



**UNIVERSITY OF <sup>TM</sup>  
KWAZULU-NATAL**

**INYUVESI  
YAKWAZULU-NATALI**

**THE ROLE OF TRADITIONAL LEADERS IN A DEMOCRATIC SOUTH AFRICA:  
LOOKING BACK TO THE PAST AND THE PRESENT: THE CASE OF RURAL  
DEVELOPMENT IN NDWEDWE LOCAL MUNICIPALITY.**

**By**

**Muziwenhlanhla Mduduzi Ngcobo**

**208527665**

**Submitted in fulfillment of the requirement for the degree of Masters of Social Science in  
Political Science in the College of Humanities, Social Sciences at the University of  
KwaZulu-Natal, Howard College Campus: Durban, South Africa.**

**Supervised by**

**Mr. Siyabonga Dlamini**

**December 2016**

## Declaration

I, **Muziwenhlanhla Mduduzi Ngcobo**, know that plagiarism is to use another's work and present it as my own, and that this is a criminal offence.

I do declare that each significant contribution to and quotations in this dissertation from the work(s) of other people has/have been attributed and has/have been cited as such.

I do declare that this thesis is my own work.

I have not allowed, and will not allow, anyone to copy my work with the intention of passing it off as their own work.

---

Signature of Candidate

---

Date

As the candidate's Supervisor I have approved this dissertation for submission:

---

Mr. Siyabonga Dlamini

---

Date

## Abstract

Controversies pertaining to the role of traditional leaders have been and continue to be at the centre of rural development in the democratic South Africa. Legacies of these controversies stemmed from their ambiguous roles in previous regimes which seem to linger in their role in current local governance. Although the institution of traditional leaders is protected by Chapter 12 of the Constitution of the Republic of South Africa and also preserved by ANC led democratic government but the nature of its roles and powers over rural populace remain as one of challenged governmental approach. The decentralization of administrative power to lower structures of government together with the formation of district and local municipalities has resulted into a questionable credibility of traditional leaders. Moreover, exclusion and underdevelopment of local communities has also attributed to their unprecedented power over land administration in the countryside. South Africa's distinct history of rural infrastructural underdevelopment and contemporary endeavors towards the remedy of previously excluded communities thus has its costs and benefits.

Moving governmental decisions-making processes closer to local communities as an endeavour of democratization of local authorities has also revived discourse of whether democratic government should abandon traditional leaders due to their perceived undemocratic traditional practices. However, land administration and constitutional recognition of the institution of traditional leadership continue to forge its relevance in democratic South Africa especially in rural areas. On the other hand, it has been a common practice in Africa that different domains of authority govern same people where governments conserves traditional authority as a political resource without diminishing the authority of the sovereign state. Likewise, South Africa's preservation of the institution in question seems to perceive traditional leaders as prone to harmonize with and promote democratic norms and practice in the post-apartheid South Africa. Transformation of involved local institutions together with the promotion of their wider and deeper participation and of citizens at local level seem to have potential of resolving quarreling views while indorsing community based local development.

## **Acknowledgement**

I would like to thank uNkulunkulu wasEkuPhaKameni uShembe for giving me the needed strength of completing this dissertation in a very difficult time of my life. It has been a conceivable idea in my mind that I might not complete it, but the strength I had still puzzles me till this day.

I would also like to thank Dr. V. Khumalo and Dr. B.R. Mngomezulu for helping me with the development of my research proposal.

To my supervisor Mr. S. Dlamini, I would like to thank you for believing that I will complete my research regardless of different obstacles that sought to make it impossible to do so.

## Dedication

This dissertation is dedicated to my grandfather the late *iNkosi* Ngonyama ‘Mahlamvana’ Ngcobo of *Isizwe* sakwaNyuswa/Mlamula. Regardless of the sufferings he underwent through when he could not assume his rightful position as *iNkosi* even when he was of age, he didn’t succumb to unpleasant circumstances but devoted his faculty of mind to revive *uBukhosi bakwaNyuswa*. On behalf of my family and myself, I would like to thank his endless love and commitments he made in improving our lives throughout his lifetime. His contribution to social cohesion through religious and apolitical activities will forever be remembered e*Sizweni* sakwaNyuswa/Mlamula. In times of fear and of losing hope, the story of his life serves as motivation and inspiration to conquer any destructions. The story of his lifetime will forever remain as a source of strength to me.

# Table of Contents

Declaration.....	ii
Abstract.....	iii
Acknowledgement.....	iv
Dedication.....	v
List of Figures.....	x
Acronyms.....	xi
Chapter One.....	1
1. Introduction.....	1
1.2. Background of the Study and Outline of Research Problem.....	2
Introduction.....	2
1.3. The Choice of Case Study.....	2
1.4. Outline of Research Problem.....	5
1.5. Statement of Research Problem and Objective.....	8
1.6. Key Questions: Broader Issues to be investigated.....	10
1.7. Structure of Dissertation:.....	10
Chapter Two.....	12
2. Literature Review.....	12
2.1. Introduction.....	12
2.2. Legitimacy and Authority of Traditional Leadership in African Tradition.....	13
2.3. The Changing Phases of Traditional Leadership in South Africa.....	16
2.4. Rural Development and Traditional Leadership in South Africa.....	18
2.5. Land Rights, Access and Gender in Rural Development.....	20
2.6. Critique of the role of Traditional Leaders in 'Decentralised' Democratic South Africa.....	20
2.7. Decentralization: Devolution of Administrative Power and Rural Development.....	23
2.8. The Impact of Decentralization in Rural Development: Infrastructural development and delivery of basic services.....	30
2.9. Summary and Conclusion.....	31
Chapter Three.....	32
3. Theoretical Framework.....	32
3.1. Introduction.....	32
3.2. Definition and conceptualization of Decentralization.....	32
3.3. Democratic Decentralization and Delivery of Basic Services.....	34

<b>3.4. Themes</b> .....	36
3.4.1. Theme One.....	36
3.4.2. Theme Two .....	36
3.4.3. Theme Three .....	37
3.4.4. Theme Four .....	37
<b>3.5. Key Concepts</b> .....	38
3.5.1. Key concept one: Devolved Powers.....	38
3.5.2. Key concept Two: Accountability.....	38
3.5.3. Key concept three: Inclusion/Public Participation.....	39
<b>3.6. Pitfalls and relevance of decentralization to the study</b> .....	40
<b>3.7. Summary and Conclusion</b> .....	41
<b>Chapter Four</b> .....	43
<b>4. Research Methodology and Methods</b> .....	43
<b>Introduction</b> .....	43
<b>4.1. Research Design</b> .....	43
<b>4.2. Research Approach</b> .....	46
<b>4.3. Theoretical Population</b> .....	46
<b>4.4. Data Collection, Sampling and Data Analysis</b> .....	47
4.4.1. Interviews.....	48
4.4.2. Surveys .....	48
4.4.3. Sampling.....	49
4.4.4. Analysis of Data.....	49
<b>4.5. The Main Ideas about the Relevance of Traditional Leaders in the Existing Literature</b> .....	50
<b>4.6. Summary and Conclusion</b> .....	50
<b>Chapter Five</b> .....	52
<b>5. Research Results</b> .....	52
<b>Introduction</b> .....	52
<b>5.2. Theme One: Devolved Power and Efficiency in Decentralization:</b> .....	54
5.2.1. The Nature of Co-operative Relationship between Traditional Leaders and Ward Councillors .....	54
5.2.2. The municipal programs to resolve or prevent potential conflicts as a result of decentralized power from national to local structures of government .....	56
5.2.3. The Impact of Legislative Acts and Policies to Traditional Leadership .....	57
5.2.4. The Impact of Devolved Administrative Power on Institution of Traditional Leadership .....	59

5.3.1. Perception on rural development and downward accountability in areas under jurisdiction of traditional leadership.....	61
5.3.2. The role played by traditional leaders in rural development .....	63
5.3.3. Municipal Rural Economic Development Programs: .....	64
<b>5.4. Theme Three: Public and Institutional Participation: Inclusion of Relevant Local Institutions ...</b>	<b>65</b>
5.4.1. Integrated Development Plan (IDP) and Inclusion of Traditional Leaders .....	68
<b>5.5. Access and Use of Local Public Resources – Land Administration (Participation and Locally Accountable Representatives) .....</b>	<b>69</b>
5.5.1. Perception on Land Administration in areas under jurisdiction of traditional leader.....	69
5.5.2. Women and land access in areas under traditional leaders.....	73
5.5.3. Traditional Leaders’ view on Ingonyama Trust Board and Rural Development .....	74
<b>Summary and Conclusion .....</b>	<b>75</b>
<b>Chapter Six .....</b>	<b>77</b>
<b>6. Analysis and Interpretation of Results.....</b>	<b>77</b>
<b>Introduction.....</b>	<b>77</b>
<b>6.1. The Role of Traditional Leaders in Rural Development .....</b>	<b>78</b>
6.1.1. Legal, Theory and Practice .....	78
6.1.2. Traditional Leaders and Legal Perspective.....	84
<b>6.2. Local Government and Institutional Participation.....</b>	<b>87</b>
6.2.1. Democratic Institutions versus Traditional Leadership .....	87
6.2.2. Houses of Traditional Leadership and Rural Development .....	90
<b>6.3. Traditional Leaders: Local Resource Distribution and Rural Development .....</b>	<b>91</b>
6.3.1. Land Allocation and Access.....	94
6.3.2. Current Land Allocation Approach in Tradition Communities.....	95
6.3.3. Traditional Leadership and Gender Inequality .....	98
<b>6.4. Rural Public Participation in Traditional Leadership.....</b>	<b>101</b>
<b>6.5. Impediments of Adequate Rural Development in Democratic Decentralization of South African Governance.....</b>	<b>103</b>
<b>6.6. Main Research Findings .....</b>	<b>105</b>
<b>6.7. Conclusion .....</b>	<b>106</b>
<b>Chapter Seven .....</b>	<b>108</b>
<b>7. Summary, Conclusion and Recommendations.....</b>	<b>108</b>
<b>7.1. Introduction.....</b>	<b>108</b>
<b>7.2. Summary.....</b>	<b>109</b>



<b>7.3. Conclusion .....</b>	<b>112</b>
<b>7.4. Research Recommendation .....</b>	<b>114</b>
<b>Bibliography .....</b>	<b>116</b>
<b>Appendices.....</b>	<b>A</b>
<b>Appendix A: questionnaire used to collect data from traditional leaders.....</b>	<b>A</b>
<b>Appendix B: Questionnaire used to collect data from the KZN Department of Co-operative Governance and Traditional Affairs.....</b>	<b>E</b>
<b>Appendix C: Questionnaire used to collect data from Officials of Ndwedwe Local Municipality .....</b>	<b>G</b>
<b>Appendix D: Surveys used to collect data from traditional communities under the jurisdiction of traditional leaders.....</b>	<b>I</b>

## List of Figures

Figure 1 The Paradigm of Decentralization (Smith, 2001) .....	34
Figure 2: Table that demonstrate background of selected surveyed group from Traditional Communities under Ndwedwe Local Municipality.....	54
Figure 3: Pie chart demonstrating general view of surveyed traditional communities about the abandonment of traditional leadership.....	58
Figure 4: Pie chart showing the view of surveyed traditional communities about the responsibility of traditional leadership.....	60
Figure 5: Pie chart showing the view of surveyed traditional communities about who is responsible for infrastructural development. ....	62
Figure 6: Pie chart demonstrating the view of surveyed traditional communities about the effectiveness of the role of traditional leaders in the delivery of rural basic services.....	64
Figure 7: Pie chart showing who is responsible for land allocation in traditional communities. ....	65
Figure 8: Pie chart demonstrating the view of surveyed traditional communities about conflict of power between ward councilors and traditional leaders. ....	67
Figure 9: Pie chart showing who is responsible for the identification of basic service in rural areas. ....	69
Figure 10: Pie chart showing who is responsible for land allocation in rural areas.....	70
Figure 11: Pie chart showing the amount that is payed as ‘khonza’ fee for the allocation of land or residential site. ....	71
Figure 12: Pie chart demonstrating who is eligible to be allocated land.....	73
Figure 13: Diagram demonstrates a stipulated land allocation process in traditional communities, Site allocation process: KZN CoGTA Presentation in Land Allocation Management in TC Areas.....	96
Figure 14: Table shows STATS SA: 2016. Number of agricultural households in vegetable production by sex of household head and local municipality: Ndwedwe Local Municipality .....	100

