainous with perennial rivers, rocks, field, open field where you can farm. So, we then said that’s what our strength is, so we are looking at traditional or cultural tourism form of economic build-up” (Kargbo, 2007).*

In pursuant of the institutional duality it has to be recognised that the pragmatists have created confusion which Kargbo (2007) talked about when she said;

*“The review of the empirical data based on the case studies suggests that contrary to our expectations, the line between the two structures of governance continues to be blurred by modernising forces. Another trend in Southern Africa and elsewhere on the continent, which suggests the blurring of the distinction between the two structures, is that successful members of the modern elite are increasingly seeking chieftaincy titles through intense lobbying in their respective local communities. On the basis of these and other trends with regard to the two structures of governance, some may hasten to suggest that we integrate them or fuse them into one structure to ensure efficient delivery of services to local communities. Such suggestion should however take cognisance of the historical but necessary tension between the two systems” (Kargbo, 2007).*

The inability of the institution of traditional leadership to provide social and economic services to traditional communities is because the government is failing to provide capacity development and to recognise its status of being the rural government. This negates the fact the institution of traditional leadership is performing some functions in their communities and filling for the local government. The institution of traditional leadership’s contribution to service delivery needs to be serious consideration from the state. Reddy in (Ray and Reddy, 2003) when he makes reference about the institution’s role in the local government said;

*“Despite the fact that traditional authorities are responsible for a large number of functions, there has not been much capacity development or even allocation of the required human, financial and technical resources to ensure efficiency and effectiveness. Consequently, much has to be done to ensure that traditional leaders and structures are empowered to actually function as local government and, furthermore as facilitators of development at the local level” (Reddy, 2003).*

The study has shown that, traditional leaders are demanding a greater role in the local government business. Provisions that are made in the Constitution of 1996, Municipal Structures Act of 1998 and the Traditional Leadership and Governance Framework Act of 2003 are not in their views addressing their quest for more roles and functions. For them, legislations undermined the institution and making it irrelevant. A traditional leader in Nquthu when he remarking about development that was taking place in the area, said;

*“Our municipality and government are undermining our status in this area. What you see taking place was never negotiated and agreed upon by my traditional council and myself. We were just informed by the ward councillor that they have identified a land to build a clinic. If you notice this clinic is far away and not catering for many of my people. People here, still travel to Nqutu town for their medical needs. If this was negotiated with us, we could have identified a more central area, which is accessible to all communities. This is one of the many incidents of arrogance that at times the elected government officials display. Like many traditional leaders we want to handle the development in our area, the government must empower us to do so” (INKosi Dladla, 2014).*

Traditional leaders are said to be closer to communities and understands the requirements and needs of their people better the elected local government officials. This view is best articulated by Kargbo (2007) when she wrote;

“.....on the question of service delivery, the position of the traditional leaders is that traditional councils are ideally placed to facilitate service delivery to rural communities. Thus the councils or their subsidiaries, the headmen, are much closer to the people they serve. They believe therefore that the process of service delivery would greatly be facilitated if government departments and other organs of state established offices and relevant personnel in the council establishment, and in the process accord rural citizens the same rights and privileges that their

urban counterparts currently enjoy” (Kargbo, 2007). In the post-independent Botswana the institution of traditional leadership experienced sour relations and mistrust from the elected officials, according to Sharma (2003) in Reddy and Ray (2003) had to say about the situation, “As the traditional leaders lost so much of their authority to these modern institutions of local government, their resentment during the first few years of independence was understandable. The present relationship between the traditional leaders and the district councils does not display serious conflicts but it has to be positive, forward looking, and co-operative team spirit for rural development administration in the future” (Sharma, 2003). The institution of traditional leadership in Botswana, notwithstanding their loss of powers, functions it is still regarded as main player in local government administration (Sharma, 2003). In terms of the institutional duality, Botswana has managed to strengthen its co-operative governance and partnership with traditional leaders.

The institution of traditional leadership is proving have the importance role in the South African local and rural governance. According to Kargbo (2007);

*“While the resilience of the institution and its attendant of duality of the institutional culture in Southern Africa has come at cost in the form of tension between it and existing state structures, the fact remains that the two structures complement each other. What this means that since modernising influences such as formal education by chiefs and their retainers have largely contributed to the resilience of the institution through renewed legitimacy, the should assist in this process of transformation by providing the requisite resources and further training to enhance traditional leaders’ role in service delivery at the local level” (Kargbo, 2007).*

Arguable the institutional duality as a new approach to harness relationships between the institution of traditional leadership and the democratic elected local government as suggested by Kargbo and others will provide and can be used by the democratic government as a viable

approach in service provision in rural areas. Ignoring the fact that the majority of rural communities still believe that the traditional leadership is their local government, the government will be doing this at its own peril.

## **8.6 Conclusion**

This chapter investigated different notions and approaches to the institution of traditional leadership in South Africa. Traditional leadership generated much interest from scholars and governments of Africa after the de-colonisation of the continent. Two opposing views on how the institution of traditional leadership should be dealt with by the democratic governments were advocated.

There were views which were propagated by the democratic pragmatists. This school of thought in their approach view the institution of traditional leadership as an outdated institution which has no democratic principles, an institution that was based on hereditary rather than elective processes. During colonial and apartheid era, the institution collaborated with oppressive regimes. Its inherently hereditary structure is incompatible with the democratic government and it must be eroded.

Another view was propagated by those who support organic democracy. For them this institution of traditional leadership was an oldest form of government which is recognised and accepted by the majority of rural communities. This approach dispelled the notion that the institution was undemocratic. Through public participation and engagement the institution was exercising democracy. It was an institution that was open to transformation and willing to adapt as it has done during the colonial and apartheid era.

Promulgated legislations were not clear on the roles and functions of traditional leaders at local government level and this created confusion and apprehension between the traditional leadership and elected municipalities. This in this chapter was referred to as the blurring lines. There is a great advocacy that calls for the amendment of the legislations in order to accommodate the roles and functions of the institution of traditional leadership at all levels of governance.

The government in order to successfully deal with the institution of traditional leadership, there was a greater necessity to develop a new approach. The approach will assist harness its co-operative governance approach and promote rural development. This study suggested the institutional duality approach, it is recognised that rural communities still regards traditional leadership as their local government and go there for most of their needs. The government will have to capacitate and empower the institution in this institutional duality approach and this will eliminate the issue of blurring lines.

## **CHAPTER NINE**

### **Conclusion**

#### **9.1 Introduction**

This study looked at the two systems of governance in relation to the institution of traditional leadership, the INkosi and Isiphakanyiswa. The existence and roles of these two traditional systems of governance is further challenged by the emerging of the elected modern municipal government. The legitimacy and the relevance of the institution of traditional leadership received probing from those who support the institution and those who are not in favour of its continued existence. In most parts of the Province of KwaZulu-Natal the contestation for legitimacy by the modern system of government and traditional leadership is hampering service delivery in the rural communities. The study maintains that the institution of traditional leadership can play an important rural development role at the local government level. It also holds that traditional leadership has the capability of remaining vital in the country's governing system. The case of KwaNgcolosi and Kholweni traditional communities can be used by other rural communities to develop and understand the possible roles traditional leaders can play in rural community development and promotion of service delivery. KwaNgcolosi and Kholweni communities have been used as the reference in this study.

## Synopsis of Chapters

### 9.3.1 Chapter one

This chapter provides an overview of the study. It provides the setting to the study and contextualizes the subject of the institution of traditional leadership and the modern local government. It gives the historical background of the institution of traditional leadership as the institution that is the oldest form government in the country. Many African communities identified themselves with this form of governance (Rugege, 2009; Vilakazi, 2003; Reddy and Mkaza, 2007, and Sharma, 2003). This chapter further introduced two opposing views on how the institution of traditional leadership can be dealt with in the democratic dispensation.

This study attempted to ask key questions:

- What are some of the challenges of service delivery faced by KwaNgcolosi and Kholweni –Ntumeni traditional communities?
- What are the roles of traditional leaders in contributing to the promotion of service delivery in KwaNgcolosi and Kholweni –Ntumeni traditional communities within the frame of a democratic South Africa?
- What is the difference between an iNkosi and an *isiphakanyiswa* and how do they rate their legitimacy and usefulness in contributing to government's projects in their communities?