## Acronyms

ANC	African National Congress
CLRA	Communal Land Rights Act
COGTA	Department of Corporate Governance and Traditional Affairs
CONTRALESA	Congress of Traditional Leadership of South Africa
CPF	Communal Policing Forum
CPP	Convention People's Party
DTA	Department of Traditional Affairs
IDP	Integrated Development Plan
IFP	Inkatha Freedom Party
ITB	Ingonyama Trust Board
KITA	Kwa-Zulu Ingonyama Trust Act
KZN	Kwa-Zulu Natal Province
KZNTLGA	KwaZulu-Natal Traditional Leadership and Governance Act
LGMSA	Local Government: Municipal Structures Act
NHTKL	National House of Traditional and Khoisan Leaders
NHTLA	National House of Traditional Leadership Act
RDP	Reconstruction Development Plan
STATSSA	Statistics South Africa
TAB	Traditional Affairs Bill
TLGFA	Traditional Leadership and Governance Framework Act
WPLG	White Paper of Local Governance
WPTLG	White Paper on Traditional Leadership and Governance

# Chapter One

## 1. Introduction

The institution of traditional leaders has been at the centre of controversies for almost two decades of South African democracy. Its prevailing nature and practices have been repeatedly characterized as being undemocratic and or inimical to democracy. At the centre of those quarrelling views is the recognition of traditional leaders by the most liberal constitution of South Africa. However, the undefined nature of the role of traditional leaders in the South African constitution has not only attracted attention of civil societies and human right commission but also continues to displease the institution of traditional leaders together with Congress of Traditional Leaders of South Africa (CONTRALESA). The liberal democratic apprehensions through civil society organizations and human right commission seemed to advocate for the abandonment of the institution basing their complaints on gender inequality, hereditary positions and unaccountability of traditional leaders to local populace and or their subjects. On the other hand, traditional leaders insist on clarification and at some instances on the constitutional redefinition of their role as a recognized institution of authority. And more recently the institution of traditional leaders seemed to push for absolute exercise of their power to administer legal matters at local level through Traditional Courts Bill. Like any other form of regime at its initial phase, the biggest concern about South African democracy is whether it continue to preserve the already existing institutions of power or establishing new ones relying on different reasons.

Therefore, modern and traditional ideas continue to be at the core of discussions in post-colonial states which in most cases leads into embracement of co-operative governments or to the abandonment of traditional institutions. Moreover, the "...overthrow of entrenched traditional interests often require the mobilization of new social forces into politics, [therefore]...the modernizing system must have the capacity to assimilate into the system the social forces which result from modernization"(Huntington, 1968:142). From the negotiation process to the actual conception of democracy stages, the ANC currently ruling party, seemed to lack a clear political will and strategy for possible social unrest stemming from the desertion of entrenched traditional interests of South African society. As a result the institution of traditional leaders largely remained under the shadow of undefined role in South African social, political and economic sphere. This

research aims to investigate the role of traditional leaders in democratic South Africa looking back to the past and the present. The paper will focus on rural development using the Ndwedwe Local Municipality as the case study. In doing so, the paper will assess the interaction of traditional leaders with other institution involved in local governance.

## **1.2. Background of the Study and Outline of Research Problem**

### **Introduction**

In the South African context, a traditional leader is the “...father figure of the clan whose administration carries out a range of responsibilities” and these responsibilities entail disputes resolution in the community, administration of justice through customary courts and other traditionally related matters (Goodenough and Hornby, 2002:5). They also deal with land administrative functions including land allocation, subdivision of boundaries and right holder disputes. Therefore, the traditional leader acts as the judicial officer in his or her tribal court with assistance from inner council of advisors or chief-in-council. Furthermore, the selection of traditional leader into office is hereditary and usually for life, and also characterized by hierarchical and patriarchal structures (Bell, 2004). The aim of this chapter is to outline background of the study which is emanate from historical and political evolution of South Africa during and after colonial and apartheid regimes. This nevertheless. The chapter also outlines the role of traditional leaders under different forms of government. This also includes the role of traditional leaders under indirect rule of colonial government, the formation of Bantustans under apartheid government and also their role in democratic government under the notion of decentralization of power to local level. The chapter will also demonstrate controversies confronting the institution of traditional leaders in administering local affairs in the past and in the contemporary epoch.

### **1.3. The Choice of Case Study**

The Ndwedwe Municipal Area falls within ILembe District Municipality in the KwaZulu-Natal Province. It is surrounded by four different municipalities including eThekweni Municipality bordering at the eastern boundary of Ndwedwe local Municipality, KwaDukuza Local Municipality borders on the eastern side and in the north it borders onto Maphumulo Local Municipality. Mandeni Local Municipality also forms part of ILembe District but borders onto

KwaDukuza Local Municipality. The Ndwedwe Local Municipality covers an area of 1153 km<sup>2</sup> accommodating a population of 153 000 people. The overall settlement density is approximately 145 people per km<sup>2</sup>. Approximately 60 percent of land falls under traditional authorities characterised by predominantly underdeveloped, fragmented and poor settlements.

Geolocation and environmental condition together with the lack of natural resources has hindered the ability of local municipalities to generate revenue that could have assisted South Africa. Ndwedwe Local Municipality is one of four local municipalities within the ILembe District Municipality. It borders in the east onto KwaDukuza Municipality and in the north onto Maphumulo Municipality. On the south of Ndwedwe borders the eThekweni Municipality. In broad terms this municipality is situated parallel with and approximately 20km inland from the KwaZulu-Natal coast (Ndwedwe local Municipality IDP: 2014-2015). While much of the north-eastern part of Ndwedwe forms part of the coastal flats mostly covered by KwaDukuza, the majority of the area consist of tribal authority land ranging from topographical fragmented to steep and dramatic. Most of the land is owned by the state and Ingonyama Trust and therefore settlement is controlled by Traditional Authorities. Under Ndwedwe local municipality 69% is under traditional authorities (ILembe, SDF, 2011). Areas under this municipality are of low densities which are not conducive for the provision of infrastructural services.

Ambitious development strategies such as South Africa's Reconstruction and Development Programme (RDP) usually include substantial investments in energy services and infrastructures. Likewise, the Local Government: Municipal System Act No 32 of 2000 stipulates that municipalities are enabled to move progressively towards the social and economic advancement of local communities, and ensure universal access to essential services that are affordable to all (Goodenough and Hornby, 2002:45). However, the endeavours of national government are frequently confronted by various difficulties ranging from local authorities of dissimilar nature, poor infrastructure for services to reach the most remote areas and other factors that are related to land. These difficulties are commonly the cornerstone of any programme or policy failure in rural areas. Ndwedwe local municipality is also prone to these challenges.

The most prevailing development challenge in areas under this municipality stem from the inability to generate revenue and common tension about who should champion or direct the delivery of basic services to local communities. Larger percentages of people who rely on subsistence together

with the lack of entrepreneurial opportunities contribute to chronic unemployment in the areas under the jurisdiction of the municipality in question. The fact that this municipality is dominated by traditional communities under traditional leaders could be the contributing factor in slow delivery, poor management of service and at times the failure of development programmes.

Since the municipality in question is situated in the countryside, there are social realities that contribute to the burden of development backlogs. Facilities that are meant to sustain social life are either not available or "...hampered by the insufficient provision of engineering services and infrastructure (water and electricity in particular)" (ILembe SDF, 2011: 18-19). This includes educational facilities such as libraries, children's homes, AIDS support facilities, crime prevention actions together with sport and recreation facilities. Furthermore, the municipality in question is characterised by the lack of substantial economic activities that have potential to eliminate backlogs from households to community levels. What worth-mentioning about these areas; is that they rely on subsistence farming for local or household economic stability and growth. The absence of natural resources create lingering dependency on governmental funds/grant for each and every sector of development through municipality. Although services that are provided by municipalities are basic human rights of every citizens but the inability of local communities to generate any revenue either through private enterprise increases load upon Ndwedwe Local Municipality. Unemployment rate that could have been reduced and possible eliminated through private initiative turn to remain solely a responsibility of municipality.

It is of that reason this research examines the role of traditional leaders in democratic South Africa while focusing of rural development looking back to the past and to the resent. Development of rural areas under the jurisdiction of traditional leaders for this study means infrastructural development, the delivery of basic services, and the degree of socio-economic advancement of rural populace. Moreover, infrastructural refers to roads, bridges, and highways, transportation infrastructure and ports; basic utilities such as power, water supply, and sanitation; schools, and health-care facilities. This study, therefore aims to investigate the role of traditional leaders to instigate and promote the delivery of basic services, socio-economic and infrastructural development in rural areas under the parameters of decentralization. Moreover, the research will use the case study of Ndwedwe area because of its overall density which is approximately 145 people per km<sup>2</sup>, whilst 56% of the area consists of traditional authority land and the remainder is

made up of commercial farm lands and as a result most of the population in this area lives under traditional authorities (IDP, 2012).

#### **1.4. Outline of Research Problem**

The role of traditional leaders in democratic dispensation has been and continue to be a most contested dialogue in political and socio-economical spheres of democratic South Africa. The ambiguity in their previous local administrative role both in colonial and apartheid epoch has negatively tinted their credibility in deepening democracy and development in rural areas. For some political expediency of Apartheid government “...prior to 1994 traditional leaders [were] strengthened as political leaders and were drawn into the homeland party system and legislatures in a co-option process that undermined their traditional authority” (Picard and Mogale, 2015:228). Although they are recognized by Chapter 12 of the Constitution but legacies of previous legislatures both pro-traditional leaders and those that aimed to reduce them into payed servants of oppressive regimes continue to shape dialogue about their role in democratic governance (Constitution of the Republic of South Africa, 1996).

Prior the advent of colonization the basic political unit of tribes in South Africa was regulated mainly by customary law and practices of traditional communities (Mamdani, 1996). Like in the most of African countries, colonialisms in South Africa initially endeavoured to create conducive condition for foreign enterprise which was later transformed into extraction of natural resources and permanent settlement of Europeans. This also led to cultural imperialism where western culture together with its forms of authority dominated those of indigenous people until the emergence of freedom which one way or another characterized as being symbolic in cultural perspective. Fieldhouse (1981:12) stated that:

...the reality was that a colonial people lost whatever collective identity it might previously have possessed and became a mere province of a distance empire, which took responsibility for the whole apparatus of government.

During that colonial epoch, indigenous leadership structures operating through chiefs in rural areas were undermined and therefore, that legacy has been the stumbling block in the revival of this institution to its previous role of absolute rural power under democratic dispensation. Since ancient



traditional societies arranged and managed their political, economic and social life in their own ways with distinct forms of authority for centuries, likewise African societies under traditional leadership have been governed by indigenous institutions and authorities (Walker and Cousins, 2015). These societies were structurally based on African tradition and culture dissimilar from that of western world – this include state formation and form of governance. Traditional African societies' interpretation of world and of human interaction was based on the notion of African socialism which promoted plural interdependence and care for each other's well-being (Nyerere, 1966). Therefore, traditional leadership through chiefs has been the main form of authority which governed African social, economic and political affairs. South Africa is one of those African countries whom their indigenous structures of authority were undermined and used by colonial and apartheid regimes to suit their political and socio-economic interests. It is during this epoch where the role of *Amakhosi* in South African society began to be negatively fouled and therefore contemporary rural administrative dynamics regarding their power over land related matters in traditional communities is currently in a considerable controversy.

Ntsebeza (2002:6) vehemently criticized the inclusion of traditional leaders in South African democratic structures arguing that "...both the interim and final constitutions merely incorporated a clause recognizing 'the institution of traditional leadership' without any clarity or guidelines as to its roles, functions and powers". Therefore, changes that occurred in post-colonial, post-apartheid and especially under democratic South Africa demand that whatever institution included in administration should demonstrate its relevancy and legitimate role to democratic realm. In that view, if any institution does not demonstrate its relevancy to democratic dominion therefore it stands a risk of being abandoned. Mbiti (1969) affirmed that the rapid transformation of Africa societies came with an abandonment and modification of traditional ideas and institutions. At core of these undertaking is the contradiction of two legal systems and their sources of legitimacy which will be discussed below.

The abandonment and or transformation of the institution of traditional leadership continue to be on the forefront of an ongoing dialogue about institutions that should be responsible for local governance in the countryside. Larger population who reside in traditional communities and former Bantustans is generally viewed as a threat in maintaining a political statuesque as they previously suffered of massive land displacements and still clinging to their traditional ways with

their traditional leaders (Ntsebeza, 2004). An outcry for democratic institutions has challenge the preservation and inclusion of the institution of traditional leaders in different levels of South African government. This has further resulted into continual quarrelling views between governmental powers and those of local institutions. Like most of democratization programs faced with controversies in most of newly independent states of African continent, South African governments has embarked on the notion of decentralization as a major strategy to increase efficiency, more thoroughgoing equity, and or greater participation and responsiveness of government to citizens (Agrawal and Ribot, 1999). However, contradicting outlooks between traditional authorities and democratic governmental powers at grassroots level demonstrate historical wrangle between modern and indigenous ways of life. For any institution whether democratic or undemocratic, its effective role in policy-making should determine its power and therefore be awarded recognition by the state. In democratic South Africa's case this struggle for power and recognition should be carried without compromising the desirable outcomes perceived by decentralization of government's powers in order to provide opportunity of local institutions to participate in decision-making processes.

The legacy of previous oppressive regimes continue to be a contributing factor in advocating for the abandonment of the institution of traditional leadership in South Africa. At core is the nature in which traditional leaders deal with the affairs of local traditional communities which is said to be inimical to democracy and therefore contradict constitutional democratic governance in the country (Picard and Mogale, 2015). Contradicting views between local democratic structures and traditional processes uphold by traditional leaders put the institution on a controversial side of local administration. In tracing local administrative trends under previous and current regimes in South Africa, this study investigates the root cause of these controversies that are triggering slow rural development especially in areas under jurisdiction of traditional leaders. It is of this view that this study hypothesise that the changing phases in the evolution of traditional leadership has shape their contemporary controversy in their role in democratic South Africa. Moreover, strong governmental intervention through legislative pieces is an urgent matter to redefine the role of *Amakhosi* as they are custodians of land and traditional values that continue to link them with their traditional communities.

### **1.5. Statement of Research Problem and Objective**

Controversies regarding the role of traditional leaders in democratic South Africa have been and continue to spark political, cultural/customary and liberal constitutional debates on different spheres of South African democratic state. These controversies have led to an endless outcry from civil society organizations and some interest groups. Therefore, that has created a cloudy view about the future for traditional leadership in democratic South Africa. The institution of traditional leadership as an African indigenous institution has a history of governing almost all sectors of African traditional society during pre-colonial epoch. Therefore, this history of governance has served as a tool to advocate for its survival in most of African independent states. Sklar (1968) is of view that in most African countries different domains of authority are somehow allowed to coexist in one society where traditional authorities are treated as a political resource. At the centre of this practice; roles and responsibilities of traditional leaders are not clearly defined. In light of the abovementioned structures of power involved in local governance, this study sought to investigate relationship between these institutions in promoting rural development.

Constitutional recognition of this institution and decentralisation undertakings by democratic government of South Africa has not only complicated operation of democratic institutions but also pose a potential of conflicting view between traditional and democratic institutions. Consequently, crossroads are commonly reached where abandonment and conservancy of the institution of traditional leadership linger in governmental agenda, civil society organizations and local communities in the countryside. Observance of the constitution and democratic operation has been the most prevailing challenge constantly confronts the institution of traditional leaders. Ntsebeza (2004) argue that democracy is compromised due to the recognition of traditional leaders who inherit their position through birth and not elected like any public servants in a democratic system. In the absence of aforementioned practices, challenges like gender equality (inclusion of women) and democratic election of leaders and or public representative in traditional councils still confront this institution. The study aims to examine *Amakhosi's* administrative form together with traditional practices leading to general conclusions the institution of traditional leadership as being inimical to democratic practices.

The devolution of power to local level of government that has been employed by South African government to ensure effective local governance after 1994 has its challenges regarding the management of natural resources and institutional participation in the countryside (Ribot, 2002). This has been further confronted by pitfalls especially in traditional communities as different existing forms of authorities commonly aim to assume absolute power in managing and administrating rural development. This has contributed to various root-causes of local municipality problems that have been acknowledge and stipulate by national department of Cooperative Governance and Traditional Affairs. These difficulties range from political conflicts, limited revenue, lack of municipal capacity, grant dependency and lack of accountability systems (CoGTA Turning-Around Local Government, 2010).

These quarrelling views have not only confuse the notion behind democratic decentralisation but they also seemed to hinder the assumed sustainable development since the conceived of democracy in 1994 (Bank and Southall, 1996). The conception of adequate delivery of basic services to local communities under the jurisdictions of traditional leaders continues to trigger a debate about nature of cooperative relationship between local government and traditional leadership. Although, Traditional Leadership and Governance Framework Act 41 of 2003 was adopted but impulses have not yet reached as traditional leaders continue to advocate for more and active inclusion, and clearer role at local level. Land and the recognition of this institution together with the customary law have paved way for its resistance and of forging its relevance. Local municipalities are the closest governmental structures that directly deal with this institution of traditional leadership in a ‘cooperative’ manner at local level.

Contradicting views pertaining the role of traditional leadership as a Constitutional recognized institution continue effect into tension between institutions involved in local governance of democratic South Africa was identified as main research problem. Therefore, if conflict of interests occur between local municipality (democratic institution-ward councillors) and traditional leaders automatically affect the achievement and presumed sustainable development. In the mist of the abovementioned controversies and challenges, this study investigate the role of traditional leadership in democratic South Africa. The study will look back to the past and to the present using the case of rural development in traditional communities under the jurisdiction of traditional leaders of Ndwedwe local municipality.

## **1.6. Key Questions: Broader Issues to be investigated**

The most prevailing issues to be investigated by this research are in conjunction with the research problem and key research questions. That will link issues that will be investigated with theories that motivate the whole study. These broader issues are;

- (i) To investigate current relationship between traditional leaders and the South African democratic government especially at local level given land administration power they still exercise.
- (ii) This research also examine the effect of the devolved administrative powers to lower/local structures as advocated by decentralization process.
- (iii) The study also investigate the degree of participation of local authorities in development and management of local natural resources for meaningful development programs as it is advocated by decentralization.
- (iv) With focus on traditional communities under Ndwedwe Local Municipality, the aims of this study is to examine the role of traditional leaders in rural development in democratic South Africa.
- (v) The research also investigate local government's approach in instigating provision of basic services and infrastructural development in communities under traditional authorities.

## **1.7. Structure of Dissertation:**

### **Chapter 1: Introduction and Background**

This chapter will introduce the research problem, present the research questions and objectives and then introduce the rest of the chapters contained in the dissertation.

### **Chapter 2: Literature Review**

In this chapter the aim will be to explore relevant literature on the theme of this study. The literature will consider the international context, broader African context and then zoom into the South

African context. In discussing the literature an attempt will be made to identify any existing gaps as a motivation for the proposed study.

### **Chapter 3: Theoretical Framework**

This chapter will provide a description of theories informing the research. The aim will be to locate the study in the broader theoretical context in line with the conventional practice in the research community. The chosen theory will be introduced and a discussion presented on what it entails before it's (the theory) relevance to the study is explicated.

### **Chapter 4: Research methodology**

This chapter will discuss research methods employed in the research. Moreover, it will also substantiate the reason behind the selection of such methods. This chapter will also state how collected data were analyzed and packaged in preparation for presentation in the next chapter.

### **Chapter 4: Research results**

This chapter will present the research results/findings obtained from both empirical work and secondary sources.

### **Chapter 6: Analysis and interpretation of the results**

This chapter will build on the previous chapter (Chapter 5). It will interpret the results presented in Chapter 5 and make sense of them in the form of a discussion.

### **Chapter 7: Conclusion and Recommendations**

This chapter will be the overall conclusion of the study. It will pull the dissertation together by reiterating the key points which have emerged in the study. The research questions and study objectives will be revisited with the view to establish the extent to which these have been achieved or addressed.

## Chapter Two

### 2. Literature Review

#### 2.1. Introduction

This chapter mainly focus on the evaluation of different academic material relevant to the study. In light of decentralisation as a theoretical framework guarding this research, its principles will serve as tool of analysis in the evaluation of the study or the problem in question. These decentralisation principles will also provide guideline in critiquing the role of traditional leaders in democratic South Africa using the case of their involvement in rural development (delivery of basic services and infrastructural) development in Ndwedwe Local municipality. In light of other academic material that has been written by different scholars, this chapter also endeavour to identify discrepancies in the overall analysis of the related topics on local governance and the role of traditional leaders in local development. The chapter will also unpack some challenges that are facing local governance structures in issue of the delivery of infrastructural development in local communities. This ranges from access to land, the protection of that infrastructure and conflict of power between democratically elected representatives and traditional leaders. Walter Rodney devoted his faculty of mind in attempt to analyse the root cause of rural underdevelopment and societal inequality. He stipulated that "...development cannot be seen purely as an economic affair, but rather as an overall social process which is dependent upon the outcome of man's efforts to deal with his natural environment (Rodney, 1973:5-6). In light of the already existing underdevelopment promoted by previous colonial and apartheid regimes in most of developing countries, traditional leadership find itself in crossroads of poor infrastructural development and necessary rural institutional reformation.

The nature and the role of traditional leaders in democratic South Africa has been and continue to be at the centre of fiery dialogue about the state of exclusion and underdevelopment of local communities. This has positioned the institution of traditional leadership at the spotlight where its credibility is questioned especially their role in local governance and their unprecedented power over land administration in former Homelands and Bantustans. Both legal and political battle between traditional and democratic institutions of authority continues to shape the relationship between the state and the involved structures of power at local level in the post-apartheid South Africa. Galvin (1999:88) argue that the functionality of local government will depend on

“...elected officials and traditional authorities succeed in finding a *modus operandi* to work together”. The most animated quarrelling views were witnessed during constitutional negotiation period where different platforms of lobbying were employed to influence future developments. Furthermore, the first local government elections later accompanied by the introduction of wall-wall municipal demarcations exacerbated distrust of traditional leadership towards the powers of ANC led government. Nevertheless, legacies of these controversies stemmed from previous regimes seem to linger in the current local governance while impacting on development in the countryside.