### 9.3.2 Chapter Two

This chapter described the research methodology and methods that were used when gathering the data for this study. This chapter began with research designs and methods of collecting the research data, which were the qualitative and desktop approach. Through this approach, I was able to gather data from traditional leaders and community members. The site of the research



was KwaNgcolosi traditional community in the eThekweni Municipality and Kholweni-Ntumeni traditional community in the uThungulu District Municipality.

Principal theories that utilized in the study were the theory of social constructivism and social identity theory. . These theories, however, enabled me to analyse and understand how despite such a possible limitation on the role of traditional leaders, they are able to fluidly renegotiate this role.

### **9.3.3 Chapter Three**

This chapter focused on the institution of traditional leadership in South Africa and provided the pre-colonial background of the institution of traditional leadership. The institution of traditional is being portrayed by some scholars (see Arhin, 2001) as the form of local government that was accepted and respected by people. The chapter looked at the role of the institution of traditional leadership during the colonial and apartheid era and the implications of their role in the democratic South Africa. This chapter concludes by noting that the democratic government by incorporating the institution of traditional leadership into the constitutional democracy is acknowledging that the institution of traditional leadership is a vital partner service delivery (see Rugege, 2009; Vilakazi, 2003; Reddy and Mkaza, 2007, and Sharma, 2003).

### **9.3.4 Chapter Four**

This chapter focused on the form of traditional leadership that was created by the communities after the departure of missionaries Kholweni-Ntumeni area. The institution of hereditary traditional leadership gained their acceptability and power from inheriting their positions. On the other hand, however, the *IziPhakanyiswa* have their powers derived from the customary electoral procedures and religion, which was inherited from the colonial era despite the

undemocratic nature of the colonial system of government. This type of traditional leadership among the Kholweni community members of uThungulu District Municipality is seen as a viable parallel mode of governance to modern institutions of governance and commands high allegiance among people.

### **9.3.5 Chapter Five**

This chapter explored the roles of traditional leaders in their traditional communities, particularly as vehicles of development. Traditional leaders play an important role in supporting and promoting government's service delivery and policies, especially within the Kholweni-Ntumeni and KwaNgcolosi communities, pointing out that their closeness to their people and the control and authority they exercise over their people has made them a very important force in the promotion of development in their areas and assistance of the government in its quest to promote good governance. The chapter also looked at the role of the houses of traditional leaders to promote service delivery and good governance.

### **9.3.6 Chapter Six**

This chapter looked into the challenges that face the institution of traditional leadership in the promotion and the provision of services to their communities. The chapter further looked into the role of public participation in service delivery. The authoritarian disposition of the post-colonial and post-apartheid socio-political economy in South Africa is validated by the wave of service and development delivery demonstrations that have been taking place in the country.

### **9.3.7 Chapter seven**

This chapter uses Moore and Unsworth's (2010) study on governance and explores the traditional leadership of different societies. In understanding whether traditional leadership can be regarded as a problem or a solution, this chapter looks at traditional leadership systems in

other societies and how the positive aspects of such governance in those societies can be borrowed into the South African approach of traditional governance and collaboration with politically elected officials.

### **9.3.8 Chapter eight**

Two schools of thoughts have been singled out in this chapter. They are the pragmatists and the advocates for organic democracy. Although both schools agitate for collaborative governance, they seem not to reach consensus in what democratic governance entails and what it should be. This lack of agreement or understand between proponents of cooperative governance, one may argue, can work against, rather than in promoting this venture. Hence, this chapter explores how the ideas propounded by these two schools can be harnessed towards promoting collaborative governance for the betterment of development and good governance.

### **9.3.9 Chapter nine**

This chapter shows that for the purpose of rural development, it is equally imperative for traditional authorities to be involved in this process (Mabutla, 2011). For Mabutla, traditional authority is built up by roles, customs and practices that are accepted into the ritual of life. Authority is therefore viewed as a legitimated power.

#### **9.3.9.1. Concluding Thoughts**

Scholarship has indicated that traditional leadership was the institution that was revered and supported by communities. During the pre-colonial traditional leaders enjoyed an unfettered authority and power over their people. Traditional leaders were responsible for the allocation of land and provision of services to members of their communities.

The advent of colonialism and the introduction of apartheid in South Africa deprived the institution of traditional leadership its administrative responsibilities as lawmakers, allocators of land and custodians of community traditions and customs. The colonial and apartheid regimes introduced several legislations which were aimed at curtailing powers of traditional leaders. Acts like the Black Administration Act which was instrumental in creation of homelands, Black Authorities Act, made it easy for the apartheid regime to control blacks through the creation of traditional authorities. The homelands and traditional authorities were used to promote unpopular colonial and apartheid laws which were promulgated under the guise of self-governing status accorded to Bantustans. Traditional leaders became the surrogates of the regime and were alienated from the people.

Colonialism did not only entrench European superiority in the African continent, it also initiated the arrival of missionaries. Missionaries established mission stations which converted Africans to Christianity and serve as the extensions of the European rule on the continent. During this period, mission reserved schools, hospitals, clinics and churches were constructed. This further divided African communities and created a buffer. Communities who did not fall under the rule of the missionaries were underdeveloped and did not have amenities. When the missionaries left, communities had a choice to make of either returning to the hereditary system of traditional leadership, or remain under rule of the bishop and priests. Many communities opted for the system of traditional leadership but not the hereditary type. They elected their leader and the position was to be contested for after every five years. Kholweni –Ntumeni community is ruled by an elected traditional leader and the area is better than most other areas in the Province.

One of the major questions we try to unwrap in this study is whether isiPhakanyiswa and iNkosi have the capacity to function as agencies of development in their communities or they are hindering the democratically elected government from providing services for the communities.

The post-apartheid government was faced with the question of how to deal with the institution of traditional leadership. Traditional leadership was seen by many in the ruling party as incompatible with democracy because they were used by the apartheid government against the mass democratic movement during the apartheid. As a result, the constitution of 1996, recognised the existence of traditional leadership but did not clearly state their roles and responsibilities. Whereas on the other hand, the constitution was clear on the municipalities' roles and responsibilities at local government levels. They are mainly tasked with service delivery and this further alienates traditional leaders from communities. Their legitimacy is often in question and rejected by many. However, the government has realised that they cannot do without the support of traditional leaders. The act 41 of 2003 was promulgated to address the issue of traditional leadership; however, there were still no significance roles. Traditional leaders are not championing service delivery to their communities and attend municipal council meetings as observers. The study revealed that the isiPhakanyiswa of Kholweni-Ntumeni is more supported and recognise by communities because it is seen as more accountable to people who voted for it and regarded as the vehicle for development in the area.

Institution of traditional of traditional leadership is faced with a challenge not being able to lead and provide services for communities and to be fully integrated in the local sphere of government. For any rural community development to be successful, the institution of traditional leadership must be involved to avoid a situation where developmental initiatives by the government are being undermined. It is therefore important for any development taking place in community to be first approved by the traditional leader (Ozor and Nwankwo, 2008).

It is however, saddening that rural governance and rural community development are largely neglected by successive regimes since colonial period in South Africa. The apartheid regime paid more attention to developmental projects such as roads, schools, hospitals and water

provision to towns and cities. The rural areas, where mainly black Africans resided, were neglected. The democratic government, which came into power in 1994, also contributed to the neglect of traditional leaders and their importance. Some communities have been highly favoured over others. Only communities who have people in government structures have benefitted from rural development projects. In most cases these projects failed because feasibility studies were done which could have ensured public participation.

The government on the other hand expects the institution of traditional leadership to be active in rural development. If the development planning was decentralised and the institution of traditional leadership is not just accorded an observer status, so much will be achieved. Yet, traditional leaders have to actively participate in drawing of integrated development planning programs. The institution of traditional leadership is responsible for the overall development of their areas; hence should be partners with municipalities in developmental planning.