Contemporary challenges such as transport, access to water and other basic infrastructural public services has affected rural livelihood especially in communities under jurisdiction of traditional leaders. However, due to their limited access to capital to remedy these unpleasant conditions compels them to wait for municipal initiative to provide financial support which demonstrate conditional involvement of traditional leaders in development emanating from South African constitution. This poses question about any future constitutional amendment as ANC led government perceived as ‘pro-traditional’ leadership and continue to encourage transformative initiatives of the very institution of traditional leaders. Moreover, when those initiative are being planned traditional leaders are less likely to have their voice regarding indigenous practices or solutions head. This example demonstrate power struggle between democratically elected councillors and traditional leadership. Therefore, infrastructural development clearly requires “...public initiative which can provide basic environment for the directly productive activities of individuals and groups in a society” (Ahmed and Donovan, 1992, 3). This has been the most challenging practice for different stakeholders involved in rural development and that has been more eminent in areas under jurisdiction of traditional leaders.

## **2.2. Legitimacy and Authority of Traditional Leadership in African Tradition**

Traditional leadership in Africa has enjoyed the legitimacy derived from people’s consent who regarded them as head of societal governance and custodial of land, custom, and socio-economic matters/development in traditional communities. All those sectors were governed by traditional leaders in a social and communal manner where decisions were taken by a traditional leader to



maintain social cohesion while land and other natural resources were recognized as a belonging of the community collectively (Nyerere, 1996). Evidently, the power of traditional leaders strongly depended on people's will to obey and protect their community, culture, custom and most importantly land. In Ray's words "traditional leaders/chiefs can claim special legitimacy in the eyes of their people because these institutions can be seen to embody their people's history, culture, laws and values, religion and even remnants of pre-colonial sovereignty" (Ray, 2003: 5). Contrary to colonial and apartheid regimes that derived their legitimacy from oppressive institutionalized laws and policies, traditional leaders enjoyed and seemingly continue enjoy rural populace's consent to represent them in local government. In most of African countries, traditional leaders have maintained a "...rallying points of resistance to colonial and sources of cultural pride to those indigenous peoples who had been colonized" (Ray, 2003: 3). At the centre of this common lobbying and legal battle is the struggle to reverse land dispossession legacies imposed to indigenous people with their indigenous authorities (traditional leadership) by colonial and apartheid governments.

Political modernization and the growth of African democratic states after independence has left the indigenous institutions with the burden of demonstrating their relevancy in new democratic states. This also confronted by the historical collision of cultures between the two worlds and moreover between modern and traditional practices. As the creation of permanent and distinctively European communities in other parts of the world, colonialism intended not only to deprive society of its freedom and its wealth, but for its very character, leaving its people intellectually and morally disoriented (Fieldhouse, 1981). From that kind of long-time depravation, amongst other African countries, South African political evolution has been dominated by western ideals that negatively used local indigenous authorities for political gains. Therefore, this has resulted into a deliberate relegation of indigenous structures and authorities as "...formal political rule was imposed to stop chaos and to provide a satisfactory framework for European enterprises of all kinds" (Fieldhouse, 1981:1). Therefore, contemporary social, political and cultural practices outwardly embraced western forms of governance and values at the expense of local and indigenous ones. The historical turning point was the adoption of Native Land Act of 1913 which resulted to a massive dispossession of native Africans from their land and deliberate exclusion from mainstream economic activities. The act stipulated that "a native shall not enter into any agreement/or

transaction for the purchase, hire, or other acquisition from a person other than a native, of any such land or of any right thereto, interest therein, or servitude there-over” (Act No. 27 of 1913 (1) (b)). As result current trends in racial inequality in land ownership reflect legacies of exclusion of native people advocated by the above-mention and alike acts.

The institutionalization of colonial laws to further European’s economic interest and political rule over indigenous communities remain as basis of current economic inequalities between urban and rural traditional communities of democratic South Africa. After the formation of 1910 Union of South Africa, numerable legislative acts and policies were developed to maintain foreign political and economic interests championed by white domination. This was evidenced by extraction of natural resources and accumulation of wealth through forced and cheap labor of native people (Rodney, 1973). These legislations undermined local structures of power and consequently traditional leadership was targeted as it was a central prevailing structure understood to be the custodian of land and had decisive role in land administration (Ray, 2003). Traditional leaders were further viewed as an obstacle in acquiring human-labor which was essential in mining and other forms of industrialization.

Moreover, under that union of South Africa, traditional authorities were granted power to allocate land in areas under their newly defined jurisdictions. However, that power was also subjected to principles of Native Affairs department which its head had legislative power to appoint or depose any traditional leaders. Amongst other political strategies employed by colonial government was to establish colonies to ensure that people are divided and scattered all over the country. Therefore, native people lost their loyalty to their paramount chiefs as they could no longer impose any rules over them (subjects) without approval of colonial government. The above-mentioned strategies broke many essential social structures which were integral to traditional leadership. This range from African based extended family that was destroyed by massive displacement and the introduction of wage labor. Racial discrimination and laws that made it illegal to be a native in certain parts of the country without being employed by white person largely diminished the sense of identity among Africans people. The Union of South Africa was characterized by the unification of ‘white structural interests’ as there was no room for any form of equal share of wealth, land and even political power between races (Africans and Whites) (Ray, 2003).

### 2.3. The Changing Phases of Traditional Leadership in South Africa

The adoption of Native Administration Act 38 of 1927 which aimed at controlling and management of native affairs, paved way to a new form of society where deep rural natives who previously relied on agriculture and livestock were converted to tribal communities and to wage earners from white settlers. This legislative act resulted in the appointment of white district councils which included communally-based political representation for Africans (Hugh, 2005; Bank and Southall, 1996). Moreover, the establishment of Native Affairs department used chiefs' influential and positively perceived authority to administered local or native affairs. On the other hand, according to Native Administration Act, Governor General was appointed to be the supreme chief of all natives each and every province. Likewise in the case of Natal Colony, Shepstone was appointed as Governor-General and he had power to define jurisdictional role and powers of traditional authorities. In chapter 1(7), the act further stipulated that;

The Governor-General may recognize or appoint any person as a chief of native tribe and make regulations prescribing the duties, powers privileges and conditions of service of chiefs so recognized or appointed, and of headmen, acting chiefs and acting headmen appointed... The Governor-General may depose any chief so recognized or appointed.

The 'indirect rule' was then employed by colonial regime seemingly to distort and weakened traditional leaders in different parts of the country since it imposed oppressive laws on them. This deliberate strategy was firstly implemented in the Natal colony by the then Secretary for Native Affairs, Sir Theophilus Shepstone (who was appointed as Natal's Diplomatic Agent in 1845) and it was known as 'Shepstone System' (Beall and Ngonyama, 2009). Shepstone's 'indirect rule' approach ensured that local population were subjected to traditional leaders who were appointed or deposed if they resist to serve the interests of the central colonial government. Nevertheless, this undermined and discredited the dignity of traditional leaders who were previously respected by their subjects who reside in areas under their jurisdiction. Likewise, different Governor-Generals were appointed as 'Supreme Chiefs' to execute laws of indirect rule. Furthermore, Representation of Native Act of 1936 further promoted the representation of native people by white senates who determined any form of developments in areas under jurisdiction of traditional leaders. This act further ensured that fate of native people together with their leaders depends on

their will to serve the interest of white minority which revolved around power to control economy, politics and any form of development.

The quest of gaining control over development in the countryside was further accompanied by the codification of practices, laws, and norms of indigenous people with their authorities. The codification of laws paved way of customary law which is currently criticized by civil society organization who argue that it is oppressive to women - while on the other hand traditionalists argue that it does not necessarily express the actual culture of indigenous people. Thompson (1971) argued that those acts and official colonial policies were designed to bypass and weakens traditional leaders. Moreover, there was enormous distortion which was magnified under colonial rule where traditional leaders became 'paid servants' of the state and that strategy made it difficult for them to resist governmental policies (Thompson, 1971). Historical and current evidence demonstrates that the approach of colonial and apartheid towards indigenous institution was not necessarily proportional; likewise the degree in which it destructed South African traditional communities was uneven. Similarly their contemporary outcomes also vary from one province to another. Amongst other provinces including former Bantustan's areas, the KwaZulu-Natal province is chiefly dominated by traditional authorities and therefore distortion of the history is more eminent as the previous regimes exercised indirect control to almost all part of the province.

Apartheid regime on the other hand, ensured that roles and powers of chiefs are deliberately reduced to civil officers of Bantustans leaded into distrust towards chiefs by local natives. The adoption of separate development was a major policy strategy which favored the preservation of white minority interests while exclude and segregate black majority to small homelands. Since any form of authority, possessing power to govern do not accept being capitulated at nil costs; similarly political evolution of traditional leaders in South Africa entails diverse forms of resistance, collaboration, and coalition. That form of resistance and collaboration is normally revisited by current political dialogued to either criticise or defend the relevance of traditional leadership in current democratic government.

## **2.4. Rural Development and Traditional Leadership in South Africa**

Rural infrastructural development and the delivery of basic services has been and continue to be hindering factor in other various forms of rural development. This has encouraged the perception of rural chronic poverty and underdevelopment as socio-economic backlogs still characterize rural areas. Rodney (1973:18) maintained the view that the notion of “underdevelopment make sense only as means of comparing levels of development.... [and] ...very much tired to the fact that human social development has been uneven...” It is obvious that history of rural exclusion had a negative impact in rural infrastructural and other forms of development in South Africa rural society, but contemporary backlogs can be attributed to mismanagement of state and natural resources which emanate from the struggle over power amongst the involved institutions or stakeholders. Infrastructural development which normally paves a way for other forms of development, in most remote areas especially those under jurisdiction of traditional leaders is currently confronted by challenges of inadequacy of authentic participation of relevant structures in order to deliver what is expected by local communities. Amongst other forms of development, Cook (2011:304) has identified rural electrification as crucial part of infrastructure which “...has not been given priority in a developing country’s economic plans for infrastructure”. Under the notion of Reconstruction Development Plan, electricity was amongst the prioritised forms of infrastructural development but there are electric backlogs in the countryside of South Africa and areas under jurisdiction of traditional leaders are also prone to that. At the centre of these controversies is the issue of land administration which seem to remain as a sole power of traditional leaders to forge their relevancy in local governance.

Like most of developing countries, South Africa is in the struggle of connecting national infrastructural development goals and visions to those of local government by allocating some of infrastructural responsibilities to local municipalities. Nevertheless, this has also been interpreted as top-down approach contrary to decentralization principles that advocate for bottom-up approach which entails the inclusion of local communities. Wekwete (2007:245) argue that “this harmonization has been considered a key to unlocking the potential of integrating, economic growth, and poverty reduction ensuring that there are positive infrastructure-capabilities linkages, education and health linkages, and infrastructure, and service empowerment linkages”. This imply

that although local government could be granted autonomy in some sectors of rural infrastructural development but it should not lose touch of national government.

At the centre of poor rural infrastructural development is the maintenance of the already gained or delivered public service centres which seem to be endangered by the difference in politics in most South African rural areas. Bank and Mabhena (2011: 121) showed in their study of *Communal Land, Traditional Leaders and the Politics of Nostalgia*, that;

“...most severe criticism was reserve for democratically elected local authorities and councillors attached to municipalities, who were widely presented as self-serving, disconnected and corrupt. Chiefs and traditional authorities, by contrast were viewed in a much more positive light, as potentially helpful, consensus seekers, and desirable intermediaries in community development”

This however, also stems from agenda settings on development and community priorities where representatives imposed services which are later abandoned by the community as they do not reflect what is needed by the affected communities. Traditional leaders on the other hand have power of maintaining social cohesion, therefore, their exclusion could possible cost state and the community in relation to rural community based development. Claasens (2001:4) agree that “the role of the chieftaincy in rural administration is, therefore, a pertinent issue in land reform in South Africa” and in other forms of development. The importance of decentralizing governance power to local structures has relied on the perceived view that decentralization will “...promote public participatory decision-making, local infrastructure development, and service delivery” (Wekwete, 2007:242).