To assist in bringing development to rural communities, it is essential to have an iNkosi or isiPhakanyiswa who can provide good traditional guidance, as in the case of KwaNgcolosi and Kholweni traditional communities. The institution of traditional leadership is an institution that is potentially vibrant and is able to change and transform with politics of South Africa. It is an important component of African people's social, political and cultural foundation. On the issues that affect rural communities, the modern local government and traditional leadership are at better position to co-operate on governance issues. The Municipal Structures Act states nothing about membership of traditional leaders in the councils; rather, it states that "traditional authorities that traditionally observe a system of customary law in the areas of a municipality, may participate through their leaders, in the proceedings of the council of that municipality and those traditional leaders must be allowed to attend and participate in any meeting of the council" (Municipal Structures Act).

The institution of traditional leadership is the key component of government's program of developing structures that will provide for the demands of the democratic government institutions. Conflicts and contestations between traditional leaders and elected local government are due to the unclear roles and responsibilities of the institution of traditional leadership. This conflict has remained because, although the constitution's recognition of the institution of traditional leadership, their participation in the national, provincial and local government affairs is not clear.

South African government has to find means of incorporating the institution of traditional leadership into the democratic local government. South Africa can draw from the experiences of countries like Ghana which created a platform for the institution of traditional leadership (Berry, 2001). I am very much aware that such effective platforms can be seen by some who are against the existence of the institution as the re-introduction of the indirect rule and Bantustans policies which were used by both the colonial and apartheid regimes to manage Africans (see Mabutla, 2011). Traditional leaders were given rights to rule homelands that were created by the apartheid regime in order to enforce its oppressive legislations.

Phuti Matloa in his doctoral thesis wrote:

By just wishing to adapt the institution of African traditional leadership wholesomely to the western democratic principles, disregarding the invaluable services it provided to its pre-colonial subjects, it is evident enough that this system of governance is accorded low or inferior status in relation to the western democratic systems by the very same people that masquerade as its saviours. The end result of this would be a new product or institution different from the ones of the successive colonial and apartheid regimes but

still dominated by western democratic features and alienated from indigenous pre-colonial Africans (Matloa, 2008:34).

The institution of traditional leadership has thus to be integrated into the municipal structures with meaningful roles as this will enable the institution to lead and play a meaningful role in service delivery. In order to promote and encourage co-operative governance, there is a greater need to review legislations in order to give traditional leadership a role to drive service delivery.

The government needs to agree on the role and the participation of traditional leadership in service delivery. Offices of traditional leaders should be well equipped to cater for services like providing water and electricity for communities.

Houses of traditional leaders must serve to interact with the government on behalf of communities on issues affecting communities. As stated by one of the research participants:

*To be respected by people a traditional leader is supposed to lead development projects in their areas and this role is always played by the municipal councils. You cannot blame them because it the law that allows that. The law will have to be amended to provide the meaningful roles to traditional leaders (isiPhakanwyiswa Duma).*

This assertion was because service delivery is a key expectation by community members from the government, and having a representative in the government will help them gain such services.

Traditional leaders should be empowered to be able draw up their budgets and present these budgets to municipal meeting as this will further strengthen co-operative governance.



Traditional leaders need to be trained on financial management, legislations and human resources.

Government must make resources available to empower their communities and be able to create employment.

In order to assist the community from benefiting from the government, traditional leaders must be encouraged to form partnerships with outside stakeholders. As one of the research participants stated:

*I think we need more roles to be defined through legislation and this will assist resolve the impasse between the traditional leadership and elected municipal officials that is existing in many areas. The constitution and act will have to be amended to address this. So far the government is not hearing our voices. We are not collecting rates and levies for the betterment of our communities (isiPhakanwyiswa Duma).*

IsiPhakanwyiswa Duma is also a member of the Lutheran Church. He represents the church in the traditional council. He is the driving force behind the electrification of the area. He is also chair of the water committee.

Traditional leaders must be allowed to learn about the experiences of other countries. They must be represented at various levels of governance and given a space to articulate their views at higher forums like the Organisation of African Unity and SADC.

Accountability is an important item if we are to incorporate the institution of traditional leadership into the democratic dispensation. Traditional leaders should be encouraged to be accountable to people through public participation and information sharing

- Acquah, G. (2006). *The Judicial Role of the Chief in Democratic Governance*. (Eds, Irene Odotei and A.K). Accra, Sub-Saharan Publishers.
- Adjaye, J.K, and Misawa, B. (2006). *Chieftaincy at the Confluence of Tradition and Modernity: Transforming African Rulership in Ghana and Nigeria*. Pittsburgh: University of Pittsburgh.
- Alhassan, A. (2010). The Judicial Process in the house of chiefs in Ghana. Unpublished PhD thesis, Department of Sociology, University of Ghana, Accra.
- Amoateng, A.Y. and Sabiti, I. (2011). Local governance and special distribution of resources: the need to harness traditional leadership for service delivery in South Africa: *International Journal of African renaissance studies: multi-, inter- and transdisciplinarity*. Volume 6.
- Ansere, J. K. (1993). The role of Local Government in Nation Building. *Institute of Adult Education*. University of Ghana, Legon-Accra, Monograph No. 4.
- Arhin, B. (2001). *Transformations in Traditional Rule in Ghana Accra*. Ghana: Sedco Publishers.
- Ashton, G (2010). Traditional leaders in South Africa: Custom and Tradition in Modern State? The South African Civil Society Information Services.
- Ayittey, G. B. (1991). *Indigenous African Institutions*. New York: Transnational Publishers.
- Bank, L. and Southall, R. (1996). Traditional Leaders in South Africa. *Journal of Legal Pluralism*. 37 (38): 407-430.
- Barnard, A. (2000). *History and Theory in Anthropology*. United Kingdom: Cambridge University Press.

Beall, J. (2006). Cultural Weapons: Traditions, Inventions and the Transition to Democratic Governance in Metropolitan Durban. *Urban Stud February 2006 vol. 43 no.2 (457-473)*.

Beall, J. (2004). *Decentralisation and Engendering Democracy: Lessons from Local Government Reform in South Africa*. London: Crisis States Research Centre.

Beall, J. and Ngonyama, M. (2009). *Indigenous Institutions, Traditional Leaders and Elite Coalitions for Development: The case of Greater Durban, South Africa*. London: Crisis States Research Centre.

Beinart, W. (2014). Do we want wall to wall chiefs in South Africa? 10 August 2014 Sunday Times.

Bekink, B. (2006). *The Role and Importance of the Institution of Traditional Leadership in Local Government Affairs*. South Africa: University of Pretoria

Bekker, J.C. (1993). The Role of chiefs in a Future South African Constitutional Dispensation. *Africa Insight*, 23(4).

Bekker, J.C and Boonzaaier, C. (2008). Succession of women to traditional leadership: is the judgement in *Shilubana v Nwamitwa* based legal principles? *XL CILSA* 2008.

Binza, M.S. and George, K. (2011). *The role of traditional leadership in promoting governance and development in rural South Africa: A case study of the Mgwaland Traditional Authority*. Cape Peninsula University of Technology.

Blommaert, J. (2006). *Ethnographic fieldwork: A beginner's guide*. Institute of Education, University of London.

- Bodley, J.H. (2001). *Anthropology and Contemporary Human Problems*. U.S.A: Mayfield Publishing Company.
- Bond, P. (2000). *Elite transition: From apartheid to neoliberalism in South Africa*. London: Pluto Press.
- Bourdieu, P. (1977). *Outline of a Theory of Practice*. London: Cambridge University Press.
- Buijs, G. (2002). *Gender and Person in African Societies: The role of hermeneutics*. University of Venda. *Alternation*, 9(1):57-73.
- Buthelezi, M.G. (2008). "Government undermines traditional leaders. (7 February 2008, Mail and Guardian).
- Butler, M. (2002). Traditional Authorities, Know where to land. Critical Resource.
- Calhoun, C. and Karaganis, J. (2001). *Critical Theory* in Ritzer, G and Smart, B. (Eds). *Handbook of Social Theory*. SAGE Publications
- Callinicos, L. (1999). Oliver Tambo: His Life and Legacy. 1917-1993.
- Chatterjee, P. (2004). *The Politics of the Governed*. Columbia: Columbia University Press.
- Chhiber, A. (1997). World Development Report: The State in a changing World Finance and Development. New York.
- Claassens, A. (2001). *It is Not Easy to Say No to a Chief: Lessons from Rakgwadi*. South Africa: University of the Western Cape.
- Claassens, A. (2013). Impose tribal boundaries lock democracy out. Custom Contested Views and Voices.

Comaroff, J. and Comaroff, J, (1992). *Ethnography and Historical Imagination*. U.S.A: Westview Press.

Cousins, B and Claassens, A (2004). Communal land rights, democracy and traditional leaders in post-apartheid South Africa. In P. Jones and K. Stoke, (Eds). *Democratising Development: The Politics of Socio-Economic Rights in South Africa*. Leiden, the Netherlands: Martinus Nijhoff Publishers.

Creswell, J. W., & Garrett, A. L. 2008. The "Movement" of Mixed Methods Research and The Role Of Educators, *South African Journal of Education*, 28(3), PP. 321-333.

Dahl, R.A. (1971). *Polyarchy: Participation and Opposition*, New Haven. London.

Daphne, P. (1982). *Tribal Authority and Community Organisation*. South Africa: University of Zululand.

Dapilah, F, Bonye, S.Z and Dawda T.D. (2013). From Conquerors to Development Partners: The changing Roles of Traditional Authorities in Local Development and Governance in Ghana. *Scottish journal of Arts, Social Sciences and Scientific Studies*, Vol 11, issue 11.

Dauids, I. (2003). Developmental Local Government: The Rural Context and Challenges. *Development Update*. Vol.4 (1).31-52.

Denscombe, M. (2010). *The good research guide: for small scale research projects* (4<sup>th</sup> .ed). Maidenhead: McGraw-Hill Open University.

De Jong, (2006). "He who pays the piper." the Anomaly of Custom, Local government ND Traditional Leadership in Anthropology Southern Africa. 29 (1): 8-16.

De Vos, P. (2010). Time for rethink on traditional leaders. *Daily Maverick*.

- De Vos, P. (2014). Democracy vs. traditional leadership: the dialect ballet. Daily Maverick.
- DeWalt, K. M. & DeWalt, B. R. 2002. *Participant Observation: A Guide for Fieldworkers*. New York: Altamira Press.
- Dodo, O. (2013). Traditional Leadership System and Gender Recognition: Zimbabwe. *International Journal of Gender and Women's Studies*, 1(1).
- Dole, G.E. (1966). Anarchy without Chaos: Alternatives to Political Authority among Kuikuru: *Political Anthropology* (Eds) by Swart, J.M., Turner, V. W. and Tuden, A. Chicago: Aldine Publishing Company.
- Donkoh, W. (2000). *Traditional Leadership, Human Rights and Development: The Asante Example*. Kwame Nkrumah University of Science and Technology, Kumasi.
- Dorjahn, V.R. (1966). "The Changing Political System of Temne": *Social Change, the Colonial Situation*, (Eds) by Wallerstein, I: John Wiley and Sons, Inc., New York
- Dumont, L. (1980). *Homo hierarchicus: the caste system and its implications*. University of Chicago Press.
- Du Plessis, W and Scheepers, T. (1999). House of Traditional Leaders: Role, problems and future. Potchefstroom.
- Eagly, A. (1987). *Sex differences in social behaviour: A social role interpretation*. Hillside, NJ: Erlbaum.
- Elabor-Idemudia, P. (2000). The Retention of Knowledge as a Basis for Resistance. *Indigenous Knowledge's in Global Contexts*, (Eds) by Sefa-Dei, G.J, Hall, B.L and Rosenberg, G. B, University of Toronto Press.
- Engelbert, P. (2000): "Pre-Colonial Institutions, Post-Colonial States, and Economic Development in Tropical Africa," *Political Research Quarterly* 53: 7-36.

Ernest, P. 1994. Varieties of Constructivism: Their Metaphors, Epistemologies and Pedagogical Implications, *Hiroshima Journal of Mathematics Education*, 2, pp. 1-14.

Fallers, L. (1966). The Predicament of the Modern African Chief: An Instance from Uganda. *Social Change, the Colonial Situation*, (Eds) by Wallerstein, I: John Wiley and Sons, INC, New York

Fayorsey, Clara. 2006. Gender, Culture and Governance: Ghanaian Queen mothers as Leaders in Development. In *Chieftaincy in Ghana. Culture, Governance and Development*, edited by I. K. Odotei and A. K. Awedoba. Legon, Accra: Sub-Saharan Publishers.

Fokwang, J. T. D. (2003). Chiefs and Democratic Transition in Africa: An ethnographic study of chiefdoms of Tshivhase and Bali. Unpublished MA Thesis. University of Pretoria: Pretoria.

Fox, R. (2001). Constructivism examined, *Oxford Review Education*, 27, pp. 23-35.

Gann, L.H. (1981). *Why South Africa will survive*. New York: St. Martin's Press.

George, K and Binza, M. (2011). The Role of Traditional Leadership in Promoting Governance and Development in Rural South Africa: A Case Study of the Mgwalana Traditional Authority. *Journal of Public Administration*. 46(2): 947- 962

Gibson, J. L. (2004). Overcoming Apartheid: Can Truth Reconcile a Divided Nation? *Politikon*, 31(2): 129-155.

Gooloba-Mutebi, F. (2007). Chiefs, Politicians, and the Community in Uganda: A Historical Narrative (Paper prepared for the 4<sup>th</sup> National Annual Local Government Conference: *Traditional Leadership and Local Governance in a Democratic South Africa*. Quo Vadis. 30-Southern Sun, Durban.



- Goodenough, C. (2002). *Traditional Leaders: A KwaZulu-Natal Study 1999 to 2001*, (Ed) Donna Hornby, Durban, Independent Projects Trust.
- Gooloba-Mutebi, F (2007). *Chiefs, Politicians and the Community in Uganda: A Historico-Analytic Narrative* (Eds) Reddy, P, S and Naidu, R, A, University of KwaZulu-Natal.
- Gray, A. (2003). *Research Practice for Cultural Studies: Ethnographic Methods and Lived Cultures*. SAGE.
- Gregory, A. (1981) *.Knowing what you're doing: A review of Pierre Bourdieu's Outline of a Theory of Practice*, Canberra Anthropology IV
- Hart, G. (2002). Disabling globalization: *Places of power in post-apartheid South Africa* (Vol. 10). California: University of California Press.
- Hill, W.W. (1954). *Some Aspects of Navaho Political Structure: Museum of Northern Arizona*
- Honigsmann, J. (1986). *Field Research: A sourcebook and field manual* (Eds) by Bulmer, M, Allen and Unwin, Inc.
- Houston, G and Fikeni, S. (1996). "*Constitutional development and the issue of traditional leadership in rural local government in South Africa*." In Konrad Adenauer Stiftung (ed.), *Aspects of the debate on the draft of the new South African Constitution Dated 22 April 1996*. Johannesburg: Konrad Adenauer Stiftung.
- Huffman, T. (1996). *Snakes and Crocodiles: Power and Symbolism in Ancient Zimbabwe*. South Africa: University of Witwatersrand Press.
- Hunter, M. (1979). *Reaction to Conquest*. Cape Town: David Phillip.

Huyssen, A. (1986). *After the great divide: Modernism, mass culture, postmodernism*. Indiana University Press.

Hyslop, J. (1999). *African Democracy in the Era of Globalisation*. Johannesburg: Witwatersrand University Press,

Independent Project Trust, (2006). *Traditional Leaders: A KwaZulu-Natal Study*

Independent Project Trust, (1999- 2001). *Traditional Leaders: A KwaZulu-Natal Study*

Ismail, N, Bayat, S and Meyer, I. (1997). *Local Government Management*. Thomson Publishing.