The rural development backlog and slow pace in the delivery of basic services is hindered by the absence of conducive and or reliable infrastructure. Cook (2011:305) linked rural infrastructural development with economic growth and argued that “...quantity and quality of infrastructure affect growth... ...direct and indirect through the productivity effect... ...where quantity of infrastructure raise productivity of other factors”. His views are justified by the notion of giving enterprises access to electricity which can spread to the development of other types of investment. This demonstrate interconnectedness of every sector of development and their strong reliance on infrastructure. In light of perceived rural unemployment, Cook (2011:305) is of view that “developing infrastructure can also contribute to improving health and education which increases

labours productivity in both the short and longer terms”. The strong reliance of traditional communities to subsistence farming and other forms of small scale commercial farming is confronted by these controversies that result into poor infrastructural challenges

## **2.5. Land Rights, Access and Gender in Rural Development**

In a country where the majority of the population are women and customary practices are conserved, gendered development or underdevelopment becomes an everyday question. Amongst other measurement scale, development is said to be weighed by the advancement of the lives of the identified population. Massive urbanization together with the growth of middle class in post-apartheid era has resulted into neglect or minimal development attention towards rural areas and therefore maintained urban-rural inequality. At the midpoint of this inequality according to Walter and Cousins (2015:2), land rights for rural populace and “...gendered rural inequality around land...” is advocated by the preservation of traditional leadership. The steady prioritization approximately 16 and 17 million people who reside in former Bantustans areas, whom their lives depended on land has encouraged the dependent on wages and social grants. Rural land administration continue to be regarded as one of the main reasons behind rural underdevelopment and lingering poverty where traditional leadership solely responsible of it. This includes the “...disregard for the land right of ordinary people” (Walter and Cousins, 2015:8). Moreover, Beinart and Delius (2015:28) argue that “...ANC government firstly dithered and then tilted increasingly towards sustaining a partially dualistic social order” in democratic South Africa. This according to them is evident in the legislatives and policies that sought to strengthened the power of the institution of traditional leadership in local governance. This however, has been viewed by traditional leaders as an attempted of redefining their role which is a worrying issues in a constitutional democratic South Africa.

## **2.6. Critique of the role of Traditional Leaders in ‘Decentralised’ Democratic South Africa**

Hitherto, the ambiguity in the role of traditional leaders which was eminent under previous regimes (colonial and apartheid regimes) seem to haunt the institution of traditional leaders in the contemporary democratic states. This emanate from widely comprehended notion that traditional leaders were used by state through corrupt means to sustain white supremacy over their subjects

(Bank and Southall, 1996). As a result, different scholars have pointed out some controversies regarding the relevancy of traditional leadership in the current democratic structures and that also seemed to be closely linked to their position in apartheid's policies. The inclusion of traditional leadership has been subjected to condemnations since their recognition by the interim constitution which stipulated that:

...the recognition of existent legally constituted traditional authorities and for their continued supervision of indigenous laws and customs, subject to the latter's regulation by constitutional law and entrenched rights. It furthermore accords them the right to become *ex officio* members of local governments within whose jurisdiction they fall, and to be elected to local office (Interim Constitution of Republic of South Africa, 1993).

Moreover, the interim constitution provided that traditional leaders can play the advisory role both at regional and national levels of government. Those resolutions by the interim constitution confused the exact role of traditional leaders while on the other hand eradicate their power in areas of their jurisdictions and constituencies. Ntsebeza (2002:6) vehemently criticized the inclusion of traditional leaders in South African democratic structures arguing that “both the interim and final constitutions the republic of South Africa merely incorporated a clause recognizing ‘the institution of traditional leadership’ without any clarity or guidelines as to its roles, functions and powers”. Therefore, it clear that changes occurred in post-colonial, post-apartheid and especially under ‘democratic’ South Africa demand that whatever institution included in administration should demonstrate its relevancy and legitimate role to democratic governance. In that view, if any institution does not prove its relevancy to democratic regime, therefore, it stand a risk of being abandoned or should be abandoned. Mbiti (1969) affirmed that the rapid transformation of Africa societies came with an abandonment and modification of traditional ideas and institutions. At core of these undertakings is the contradiction of two legal systems and their source of legitimacy.

Like most of democratization programs faced with controversies in most of newly independent states of African continent, South African governments has embarked on the notion of decentralization as a major strategy to increase efficiency, more thoroughgoing equity, and or greater participation and responsiveness of government to citizens (Agrawal and Ribot, 1999). Moreover, Cheema and Rondinelli (2007:8) maintain the view that decentralization increases public infrastructure expenditure for those services with local benefits but with little or no



economies scale and that private provision of services and infrastructure increases only when local governments in a politically decentralized system place more weight than the central government does on infrastructure development. However, contradicting outlooks between traditional authorities and democratic governmental powers at grassroots level demonstrate historical dispute between modern and indigenous ways of life which also impacts on the current developments of traditional communities. For any democratic or undemocratic institution, its effective role in advancement of a given population seem to be key in acquiring recognition from the state under constitutional parameters (Picard and Mogale, 2015). In democratic South Africa's case this struggle for power and recognition should be carried without compromising the desirable outcomes perceived by decentralization of government's powers. Likewise, traditional leaders as representatives of traditional communities should be allowed to participate in local development initiatives under constitutional parameters to ensure inclusion of relevant institutions in local decision-making processes.

The steadiness and or failure of central governments to properly instigate adequate development in modern states of African counties has been the primary motive for decentralising initiatives. Historical and on-going contradictions between modern democratic and indigenous structures of authority has demonstrated some negations between governmental powers and those of local traditional authorities. This has resulted into an intensifying views and perception about total reformation of institution of traditional leadership while on the other hand the abandonment of this institution turn to be a conceivable idea for civil societies in democratic states. Heymans and VandenBos (1989:292) stated that "...political processes which facilitate the ability of communities to direct development, are closely related to a 'basic needs' approach to development". Institution of traditional leaders has been and continues to draw its legitimacy from structures of power which predate colonial epoch in most of African countries. Given their experience in governing, their "...legitimacy potentially could be added to the legitimacy *pool* of the contemporary state[s] especially for matters of local governance and development" (Ray, 2003:91). This is nevertheless contrary to post-colonial democratic governments of African states who in most cases inherited colonial power structures.

## **2.7. Decentralization: Devolution of Administrative Power and Rural Development**

Although decentralization, deconcentration, delegation and devolution of power terminologies are commonly and loosely used interchangeable in pursuit of understanding rural governance from different perspectives, but for this study - decentralization primarily means the devolution of administrative power to local level. It means the quest to take decision making power pertaining the management of local affairs including administration of local resources and local development programmes to already existing structures of authority. This interpretation form of decentralization is taken to accommodate a meaningful discussion of the already existing local structures of authority as they are in a better position to comprehend development needs of local communities. The approach sought to channel the study in considering the notion of local government that is conscious of local institutional, pluralist and participatory democratic attitude in the development of rural areas (Picard and Mogale, 2015). In that sense, planning; decision-making; and local administrative power can be realised and contribute in strengthening inclusive local democratic governance. The devolution of administrative power has been adopted by different countries for various reasons ranging from political, economic and social inequality, but in recent years it has been referred as an introduction of new language that focuses on the emancipation of democracy, pluralism and human rights (Larson and Ribot, 2002). Therefore, centralised governments appear to lack the ability to mediate between contradicting beliefs between modern and traditional practices whilst providing adequate development in rural areas. Claassens (2015:74) argue that there is a vehement expression from the side of traditional leaders that their role is currently "...being usurped by elected government councillors, and that they needed countervailing laws to reassert the status they have previously enjoyed". Furthermore, for different scholars, decentralisation seemed to represent the promising future for settlement and harmony amongst democratic institutions.

The general view is that democratic institutions advocating for decentralisation question the relevancy of traditional leadership which is presumed to demonstrate undemocratic practices. However, Sklar, (1968:19) argued that it has been a common practice in Africa that different domains of authority govern same people where governments "...conserves traditional authority as a political resource without diminishing the authority of the sovereign state". This practice

however, commonly result into conflict of interests between indigenous structure of authority and democratic values mostly when it comes to the formulation of policies and decision-making at local level of rural communities. Oomen (2013: 90) asserted that there is an “...overlap of functions between traditional authorities who still legally have a variety of administrative functions, and elected local councils who are responsible for issues such as democratic government, social and economic development and the provision of services”. Moreover, Agrawal and Ribot (1999:475) argued that decentralization is based on the notion of “devolving powers to lower levels [which] ...involves the creation of a realm of decision making in which a variety of lower level actors can exercise some autonomy”. This at some point could also act as an incentive for the preservation of local traditional institutions and their exercise of power in land related matters in the South African case.

The notion of dismantling power and moving governmental decisions-making processes closer to the people demonstrate the notion of democratization where government ensures the transfer of authority to those who are mostly affected by the exercise of power. In the post-apartheid South Africa the process of democratization also includes the reform of local government and land administration in former Bantustans which directly and indirectly affected traditional leadership. In their study, *Traditional Land Matters- A Look into Administration in Tribal Areas in KwaZulu-Natal*, Alcock and Hornby (2004) endeavoured to describe the current land administration practices as understood by traditional structures with a view to unpacking some of the components of the existing African tenure arrangements in KwaZulu-Natal. They pointed out that people use traditional systems and practices for administering land although there are no traditional structures operating in the communities and neither do these groups want traditional structures in their areas.

On the other hand, Ntsebeza (2004:67) in his study; *Democratic Decentralization and Traditional Authority: Dilemmas of Land Administration in Rural South Africa*, argued that decentralization process “...risk serious compromise due to the concession being made to traditional rural authorities ...the same autocratic local authorities who enjoyed significant powers under apartheid system”. Furthermore, according to him, the main issue is whether rural residents will continue to be subjects under the political rule of un-elected traditional authorities, or will enjoy citizenship rights, including the right to choose leaders and representatives, that the South African Constitution

confers on all South Africans. Ntsebeza (2004) further highlighted that under the notion of decentralisation, inclusion of traditional leaders has been the source of controversy as they inherit their position through birth but not elected like any public servants in democratic system. On the other hand, Bank and Southall (1996) are of view that beside traditional authority contradicting democracy, but the situation can provide the bedrock upon which to construct new and experimental governments. Infact according to them, traditional leadership seemed to harmonize with and promote the democratic norms and practice in the post-apartheid South Africa (Bank and Southall, 1996).

The failure of newly independent states to deal with social, political and economic difficulties through centralised governmental powers has resulted into a greater need of devolution of power (Huntington, 1968). Since decentralization entails the transfer of financial resources and decision-making powers from central government, therefore, responsive and constructive role of local institution is crucial. Ribot (2002) pointed out that there is a need to understand various sectors of powers and their respective domains in which they exercise their powers. Those actors in decentralization process in local arena should include appointed or elected officials, NGOs, chiefs, corporate bodies, cooperatives and committees who must be accountable in certain types of powers (Agrawal and Ribot, 1999). This form of decentralization has been referred by Ribot (2002:2) as the “political decentralization or democratic decentralization” where domains of autonomy are created in which representatives are enabled to make decisions on behalf of local populations. Greater participation in public decision making to improve efficiency, equity, development, and resource (land) management turned to be the most justification of decentralization. Therefore, Agrawal and Ribot (1999:476) stipulated four crucial decision making powers which are:

...the power to create rule or modify the old ones; the power to make decision about how a particular resource or opportunity is to be used; the power to implement and ensure compliance to the new or altered rules, and the power to adjudicate disputes that arise in the effort to create rules and ensure compliance.