Jackson, P. and Marquette, H. (2003). *The interaction between Traditional Systems and Local Government Systems in Sub-Saharan Africa: Annotated Bibliography*, International Development Department, University of Birmingham, Birmingham

Jameson, F. (1979). *Reification and Utopia in Mass Culture*. *Social Text*, 130-148.

Jara, M. (2012). *Neo-apartheid citizens or subjects?* Cape Town: University of Cape Town.

Jenkins, R. (1996). *Social Identity*. Routledge.

Jones, S, (2004). *Social Research Methods: A reader* (Eds) by Seale, C: Routledge, Taylor and Francis Group. London

Johnson, J, (2007). *The overwhelming Minority: Traditional Leadership and Ethnic Conflict in Ghana's Northern Region*. *Crises Working Paper*. No.30, Oxford University.

Kadekodi, G, Kanbur, R and Rao, V. (2007): *Governance and the Karnataka Model of Development*.

Kargbo, J. (2007). Harnessing Traditional Governance in Southern Africa. Economic Commission for Africa, Southern Africa Office.

Kessel, V. and Oomen, B. (1997). One chief, one vote: the revival of traditional authorities in post-apartheid South Africa. *African Affairs* 96:561-585.

Keulder, C, (1998). *Traditional Leaders and Local Governance in Africa: Lessons for South Africa*. Pretoria: HSRC

Khan, S. and Lootvoet, B. (2001). "Tribal Authority and Service Delivery in the Durban Uni-City". Paper presented at Gouvernance et Gouvenement urbain en Afrique Australe, Lusaka

Khan, S and Lootvoet, B. (2002). Infrastructure, service delivery and local development. A few considerations from Durban, South Africa, in A. Bouillon, B. Freund, D. Hindson and B.

Khoza, M. (2001). Being Yourself, Representing Others: A Guide for Local Government Councillors in South Africa. Pietermaritzburg: Flame Tree Media.

Khunou, S.F. (2009). Traditional Leadership and Independent Bantustans of South Africa: Some Milestones of Transformative Constitutionalism beyond Apartheid, North-West University, Mafikeng Campus.

Khunou, S.F. (2011). Traditional Leadership and Governance: Legislative Environment and Policy Development in a Democratic South Africa. *International Journal of Humanities and Social Sciences*, Vol. 1 No. 9.

Kitzinger, J. (1995). Qualitative Research: Introducing focus groups: Department of Sociology, Cardiff University.

Knill, C., & Lehmkuhl, D. (2002). Private actors and the state: *Internationalization and changing patterns of governance*. *Governance*, 15(1), 41-63.

Koelble, T, (2005). Democracy, Traditional Leadership and the International Economy in South Africa. *CSSR Working Paper* No. 114

Koelble, T. A. and LiPuma, (2011). "Traditional Leaders and the Culture of Governance in South Africa. *Governance: An International Journal of Policy, Administration and Institutions*. 24(1).

Kompi, B., and Twala, C. (2014). The African National Congress and Traditional Leadership in a Democratic South Africa: Resurgence or Revival in the Era of Democratisation. *Anthropologist*, 17(3), 981-989.

Kothari, C.R. (2004). Research Methodology: Methods and Techniques: New Age International (P) Limited, Publishers, New Delhi

Krige, E. J. (1974). *The social system of the Zulus*. London: Shuter & Shooter.

Krige, E. (1978). Social System and Tradition in Southern Africa (Eds) by Argyle, J, and Preston-Whyte, E. Cape Town: Oxford University Press.

Kuper, H. (1964). *Peoples of Africa* (Eds) by Gibbs, J.L. Minnesota: University of Minnesota

Kurahashi, H. (2012). Local Government and Traditional Leadership in South Africa. PhD Thesis.

Kwashaba, M.P (1997). Viable Relationship between the local Government and the Traditional Leadersh in the Northern Province, Northern Province council of Churches. Murambi Printers. Pietersburg.

Lawson, L. (2002). *The House of Chiefs: Indigenizing Democracy in Africa*. Washington

Layton, R. (1997). *An Introduction to Theory Anthropology*. University of Durham: Cambridge University Press.

Lewellen. Ted C. (1983). *Political Anthropology: An Introduction*. South Hadley, MA: Bergin and Garvey.

Logan, C. (2008). "Traditional Leaders in Modern Africa: Can Democracy and the Chief Co-Exist? Afrobarometer Working Paper No.93, Cape Town.

Lootvoet (Eds) Governance, urban and economic development: A comparative analysis of metropolitan areas of Durban, Abidjan and Marseilles. Durban, Plumblin Publishers.

Lutz, G and Linder, W. (2004). Traditional Structures in Local Governance for Local Development, University of Berne, Switzerland.

Luvhengo, P. (2014). New Traditional Leader Installed. Zoutnet.

Mabutla, F, G. (2011). The fate of traditional leaders in Post-Apartheid South Africa

Macgee, R.J and Warms, R.L (2003): *Anthropological Theory: An Introductory History*: McGraw-Hill Humanities.

Mainwaring, S. (1991). "Politicians, Parties, and Electoral Systems", *Comparative Politics*, 23

Makgoro, J.Y. (1997). Ubuntu and the Law in South Africa: *Paper delivered at the first Colloquium Constitution and Law, Potchefstroom*.

Mamdani, M. (1996). *Citizens and Subjects: Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press.

Martin, P. M and O'Meara, P. (1995). *Africa*. Indiana University Press

Mashele, H.P. (2000). Locating the institution of traditional leadership within the institutional framework of South Africa's new democracy. University of Rhodes.MA Dissertation.

Matloa, P, S. (2008). The role of traditional leaders in modern democratic South Africa: Service provisioning in rural areas. University of KwaZulu-Natal: PhD Thesis.

Matshidze, P, E (2013). The role of Makhadzi in Traditional Leadership among the Venda. University of Zululand: PhD Thesis.

Mattes, R. (1997).Building a Democratic Culture in Traditional Society. South Africa: University of Transkei.

Mattes, R, (1997).Building a Democratic Culture in Traditional Society. *Paper presented to the International Conference of on Traditional Leadership in Southern Africa*, hosted by Konrad Adenauer Stiftung and University of Transkei, Umthatha, South Africa.

Mayende, G. (2010). Rural development under a development state: analysing policy shift on agrarian transformation in South Africa. In Kondlo, K and Maserumule, M. 2010. *The Zuma administration: critical challenge*. Pretoria: Human Science Research Council.

Maylam, P. A. (1986). History of the African people: from early iron age to the 1970's. London: Groon Helm

Mayntz, R. (2003). New Challenges to Governance Theory. *Governance as social and political communication*, 27-40.

Meer, T, Campbell, C. (2007). Traditional Leadership in Democratic South Africa

Mengisteab, K. (2008). Reconciling Africa's Fragmented Institutions of Governance: Is Somaliland charting a new path? *A report of the 7<sup>th</sup> Annual Conference on the Horn of Africa, Lund, Sweden, October 17-19, 2008.*

Meyiwe, T. (Undated Article). Ambiguity of the Traditional Courts Bill.

Miller, N. N. (1968). The political survival of traditional leadership. *The Journal of Modern African Studies*. 6 (2): 183-198.

Minnaar, A de V. (1991). Conflict and Violence in Natal/ KwaZulu: Historical Perspective, HSRC.

Mkhize, Z (2011). Statement by Dr Zweli Mkhize during the Local Government Summit held at Coastland Hotel, Durban. South African Government Information.

Molotlegi, L.T. (2004). Traditional Leadership for Progressing Africa: Addis Ababa: Africa Union.

Molotlegi, L. T. (2006). Traditional Leadership for Progressing Africa: Addis Ababa

Molutsi, P. (2011). The role of traditional governance institutions in promoting democracy and managing internal conflicts: A Case study of Botswana, Stockholm, Sweden.

Ndlela, L and Halcomb, D. (1998). Rural Women and Local Government. In Barberton, C, Blake, M and Kozte, H. Creating Action Space: The challenge of Poverty and Democracy in South Africa. Cape Town: Institute for Democracy in South Africa.