These powers were previously located to traditional authorities, however; conundrums in the exercise of power occurred when it entailed democratically elected governmental officials in the countryside or local communities. According to Ntsebeza (2004), the major stumbling block to implementing democratic decentralization that can led into rural development is the unresolved

question of the roles, powers and functions of traditional authorities in land and local government reform. Yet, CONTRALESA as a 'sole and authentic representative of the progressive traditional leadership' maintain the view that traditional leaders of all ranks are like politicians in government, public offices bearers and therefore, they are entitled to be remunerated in manner commensurate with their responsibilities and status. This however entails affiliation of traditional leaders to certain political parties which seem to be viable option for them to gain protection. In his study; *Local Institutional and Political Structures and Processes: Recent Experience in Africa*, Olowu (2003) confirmed that most of African government are convinced of the merits of democratic decentralization but there is a reluctant to share monopoly power inherited from colonial period. He further asserted that "elite are required to sustain... [it] ...because of their power, knowledge and network, but it is important to prevent them from using developed powers to oppress the public..." (Olowu, 2003: 44).

In their study; *Indigenous Institution, Traditional Leaders and Elite Coalitions for Development: The Case of Greater Durban, South Africa*, Bell and Ngonyama (2009) revealed another side of the coin when they demonstrated the presence of active and effective role of traditional leaders in developmental issues. Their study focused on indigenous traditional leaders residing within Greater Durban and that means their areas are closer to the metropolitan city which serve as an advantage to them with regards to infrastructural and economic development. However, they also highlighted that for unique political development of KZN, "...leaders who were part of inclusive coalition and vertical horizontal network were able to incorporate traditional leaders and indigenous institutions into elite pacts that forged a peaceful political settlement that in time led to development outcomes" (Bell and Ngonyama, 2009:3). In debating traditional leadership in democratic South Africa, their study demonstrated two broader viewpoints; the first was that chieftaincy operates as a brake on South Africa's hard won democracy and on process of democratic consolidation. The second was that traditional authority is integral to African culture and constitutes a different, even unique form of democracy (Bell and Ngonyama, 2009).

In their study; *Communal Land, Traditional Leaders and the Politics of Nostalgia*, Bank and Mabhena (2011: 130) stipulated that "...while chiefs and headmen control allocation in communal areas, elected official in the new municipalities are responsible for development planning and

delivery through the construction of an integrated development plan...”. Therefore, like most of liberating movements in Africa the ANC tried to dissuade traditional leaders by promising them a prominent role in development of local government. In the case of Greater Durban, Bell and Ngonyama (2009) are of view that the ANC demonstrate that while traditional authorities were free to do as they wished in their own areas, if they cooperate with the city there would be an open door to development. However, they also noted that development initiatives initiated by *amakhosi* and involving the city have been flawed. Contrary to what Ntsebeza (2004) has indicated, according to Bell and Ngonyama (2009) national government as well as those working with traditional leaders in Greater Durban showed a remarkable alertness to the possibility of indigenous institutions being able to adapt and change. Also Ray (2003) argue that for stronger rural local governance, there is a need of combination of rural local government and traditional leaders. Further in that light, Oomen (2013) argued that in a multicultural country (like South Africa), accommodating diversity in a society with equal citizens is central and also that straddle recognition of formative past with a future vision.

In this new South African development which is guided by legislative and policy mandates at all levels of governance, there is a necessity of adequate public participation in agenda settings of policy formulations. This reliance on legislative policies is produce by political modernization which “...concerns with shifting the institutions of state, market and civil society in political domains within countries and beyond, implying new conceptions and structures of governance” (Arts and Van Tatenhove, 2004: 343). South Africa is not inimical to those new conception and infect new political dynamic and institutional transformation has evolve since democracy was apprehended. Public participation in policy formulation stages especially the agenda settings does not merely focus on individuals but it also include representatives, institutions and interest groups or civil society organizations (Murray, 1997). According to Abelson et al, (2003) current activities in democratic countries seem to largely focusing on efforts to design more informed, effective and legitimate public participation processes with a strong evaluation component. This is because complex decision making processes requires more informed citizenry that has weighed the evidence on the issue, discussed and debated potential decision options and arrived at a mutually agreed upon decision or at least one by which all parties can abide. Furthermore, Kind et al (1994) are of view that effective public participation should imply more than simply finding right tools

and techniques for increasing public involvement in public decision, but it should be the participation that works for all parties and stimulate interest and investment in both administrators and citizens which requires rethinking the underlying roles and relationship between them.

Given the nature and perception against the institution of traditional leaders, these required procedures suggested by Kind et al (1994) in their study; *Designing Social Inquiry: Scientific Inference in Qualitative Research*, are systematically denied and subjected to controversies. On the other hand Murray (1997) contend [for an example] that for South African case, the absence of a rural social movement that would work constantly to articulate the demand for land and to remind the political leadership of the ANC, both in government and outside it, of contemporary urgency of land reform demand and of broader agrarian issues there could be no prospects of significant reform. Yet again, King et al (1994: 36) proposed three pronged approach that can be employed in working towards the achievement of effective public participation which is (i) to empower and educate community members, (ii) to re-educate administrators and (iii) enable administrative structures and processes. This is in line with the notion decentralization and the current endeavours by the current South African government where local institution particularly the institution of traditional leaders is subjected into major transformative initiatives.

There have been some disagreements on whether policies in place do have capability of adequately resolving rural development backlog on stipulated timeframes and that has created a necessity of alternative options in South Africa (Bekker et al, 2008). Subsequently, South Africa's distinct history of rural infrastructural underdevelopment and con-temporal endeavours towards the remedy of those previously excluded communities thus has its costs and benefits. Aquinas (2000:231) maintain that "...in government of a multitude... a thing is rightly directed when it is led towards a befitting end; wrongly when it is led towards an unbefitting end". Most of policies instigating rural development commonly confronted by ineffectiveness, irrelevancy and administrative failure either during the implementation stage or in solving the community's problem in place. Although policy problem cannot be reduced into single factor as the primary cause of its ineffectiveness but there are problems that forms basis of a particular policy failure (Howlett and Ramesh, 2003).

Misallocation of resources, poor interpretation, and misunderstanding of problems seemed to form basis of slow progress, ineffectiveness and possible failure of different policies. This is usually occur as a result of top-down approach employed by local government without any thorough research or at least the “dialog exchange’ between the people who might be affected by policy implications and local governmental administrators who will take crucial decisions. King et al (1994) is of view that administrators should be cooperative participants assisting citizens or the public in examining their interests, working together with them to arrive at decisions, and engaging them in open and authentic deliberation.

South Africa like most of African countries has ceded power to actors and institutions at lower levels in a political-administrative and territorial hierarchy. This is also the core principle of decentralization which aimed to increase public participation in local decision making and to better match social services and public decisions to local needs and aspirations (Ribot, 2002). However, scholars differ in the issue of permanent decentralization of governmental power. Huntington (1968:140) stipulated that “...policy innovations are encouraged by a power distribution which in neither highly concentrated nor widely dispersed”. Therefore, it is crucial also to consider the possibility of unintended consequence in the process of decentralization in modernizing societies like South Africa. The notion of passing policy-making authority to the regional and local branches of national government has been an incentive to the adoption of decentralization. On the other hand, the biggest concern has been the question of whether these institutions and arms of government found in the local areas will be accountable enough to the citizens. This falls back into the roles of these local institutions or indigenous authorities in policy and decision-making in conjunction with local government.

The promotion of wider and deeper participation of citizens at the local level has been adopted by the South African government, however, local infrastructural development together with the transformation local institutions is still subjected into quarrelling views. King et al (1998: 317) are of view that authentic public participation “...requires changes in citizen and administrator roles and relationship and in administrative process”. Although some views are that institutional participation has little impact on government policies and programs but unity on common goal has the potential of shaping public or community opinion on decision making related to development



issues. King et al (1998) highlighted four major components of authentic public participation in decentralized government which are: the issue or situation; the administrative structure, systems, and processes within which participation takes place; the administrators; and the citizens. Therefore, participation in any public decision making should be a "...no-going involvement, not just a one shot deal, [but] ...it need to go out and reach to every part of your community..." (King et al 1998: 320). Thus, this study examine the role of traditional leaders in advocating for rural development in a new democratic South Africa using the Ndwedwe area as the case study. This study is distinct as it focuses solely on the role of traditional leaders in development and the area that has been identified as case study is a predominantly rural area where metropolitan city advantages are seldom.

## **2.8. The Impact of Decentralization in Rural Development: Infrastructural development and delivery of basic services**

Although it almost impossible to assess effectiveness of decentralization in rural infrastructural development but comparative exercise of development level based on the delivery of basic services between urban and rural communities could provide some insight to the subject in question. Public policy theorist promote the inclusion of people who might be directly affected by the implication of the policy in every steps of policy formulation. This minimizes chances of policy failure and provide the opportunity for local population to have input from the agenda settings. However, necessary resources and political will could be a major stumbling block that could hinder the implantation of such policy. Likewise, decentralization as a political, administrative and fiscal devolution of power is also prone to these pitfalls.

The ability of provincial government in the delivery of basic services including infrastructural in rural communities continue to spark political and economic debate in contemporary democratic South Africa. Although this has been in an agenda of the ruling party since the adoption of the constitution of the republic together with democratic government. This notion of decentralization began to be more eminent after the establishment of nation demarcation board in 1999 which determined municipal boundaries for the 1995-1996 local elections (Municipal Demarcation Board, 1999). The board was established in term of Local Government Transition Act, No 209 of 1993 which advocated for the restructuring of local government and establishment of provincial committees for local government. Furthermore, Local Government: Municipal Demarcation Act,

1998 and the Local Government: Municipal Structures Act, 1998 were adopted in attempt of defining areas of jurisdiction for local and district municipalities. This process was later confronted by protests of traditional leadership with regards to land related issues. However, this nevertheless introduce a governmental structures which are much closer to local communities as opposed to national and provincial governments. Hereto, democratic South Africa seem to embrace decentralization in its quest which promotes the abandonment of provincial government. The chairman of South African Local Government Association, Thabo Manyoni stated that “...increasingly, municipalities were taking over electricity, water, health, education and infrastructure responsibilities, once presided over by provincial government” (Times Live, 2016: 05 July). Therefore, there is great need of thorough transformation local and district municipality while South Africa seem to speedily adopt notion of administrative decentralization.

## **2.9. Summary and Conclusion**

This chapter attempted to provide historical and current academic literature around the research problem. This was done by comparing and contrasting main arguments drawn from different authors, researchers and other relevant sources. It is therefore evident that extensive research has been conducted about the position of traditional leadership in democratic states and most in South Africa. However, quarrelling views regarding the preservation of the institution of traditional leadership under democratic parameters are still renowned. Traditional leadership as existing and constitutionally recognized structure in democratic South Africa still enjoys majority support of rural populace especially of traditional communities. Evidently, this has compelled current democratic government to integrate them in rural development initiatives, yet at core is their level of participation and their status in scale of democratic transformation. Moreover, the ambiguous role traditional leaders played under apartheid government has also position the institution in question to effectively deal with rural development of areas under their jurisdiction. Although traditional leadership continue to advocate for more power and redefinition of their role in democratic state but as sole custodian of African indigenous culture and tradition continue to make this institution important to rural populace. The decentralized administrative power and the formation of local democratic government has position traditional leadership in a very ambiguous position given its undemocratic nature and deliberate reduction of their local administrative power.

## Chapter Three

### 3. Theoretical Framework

#### 3.1. Introduction

This chapter will provide description of decentralization as a principal theory informing this research. The first section will define and conceptualize the theory and align or relate it to South African context. This will be then followed by the discussion of themes and three theoretical key concepts in which this research will be based on which are; the devolved power, accountability and inclusion/ or public participation. The principal theory upon which this research is constructed is Decentralization. These theory entail democratic principles and concepts which are conducive and useful in conducting this research as it focuses on the democratic devolution of governmental powers to the lowest structure of government. Different democratic decentralization theorists have comparably argued and reach similar conclusions about key concepts of decentralization. These concepts are; efficiency, equity and inclusion. In light of these concepts, decentralization process should reflect the devolvement of power, accountability, public participation, and local management of natural resources (Agrawal and Ribot, 1999; Lerson and Ribot, 2004; Ribot, 2002; Seabright, 1995; Smoke, 2003; Blunt and Turner: 2007). Moreover, decentralization concept has been employed by various researchers to investigate the management of natural resource and land related matters. This chapter will also demonstrate some pitfalls of decentralization as the identified principal theory. These include the challenge of skills and knowledge that is crucial for local officials to undertake decentralizing initiative together with the availability and management of local resources.

#### 3.2. Definition and conceptualization of Decentralization

The concept of decentralization has evolved overtime and it has been interpreted in different approaches both ancient and modern societies. However its basic elements or underlying principles of devolving centralized power existed before the conceptualization of the term. From ancient feudal states where one branch of public service was instructed to feudal lord and another to the church; to modern democratic states power where public service instructed to central government (Pennock, 1979). The notion of decentralization was eminent and made popular by the Adam Smith in his essay title as *The Wealth of Nations* in the 18<sup>th</sup> century and later by John Stuart Mill in his essay title as *On Liberty* in the 19<sup>th</sup> century. As a political economy theorist Adam Smith's

philosophy was individualistic in nature but encourage the participation of all individuals in markets and pose responsibility to government to create conducive environment in its different levels. In that sense according to him the wealth of nation will be the wealth of all members who make up the nation. However, he discourage great involvement of government in market related issues and deemed that as a restriction in the individuals' ability of increasing their standards of living (Ebenstein and Ebenstein, 2000). On the other hand John Stuart Mill advocated for the devolution of administrative power to secure and protect liberty of the public. Moreover, Mill encouraged representative governance accompanied by authentic public participation which is possible and effective in decentralized government (Ebenstein and Ebenstein, 2000).

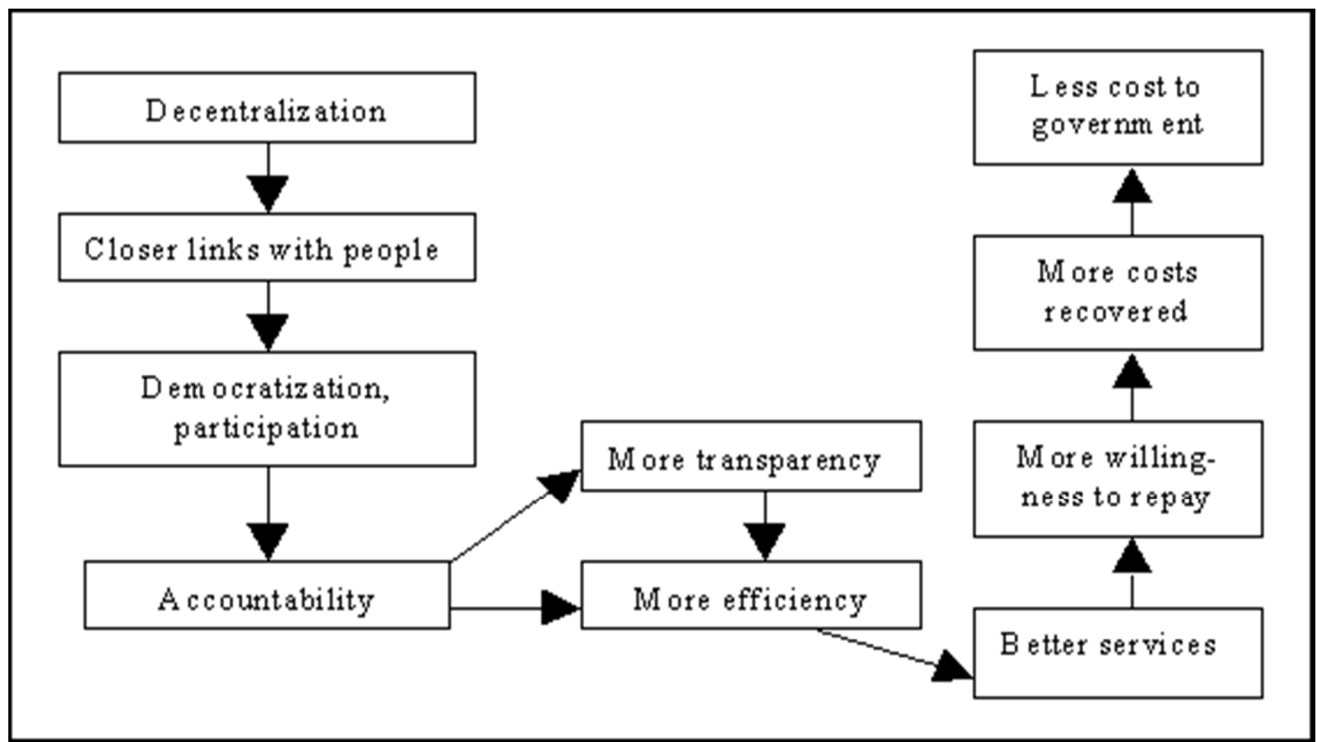
Cheema and Rondinelli (2007:1) stipulated periodic waves in which the notion of decentralization became more eminent in both developing and developed countries which are:

...post-World War II thinking on decentralization, in the 1970s and 1980s, focused on deconcentrating hierarchical government structures and bureaucracies. The second wave of decentralization, beginning in the mid-1980s, broadened the concept to include political power sharing, democratization, and market liberalization, expanding the scope for private sector decision-making. During the 1990s decentralization was seen as a way of opening governance to wider public participation through organizations of civil society.

In 1960s and 1970s, decentralization was employed to decentralized hierarchical structures in attempt of making public service delivery more efficient and of extending service coverage by giving local administrative units more responsibility (Cheema and Rondinelli, 2007). Falleti (2004) stipulated that decentralization is a set of state reforms; therefore it does not include transfers of authority to non-state actors. Decentralizing state reforms may take place in authoritarian as well as democratic contexts and it may be in three interrelated forms which are; administrative, fiscal, and political (Falleti, 2004). For most of developing countries, decentralization has been part of the reform package in which governments in 1980s began to be devised to decentralized economy by privatizing public sector enterprise. By the end of 1980s, the new course of rural development policies, essentially inspired by liberalization and decentralization principles had taken a coherent form in most countries (Huppert and Urban, 1998). As a result, the entire range of rural development activities turns to be affected. For most of democratic states, decentralization reform focused on relationship of three major sectors of

governance which are; the public sector, the private sector and voluntary sector (NGOs) (Mosley et al, 1991). Within the public sector, decentralization is on the structure and process of decision-making and on resource and responsibility allocation among different levels of government. In the South African context, these structures and levels are; national, provincial local government levels.

Figure 1 *The Paradigm of Decentralization (Smith, 2001)*



### 3.3. Democratic Decentralization and Delivery of Basic Services

Decentralization has been embraced by most of democratic countries (both mature and emerging democracies) as an alternative strategy to improve the delivery of local basic services while encouraging effective development in rural areas. Since decentralization vary in its purpose as it employed by different governments, its three primary forms which are; de-concentration, devolution and delegation are driving factors leads to its adoption (Cheema and Rondinelli, 2007). For most of developing countries which are confronted by the variety of challenges ranging from

socioeconomic inequality, poor delivery of basic services and lack political will in the central government; all these forms of decentralization turn to fixture in their governance. The South Africa history of economic, social and political exclusion of the larger population necessitated the adoption of all these forms. Moreover, perceived pressure that could have emanated from ethnic, cultural and or tribal groups as they were previously segregated as Bantustans and homelands under previous regimes had potential of causing political unrest in democratic South Africa. As a result there are element of all these forms where some of decision-making responsibilities now rest to local structures of power in which this research endeavour to evaluate.

Through decentralization, governments formally cede power to local government as they are in close proximity to the people and in a morle suitable position to provide public services people desire (Saito, 2008). As the devolution of centralized governmental power to local communities, decentralization is strongly aligned with democracy and its norms and practices. Therefore, democratic countries like South Africa vehemently endorse democratic decentralization in their endeavours of closing the gap between developed urban areas and underdeveloped rural communities. According to Ribot (2003:53), decentralization is based on the notion of “...transferring management responsibilities and powers from central government to a variety of local institutions ...promising to increase participation in ways that will profoundly effect on who manages, uses and benefits from these resources”. On the other hand decentralization has been viewed as a device for deepening democracy or for prying closed systems open, to give interest groups space in which to “...organize, compete and otherwise assert themselves” (Manor, 1999:1). Centralized governments also view decentralization as a means of off-loading expensive tasks onto others lower down. In the South African case, democratic decentralization also means the transfer of important decision-making power to downwardly accountable local actors.

Decentralization is commonly adopted by different governments to achieve various reasons. Heymans and VandenBos stipulated three main objective which are;

To promote economic and administrative efficiency, as central governments are not able to pay sufficient attention to all aspects of the governing process...; to accommodate cultural, ethnic or regional differences which could make it difficult to co-ordinate decision making at central point; to promote bottom-up democracy by opening up avenues for community participation in decision making at levels closest to the everyday concerns of people (1989:293).

According to Agrawal and Ribot (1999), decentralization increases efficiency, more thoroughgoing equity, greater participation and responsiveness of government to citizens. They further highlighted three distinct underlying dimension which are; actors, powers and accountability. This also entails devolution of power from centre or centralized government to hierarchical responsible lower structure (Agrawal and Ribot, 1999). For the purpose of this study, this research will focus on three broader concepts which are; the devolved powers, accountability and public participation.

### **3.4. Themes**

#### **3.4.1. Theme One**

In a condition where sub-national governments are said to be close to the people and where people have access to local information and understand local context well, they can better identify the mix and level of services that their constituents need than can the higher level (Smoke, 2003). In that sense, efficiency can be improved through decentralization process where sub-national government has the ability to understand and act on the needs and preferences of local people better than the central government. Moreover, local governments are in a great position to equitably distribute public resources and target any difficulties within their jurisdiction since they are familiar with local circumstances (Ribot, 2002). Also when people see that their interaction with elected local governments lead to decisions that are more consistent with their wishes than those made by higher levels, they will feel better connected to government which also encourages public participation (Smoke, 2003).

#### **3.4.2. Theme Two**

Decentralization is said to occur when powers and resources are transferred to authorities that are “downwardly accountable to local population” (Agrawal and Ribot, 1999:478). Therefore, that requires democratic structures and procedures to compliment that process. However, local authorities that are commonly recipients of these powers are not always democratic in nature. In common cases, decentralization is not favoured primarily because there is unambiguous proof of its desirability. The real reasons are rather varied, but “ultimately political” (Smoke, 2003:7). It is

because of this view that this study investigates the potential of conflict between governmental powers and those of traditional authorities. Ribot (2002) pointed out that there is a need to understand various sectors of power and their respective domains in which they exercise their powers. This is because in some instances, decentralization efforts are at least partly a guise for renewed attempt by national elites to expand their control through developing new local institutions or restructuring existing ones (Smoke, 2003). This entails the delegation of central government authority and responsibility "...to semiautonomous agents of the state, and decentralized cooperation of government agencies performing similar functions through 'twinning' arrangements across national borders" (Cheema and Rondinelli, 2007:6-7).