Ndlela, R, N. (2008). Local Governance and Traditional Leadership: A case study of Umgungundlovu, Umzinyathi, Uthukela and Amajuba Districts in KwaZulu-Natal. University of KwaZulu-Natal: PhD Thesis

- Ngubane, M. (2005). *Sources of Succession Disputes with Regard to Cele and Mangwaneni Chiefdoms*, University of Zululand: MA Dissertation
- Nicholson, C. (2005). *A critical analysis of the role traditional leadership in modern South African Law*. Johannesburg: University of Pretoria.
- Nkaswe, M. (2008). Women traditional leaders: Progress or not? 24 June 2008 Mail and Guardian.
- Nthai, S. (2005): Constitutional and legislative framework for traditional leadership in South Africa. Pretoria: University of South Africa.
- Ntonzima, L and Bayat, M.S (2012).The role of traditional leaders in South Africa-A relic of the past, or a contemporary reality? *Arabian Journal and Management Review*.1 (6).
- Ntsebenza, L. (1999). Land Tenure Reform, Traditional Authorities and Rural Local
- Ntsebenza, L. (2003). Traditional Authorities, Local Government and Land Rights, (Eds) Ray, I and Reddy, PS, University of Calgary Press.
- Ntsebenza, L. (2005). Democracy Compromised. Chiefs and the Politics of the Land in South Africa, Leiden, Boston: Brill
- Ntsebenza, L. (2007). Understanding the Meaning of Democracy and Development in the Rural Areas of the Former Bantustans in a Democratic South Africa (eds) Reddy, P,S and Naidu, R,A, University of KwaZulu-Natal.
- Moore, M. and Unsworth, S. (2010).*An Upside Down View of Governance*. United Kingdom: The Centre for the Future State.



Myers, J. C. (2008). Indirect rule in South Africa: Tradition, Modernity, and the Costuming of Political Power (Vol. 33). University of Rochester Press.

Okoronkwo-Chukwu, U. (2013). Female Representation in Nigeria: The case of the 2011 General Elections and the Fallacy of 35% Affirmative Action, *Research on Humanities and Social Sciences*. 3(2).

O'Toole, and Burdens, N. (2004). New community governance in small rural towns, the Australian experience. *Journal of Rural Studies*. 20 (2004): 433-443.

Omer-Cooper, J.D. (1994). *History of Southern Africa*. Portsmouth: Heinemann.

Oomen, B. (2000). *Tradition on the Move, Chiefs, Democracy and Change in Rural South Africa*. Amsterdam: Netherlands Institute for Southern Africa.

Oomen, B. (2002). *Walking in the Middle of the Road: People's Perspectives on the Legitimacy of Traditional Leadership in Sekhukhune, South Africa*. Netherlands: Leiden University.

Osabu-Kle, D. T. (2000). *Compatible Cultural Democracy. The Key to Development in Africa: Peterborough, Ontario and Orchard Park*. New York: Broadview Press.

Özler, B. (2007). Not Separate, Not Equal: Poverty and Inequality in Post-apartheid South Africa. *Economic Development and Cultural Change*, 55 (3), 487-529.

Ozor, N and Nwankwo, N. (2008). The role of Local Leaders in Community Development Programmes in Ideato Local Government Area of Imo State: Implication for Extension Policy. *Journal of Agricultural Extension*. 12 (2).

Palmary, I. (2004). *Traditional Leaders in the eThekweni Metropolitan Region: Their role in crime prevention and safety promotion: Centre for the Study of Violence and Reconciliation*.

Patton, M. Q. (2002). *Qualitative Research and Evaluation Methods: Thousand Oak*. CA: SAGE Publications, Inc.

Peacock, J. L. (1986). *The Anthropological Lens: "Harsh Light, Soft Focus"*. United Kingdom: Cambridge University Press.

Polkinghorne, D. E. 2005. Language and meaning: Data collection in Qualitative Research, *Journal of Counseling Psychology*, 52, pp. 137.

Punch, K. F. (2005). *Introduction to Social Research: Quantitative and Qualitative Approaches*. SAGE Publication

Pycroft, C. (1998). Local Government in the New South Africa. *Public and Administration Journal*, Vol. 16.

Quinlan, T and Wallis, M. (2003). *Local Governance in Lesotho: The Central Role of Chiefs* (Eds) Ray, I and Reddy, PS, University of Calgary Press

Rancière, J. (2006). *Hatred of democracy* (p. 8). London: Verso.

Ray, I. (2003). Chiefs in their Millennium Sandals: Traditional Authority in Ghana-Relevance, Challenges and Prospects in Tetteh J, W, Pupilampu, P, K Berman J, B (eds) *Critical Perspectives in Politics and Socio-Economic Development in Ghana*, Brill Publishers: Leiden and Boston

Ray, I. (2003). *Rural Local Governance and Traditional Leadership in Africa and Caribbean: Policy and Research Implications from Africa to America and Australasia* (Eds) Ray, I and Reddy, PS, University of Calgary Press.

Reddy, P. and Mkaza, T (2007). *Traditional Leadership and Local Governance in a Democratic South Africa*, University of KwaZulu-Natal

Reddy, P.S and Biyela, B.B. (2003). Rural Local Government and Development: A case Study of KwaZulu-Natal: Quo Vadis? : In Grassroots: Chiefs in Africa and the Afro-Caribbean, Governance: (Eds) Ray, D.I and Reddy, P.S. University of Calgary Press.

Ribot, J, C. (1999). *Decentralisation, Participation and Accountability in Sahelian forestry. Institute of International Studies*. Berkeley: University of California.

Rugege, S. (2002). “The institution of Traditional Leadership and its Relation with Elected Local Government”, in Seminar Report No.14. Constitution and Law IV: Colloquium on Local Government Law. Johannesburg, Konrad

Rugege, S. (2009). Traditional leadership and its future role in local governance, University of the Western Cape.

RSA. (1927). Black Traditional Act, Pretoria: Government Printers.

RSA. (1951). Black Authorities Act, Pretoria: Government Printers.

RSA. (1951). Bantu Authorities Act, Pretoria: Government Printers.

RSA. (1951). Black Administration Act, Pretoria: Government Printers.

RSA. (1985). *KwaZulu Act on Code of Zulu Law*, Cape Town: Government Printers

RSA. (1990). AmaKhosi and IziPhakanyiswa Act, Pretoria: Government Printers.

RSA. (1993). Interim Constitution, Pretoria: Government Printers.

RSA. (1996). *The Constitution of the Republic of South Africa*, Cape Town: Government Printers.

RSA. (1996). *The Constitution of the Republic of South Africa*. Cape Town: Government Printers.

RSA. (1997). Council of Traditional Leaders Act: Pretoria: Government Printers.

RSA. (1997). *Municipal Structure Act*. Pretoria: Government Printers.

RSA. (1997). *Municipal Systems Act*. Pretoria: Government Printers.

RSA. (1997). *Municipal Systems Act*. Pretoria: Government Printers.

RSA. (1998). *Municipal Structure Act*. Pretoria: Government Printers.

RSA. (1998). White Paper on Local Government: Pretoria: Government Printers.

RSA. (2003). *Traditional Leadership and Governance Framework Act*. Pretoria: Government Printer.

RSA. (2003). *Communal Land Rights Bill*. Pretoria: Government Printers.

RSA. (2003). *Traditional Leadership and Governance Framework Act*. Pretoria: Government Printers.

RSA. (2013). KwaZulu-Natal Traditional Leadership and Governance Bill.

SALGA: Local Government Brief (2012): Challenges regarding the participation of Traditional Leaders in Municipal Councils.

Sakyi, E. K. (2003). Gone but not forgotten: Chieftaincy, Accountability and State Audit in Ghana, 1993-99, *African Sociological Review*, vol.7 (1)

Sarantakos, S. (2003). *Social Research*. (3<sup>rd</sup>ed.). Melbourne: Macmillan Education.

Schapera, I. (1994). *A handbook of Tswana Law and Custom*. Hamburg: Lit.

- Sharma, K. C. (2003): Role of Traditional Structures in Local Governance for Local
- Sharma, K.C (2003): Traditional Leadership and Rural Local Government in Botswana (Eds) Ray, I and Reddy, PS, University of Calgary Press.
- Shabangu, M.H and Khalo, T. (2008).The role of traditional leaders in the improvement of the lives of Communities of Nkomazi Local Municipality. Tshwane University of Technology.
- Sharma, K.C (1999). Traditional Leadership and Local Governance in Botswana. Prepared for 4<sup>th</sup> National Annual Local Governance Conference: Traditional Leadership and Local Governance in a Democratic South Africa. Botswana: University of Botswana.
- Sherpadson, M. (1967). “The Traditional Authority System of the Navajos”: Comparative Political Systems (Eds) Ronald Cohen and John Middleton, The Natural History Press.
- Sithole, M. P. and Mbele, T. (2008). Fifteen Year Review on Traditional Leadership: A Research Paper: Cato Manor, HSRC Press
- Smith, H.W. (1975). *Strategies of Social Research: The methodological imagination*. New Jersey: Prentice-Hall.
- Smith, A. H. & Fischer, J. L. (Eds.) 1970. *Anthropology*. New Jersey: Prentice Hall.
- Sobahle, W, M (2007). The Participation of Two Institution within Rural Local Governance, (Eds) Reddy, P, S and Naidu, R, A, University of KwaZulu- Natal
- Spradely, J. P. (1980). *Participation Observation*. Holt, Rinehart and Winston
- Stayt, H. A. (1931): Bavenda: Oxford University Press, London
- Steegstra, M. (2009). Krobo queen mother's: gender, power, and contemporary female traditional authority in Ghana. *Africa Today*, 55(3), 105-123.

- Stoeltje, Beverly J. 1994. Asante Queen Mothers: A Study in Identity and Continuity. In *Gender and Identity in Africa*, edited by G. Ludwar-Ene and M. Reh, Munster, Hamburg: LITVerlag.
- Swartz, Mark, Victor Turner, and Arthur Tuden, eds. 1966. *Political anthropology*. Chicago: Aldline.
- Tangwa, G. (1998). *Democracy and Development in Africa: Putting the Horse before the Cart. Road to Democracy and Meritocracy*, Bellington, WA: Kola Tree Press
- Thornton, R. (2003). Chiefs: power in a political wilderness (Eds) Ray, D, I and Reddy, P, S.
- Tonah, S. (2006). Diviners, Malams, God, and the Contest for Paramount Chiefship in Mamprugu (Northern Ghana). *Anthropos*, 21-35.
- Tshehla, B. (2005). Here to Stay: Traditional Leader's role in justice prevention. *Crime Quarterly*. 11 (1) 5
- Unsworth, S. (2005). Signposts to More Effective States. *Institute of Development Studies*.
- Van Warmelo, N.J and Phophi, W.M.D. (1949) *Venda Law, Part 4 (inheritance)*. Pretoria. South Africa: Government Printers.
- Vuthimedhi, Y. (1989). *Integrated Rural Development: Thailand*. Sterling Publishers.
- Van Binsbergen, W. (1987). Chiefs and the state independent Zambia. *Journal of Legal Pluralism* 25 and 26: 156-166.
- Van Nieuwaal, R. (1996). "States and chiefs: are mere puppets?" *Journal of Legal Pluralism*, 37- 78.
- Vilakazi, H. (2003). "Traditional Leader and Contemporary South Africa". Unpublished document.

Vincent, Joan. (1978). "Political Anthropology: Manipulative Strategies." *Annual Review of Anthropology*. 7, 175-194.

Vincent, Joan, ed. 2002. *The anthropology of politics: A reader in ethnography, theory, and critique*. Oxford: Britain.

Von Trotha, T. (1996). "From administrative to civil chieftaincy: some problems and prospects of African chieftaincy" *Journal of Legal Pluralism* 37/38: 79-108.

Wagenaar, T. C. and Babbie, E. (1999). *The practice of Social Research*: Wadsworth Publishing Company

Walker, C. (1994). "Women, Traditions, and Reconstruction. " *Review of African Political Economy*. 61.

Williams, J.E and Best, D. L. (1982). *Measuring sex stereotypes: A thirty-nation study*. Beverly Hills, CA: SAGE.

Williams, M. (2003). *Making Sense of Social Research*. SAGE Publications, Inc.

Williams, M. (2010). *Political Legitimacy in Post-apartheid South Africa*. Bloomington: Indiana University Press.

Whitehead, A and Tsikata, D (2003). Policy discourse on women's land rights in Sub-Saharan Africa: The implications of the return to customary. *Journal of Agrarian Change*, 3(1and 2).

Williams, A. (2002). "On the Subject of Kings and Queens: Indigenous African Leadership and the Diaspora Imagination" *African Studies Quarterly*

Williams, M. (2004). "Leading from Behind: Democratic Consolidation and the Chieftaincy in South Africa." *Journal of Modern African Studies*. 42 (1): 113-136.

Xaba, T. (2006). Development and new forms of democracy in Durban, Community Development Programme. KwaZulu-Natal: University of KwaZulu-Natal

Zwelithini, G. (2014). King's speech about land. 7 March 2014, Witness.



List of Traditional Councils of the EtheKwini Municipality and uThungulu District Municipality.

**UTHUNGULU DISTRICT MUNICIPALITY LOCAL HOUSE OF TRADITIONAL LEADERS**

TRADITIONAL COMMUNITY	TRANSFORMED	NOT TRANSFORMED
AMAPHUTHA	YES	
BIYELA/MANGIDINI	YES	
BIYELA/MOMBENI	YES	
BIYELA/MVUZANE	YES	
BIYELA/NDLANGUBO	YES	
CUBE	YES	
CUNU	YES	
CWEZI	YES	
DLOM/AMAKHABE	YES	
DUBE	YES	
EKUKHANYENI	YES	
KHABELA	YES	
KHANYILE/IZINDLOZI	YES	
KHOLWA/KWAMONDI	YES	
KHOLWENI/NTUMENI	YES	
KHOZA	YES	
KHOZA/BHEJANE	YES	
MADLEBE	YES	

MAGWAZA	YES	
MAHLAYIZENI	YES	
MBONAMBI	YES	
MHLANA	YES	
MKHWANAZI	YES	
MPUNGOSE	YES	
MPUNGOSE	YES	
MZIMELA	YES	
NDLANZI/MAMBUKA	YES	
NTULI	YES	
NTULI/GODIDE	YES	
NTULI/NGONO	YES	
NXAMALALA	YES	
NZUZA	YES	
OBIZO	YES	
OBUKA	YES	
SHANGE	YES	
SOKHULU	YES	
SOMOPHO	YES	
XULU	YES	
YANGUYE	YES	
ZONDI	YES	
ZULU	YES	
ZULU/BANGINDODA	YES	

ZULU/BHEKESHOWE	YES	
ZULU/IZIGQOZA	YES	
ZULU/NTEMBENI	YES	
<b>TOTAL</b>	<b>45</b>	<b>0</b>

Table 2.

**ETHEKWINI MUNICIPALITY LOCAL HOUSE OF TRADITIONAL LEADERS**

<b>TRADITIONAL COMMUNITY</b>	<b>TRANSFORMED</b>	<b>NOT TRANSFORMED</b>
CELE/VUMENGAZI	YES	
EMBO/SIMAHILA	YES	
EMBO/ILANGA	YES	
EMBO/KWAKHBAZELA	YES	
INGQUNGQULU	YES	
LUTHULI/UMNINI TRUST	YES	
MAKHANYA/SOBONAKHONA	YES	
NGANGENI/VUMAZONKE	YES	
NGCOLOSI	YES	
NYUSWA/QINISELANI	YES	
PHEPHETHA	YES	
QADI	YES	
SHANGASE	YES	
TOYANA	YES	
XIMBA	YES	
<b>TOTAL</b>	<b>15</b>	<b>0</b>

## **11.2 APPENDIX B**

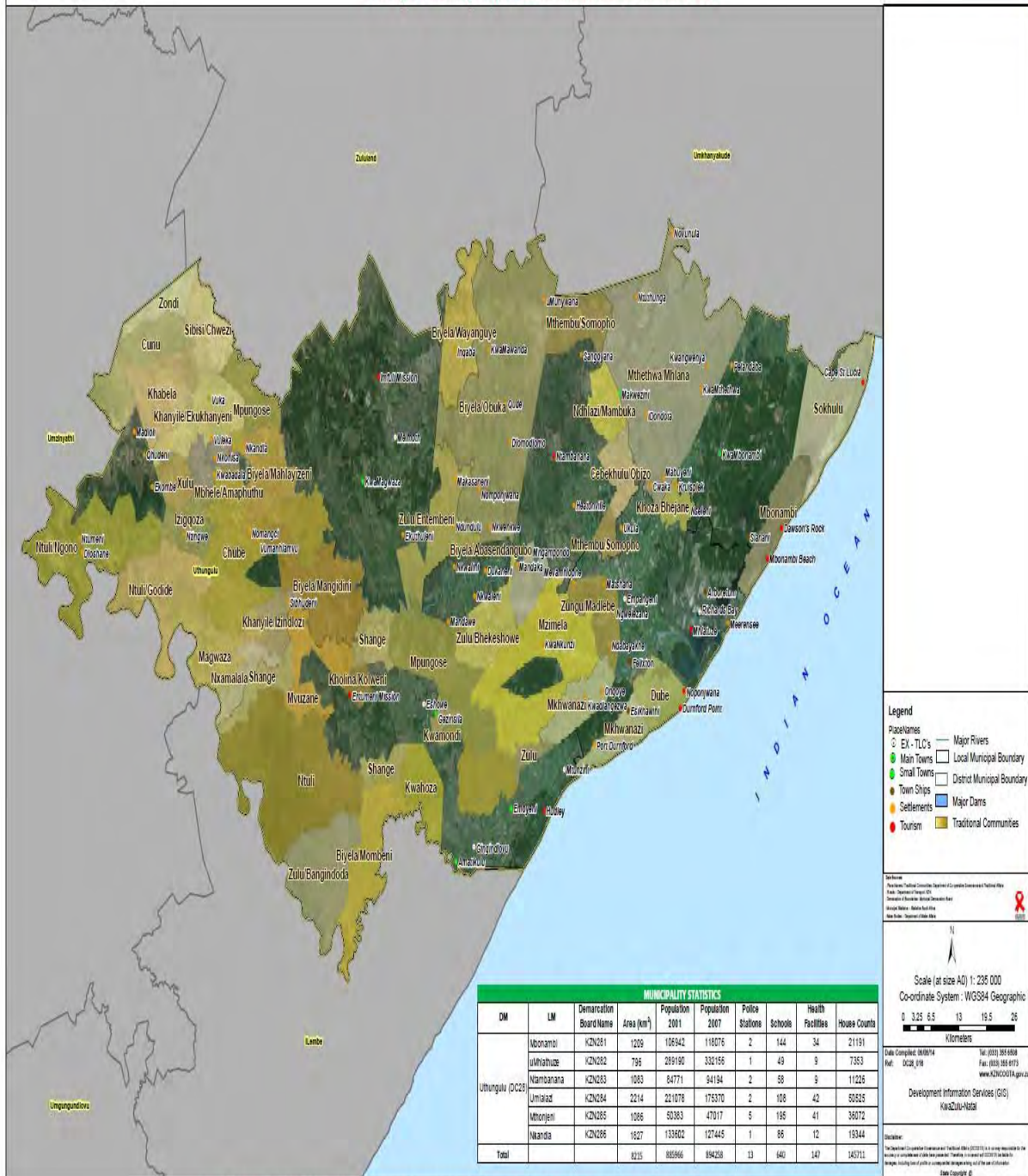
### **THE MUNICIPALITIES' MAPS OF THE TRADITIONAL AREARS**



**cogta**

Department:  
Co-operative Governance and Traditional Affairs  
PROVINCE OF KWAZULU-NATAL

### uThungulu Municipality (DC28)-Demarcation Boundaries 2011



PEOPLE-CENTRED SUSTAINABLE CO-OPERATIVE GOVERNANCE WHICH FOCUSES ON EFFECTIVE SERVICE DELIVERY RESPONSIVE TO THE NEEDS OF THE COMMUNITIES

## **12 .1 ANNEXURE B**

### **SCHEDULE OF INTERVIEWS**

#### **1. Community perception and understanding of traditional leadership.**

- a. What is your understanding of the traditional leadership?
- b. What do you think defines traditional leadership?
- c. Do you think we should have this form government?
- d. Do you think elected traditional leaders and hereditary traditional leaders should be treated the same?

#### **2. Challenges faced by traditional leaders in South Africa. Hereditary system of traditional leadership as indicated earlier on is seen by many as antithetical to modernization, whilst on the other hand the elected traditional leaders are seen as the legitimate system and in line the with the democratic dispensation.**

- a. Do you think that traditional leadership is antithetical to modernisation?
- b. What are biggest challenges facing the institution?
- c. Do you have any problems with your traditional leader?
- d. If so, what are some of these problems or concerns?

#### **3. Roles of traditional leadership**

Do you understand the roles of traditional leaders?

If, so can you give these roles.

- 4. Both these traditional political systems have to prove their relevance and support for their continual existence in this modern age.**

Are these system able to be seen by communities as an embodiment of the past or more so than of the future?

- 5. Many view traditional authority, by its nature, antithetical to modernization, they argue strongly to the fact, this institution will have to transform itself in order to be taken seriously and they need to view their roles.**

Do you think the contemporary traditional leaders are able to visualize themselves as brokers between traditional authority and the central government?

- 6. Both these traditional political systems needs renegotiate their relation with the state so that the office of a traditional leader can be a more effective channel in local governance and democratization processes.**

How can this relationship be negotiated between the state and the traditional leadership system of governance?

7. What characteristics qualify a person to become an INkosi and how is he chosen?
8. What characteristics qualify a person to become an isiPhakanyiswa and how is he chosen?
9. What will you consider as the major difference or differences between an INkosi and an isiPhakanyiswa and how does this difference or differences affect their role and people's acceptance of their roles?
10. What are the expectations on you as a traditional leader from your people and from the government?
11. What are some of the challenges you face in carrying out these roles?
12. How or in what ways can people recognize and give the respect due to you and your office?
13. What will you consider as some of government's responsibilities and duties to your community?
- 14.. How, to your knowledge, has the government been able to carry out these duties and responsibilities?
15. What are some of the governmental projects that have taken place within your community within the last decade?



- 15.** Did the government involve you in the planning and execution of the projects? If yes, how, if no, why?
- 16.** Do you think the government makes enough use of your expertise in community leadership and the possible influence you have on the community members? Elaborate.
- 17.** Do you think that people respect your position and listen to you? Give instances.
- 18.** How do you think the government can give you the due recognition and involvement in running the community?

## TIME FRAME SCHEUDLE

### TIME FRAME SCHEDULE

MONTH AND YEAR	DESCRIPTION	OUTCOMES
JANUARY 2012	Study Proposal Design	Study proposal
	Literature Review	Identifying key issues to be covered in the final write-up of the study findings
MAY 2012	Review of literature	
	Design of data collection tools	Preparation of the interview schedules
	Editing research proposal	A concise document to guide the study
		Feedback notes from field

	Submission of final draft proposal	
JULY 2012	Data collection commences	Data/ Field notes
	Data transcribing	Interview transcript
	Sorting and coding	Emerging Themes
SEPTEMBER 2013	Review of literature continues	Study findings
	Data collection continues	
	Data collection continues	

	Data collection continues	
JANUARY 2014	Data collection continues	
MAY 2014	Report writing	Study write up
APRIL 2015	Report binding and submission of dissertation	Bind and submit final report



**KwaNgcolosi** — \*(Informant-consent given for use of image)





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### **Kholweni –Ntumeni**



### **Kholweni Ntumeni – Traditional Court**





**Kholweni –Ntumeni Community Hall**



**Kholweni –Ntumeni Clinic**



**Kholweni –Ntumeni – Electrification Project**



**Kholweni –Ntumeni – Electrification Project**





**Kholweni-Ntumeni Community Sugar Cane Project**