### 3.4.3. Theme Three

With regards to political and economic advantages, decentralization plays an important role in democratization and improvement of people's participation and relief of fiscal crisis (Crook and Manor, 1998; Olowu, 2001). Pro-decentralization theorists and economists promote potential improvements in local-level resource allocation. This also encourage the participation of civil society organisations in public decision-making in providing socially beneficial services (Cheema and Rondinelli, 2007). Moreover, decentralization endeavours to eliminate a notion where the public remain the recipients of resources allocated in top-down blueprint fashion. In that sense, the public are enabled to determine and control the allocation of development resources, not merely influence its direction (Davids et al, 2009). The 'public' in the South African context are the "people", "community", "citizens", "target group", "beneficiaries" and "stakeholders" and in terms of decentralization they are supposed to be involved in local decision-making and local development (Davids et al, 2009). Thus, this research chiefly focus on the notion of "public" as the people, community and citizens who are affected by decisions made on land related matters.

### 3.4.4. Theme Four

Decentralization further gives control over the policy variables of a country to a number of different regional or local governments, but grants to the electors of each region or locality complete power to decide the government's re-election and appointment of local authorities



(Seabright, 1995). The claim is that public participation, coupled with locally accountable representatives with real public powers that will increase efficiency and equity in the use of land and other public resources (Olowu, 2001). Therefore, the focal point of this research will be the grass-root level contraindications between the expanding governmental powers and those of traditional leaders with regards to land related issues as a result of decentralization. On the other hand, these contradictions could also be the outcomes of a lack of political will from the government side. Smoke (2003) pointed out that the lack of political will is the greatest impediment to progress and the principal requirement for success of decentralization.

### **3.5. Key Concepts**

#### **3.5.1. Key concept one: Devolved Powers**

The research will investigate the effect of devolved power in rural development as a result of decentralization in communities under traditional authorities. However this notion of devolving power is more sceptical as “...elite and bureaucratic establishments tend to protect their power and may seek to enhance it [and]...they shed power only reluctantly-especially to their clear opponents and to other groups in which they have low confidence” (Lauglo, 1995:7). In that sense political elites and governments turn to be more ready to redistribute authority to groups whom they see as sharing similar perspectives and whose competence they trust. This also speaks to co-temporal controversies about inclusion and the role of traditional authorities in democratic institutions of South Africa. Agrawal and Ribot (1999:476) stipulated four crucial decision making powers which are: “...the power to create rule or modify the old ones; the power to make decision about how a particular resource or opportunity is to use; the power to implement and ensure compliance to the new or altered rules, and the power to adjudicate disputes that arise in the effort to create rules and ensure compliance.” Thus in examining the role of different actors involved in rural development, this study considers these four distinctive powers and how do they enable them to ensure efficiency in achieving the desired goal.

#### **3.5.2. Key concept Two: Accountability**

Accountability has been and continues to be the most critical requirement for successful decentralization. Its absence quickly leads into corruption and mismanagement of resources which compromises the legitimacy of local government (Cheema, 2007). As one of the key required

elements of democratic decentralization, accountability ensures that those who are democratically elected in governmental positions fairly represent the people. Agrawal and Ribot (1999:474) indicated that “representation and accountability are critical if devolved powers are to serve local needs efficiently and equally”. This implies the notion that actors who are democratically elected together with other local authorities who are given powers of decision-making and rule-making must be accountable to citizens or local rural residents. If actors who are involved are not accountable or only accountable to themselves or to superior authorities within structures of government, then decentralization is not likely to accomplish its stated aims (Manor, 1995). If they fail badly in these respects, there is also a room for voters to oust them at the first opportunity. Therefore, downwardly accountability seemed to have capacity to alleviate most of stumbling blocks pertaining rural development in light of decentralization. This research assesses level of accountability in administrative procedure of rural development in rural communities that also fall under jurisdiction traditional authorities.

### 3.5.3. Key concept three: Inclusion/Public Participation

Inclusion and public involvement in local resource management and decision making turned to be an integral point to determine the effectiveness of democratic decentralization. Through enlarging citizen’s participation; decentralization is also seen as a driving force towards democratization in rural local communities (Saito, 2008). As democratic decentralization provides interests at the grass roots communities with influence over decision within bodies at intermediate or local levels, therefore, the quality of such outputs “...usually enhanced if quality is measured by the degree to which such output conform to the preferences of ordinary people” (Manor, 1995:89). Moreover, decentralization attempts to eliminate the notion of top-down approach where government remains as the main provider of solution and people/the public is treated as recipients of solution. Therefore, development processes become relatively bottom-up, and divers actors are engaged in flexible interactions (Lauglo, 1995). In light of decentralization, this research will evaluate whether the public is involved in issues related decisions when it comes into rural development in communities under traditional authorities.

### **3.6. Pitfalls and relevance of decentralization to the study**

Given the parameters of decentralization it is obvious that it could not be easily achieved in the absence of strong and committed political leadership at both national and local government levels (Cheema and Rondinelli, 2007). This turned out to be the main hindering factor that leads to the ineffectiveness of decentralization endeavours in most of developing countries. Therefore, there is a critical need of a process that entails cooperative relationship between those structures who transfer administrative power and the effective ability to use that power by those who receive it. Kauzya (2007:78) is of the view that vertical and horizontal decentralization should be combined where vertical form of decentralization will ensure the transfer of power from central government to local government. On the other hand, horizontal form of decentralization will require and encourage "...the growth of civil society as well as structuring local governments... ..to seek and promote the participation of local communities in setting priorities" (Kauzya, 2007:18). This interpretation of decentralization is applicable in different sectors of society ranging from political, social and economic sphere, nevertheless, strong political will is at the centre of the whole process.

Since every theory and practical strategy has its shortcomings, likewise, decentralization does not offer a wholly solution to challenges of local governance. Moreover, theoretical dialogue promises a lot until it is implemented and tested and the results determine its effectiveness in resolving a given problem. Research and comparative studies as an evaluation exercise can provide either authentic or reliable information to assess the practicality of any given theory or governance strategy. Turner stipulated seven pitfalls of decentralization which are:

"...parochialism, which encourages disunity; cynical shedding of functions by government unwilling or unable to shoulder the fiscal responsibility of service provision; maintenance of central control through regulation; the capture of decentralization's benefit by local elites; the unpopularity of decentralization among citizens or public servants; limited capacity at the local level to undertake the required work ; and exclusion of the poor and disadvantaged by means such as manipulative or passive participation or normal professionalism" (1999:15)

These pitfalls afflict most of local governments in developing and developed countries accompanied by conflicts of political interest of national and local governments. These challenges

quickly fall to the notion of autonomy of local government which its practicality is still questionable in South Africa and other decentralizing countries. For decentralization critics, the core challenge is general assumption that decentralization will resolve any local societal challenges such as the lack of accountability and transparency (Blunt and Turner: 2007). On the other hand, limited or inadequate resources for local government compromises the perceived goal of decentralization. This proves the utmost need of strong and clear monitoring and evaluation practices that must accompany the adoption of decentralization. Moreover, decentralization in newly independent countries could be of a challenge because on reformations that are required to install new system of governance to local populace and to local structures of power. Traditional leadership is one of these structures which are subjected to transformation together with the newly introduce democratic structures (ward councillors in the case of South Africa) under the very notion of devolved governance power to local level.

Decentralization is identified as a theoretical framework in this study because South African also embraced the notion of devolving power to local level through the introduction of local government in post-apartheid government. The aim was to dismantle the segregating local administrative system of apartheid regime since land dispossession and ethnic grouping took its toll in the countryside (Kauzya, 2007). In light of historical economic, social and political exclusion, segregation and racial inequality; local government had crucial role to play. However, that role could not be effective in the exclusion of communities who were directly affected therefore, public participation is of utmost importance. This seem to confirm the perceived view that decentralization in South Africa came from below in the grassroots level as reactive approach to apartheid's exclusion development patterns. Moreover, Cheema (2007) acknowledges the fact that decentralization requires clear administrative process since more responsibilities fall to local government including land allocation, business licensing, management of natural and financial resources, etc. These and others are responsibilities that are currently in the centre of quarrelling view between democratically elected structure of power and traditional leadership in the country.

### **3.7. Summary and Conclusion**

This chapter stipulated a theoretical approach that will guide this study. The chapter also attempted to define and justify the reason behind the consideration of the identified theoretical approach.

Amongst others, this chapter adhere the fact that most of newly democratic states commonly undergo decentralization epoch as part of transformative endeavours. Likewise, South Africa with its less than twenty-five years old democracy underwent and currently undertaking decentralizing government projects and programs. On the other hand, institution of traditional leadership is more active and even effectively relevant in rural areas and therefore decentralization initiative positively and negatively affect it. Under notion of decentralization, key administrative responsibilities are allocated to local institutions and equally the Section 155 of South African Constitution affirm that municipalities should be formed at local level nationwide. However, the very constitution does not stipulate much about institution that were already in existence at local level. Decentralization as identified as a theoretical framework in this study exertion is to allocate the suppose position, functions and roles of institution involved in local level of government especially in rural areas.

## Chapter Four

### 4. Research Methodology and Methods

#### Introduction

There has been thorough research conducted in the study of local governance and the institution of traditional leadership. Most of this research has focused on the conflict of power between the involved institutions with reasonable concern of communities who are directly affected by the manifestation of conflicting views and disagreements. This has generally narrowed the gap of further research but due to the uncommon research methods and approach complemented by distinct case studies, there is always room for further research. The dialogue on the role of traditional leadership in rural development and in local governance in general has suppressed the glimpse of opinion of those who directly deal with traditional leadership on daily bases. This study attempts to assess ideas and opinions of those (local communities) who reside in traditional communities by evaluating the role of the institution of traditional leadership in rural development.

The diversity of the study has required wide consideration of possible gaps that can nullify the authenticity of the study while its case study assisted in determining the idea of what should be entailed, addressed and presented by the final research document. Therefore, this is an empirical study which made use of primary data collected via field work and that of previous research on the similar field which included the existing secondary data. The abovementioned nature of the study and the research problem could have never been adequately addressed through one form of information. This also turned to be an underlying reason behind the use of both qualitative data collected through interviews and quantitative data collected through surveys and secondary data (statistics). This chapter present methodological structure and the description of methodology which entails research design, research setting, sampling, data collection and analysis. This chapter will also provide the reasons and or rationale behind in choosing a particular research design.

#### 4.1. Research Design

The study data of this research is based upon explanatory and contextual words of interviews and surveys. Therefore, this explanatory research employed *dominant-less dominant* Mixed-method research approach where both qualitative and quantitative paradigms were used. Governmental, organizational representatives and traditional leaders together with *izinduna* were interviewed as

they were identified as relevant to provide expertise from different point of views. Also, relevant or identified as affected groups were targeted as participants and surveyed in order to make the study more representative. The diversity of this study created a need of adequate and relevant information which would have been compromised if either qualitative or quantitative method was solely employed. Taylor (2005:91) asserted that under quantitative methods "...data gathering instrument do not frequently answer all of the questions posed by the researcher... [And] ...cannot successfully evaluate the full range of human behaviour". Likewise qualitative usually used to study small groups, therefore, given the fact that this study is broad and more people were required to participate and that would have been impossible to achieve through qualitative methods only. Furthermore, according to Taylor (2005:104) qualitative research method "...give real and stimulating meaning to the phenomenon by involving the researcher directly or indirectly in the process". However, for this research, interviewing identified group using only qualitative method would have been costly and consume more time as compared to surveying (quantitative) in conjunction to selected semi-structured interviews (qualitative).

In that manner, number of people who agree on a certain point or question turn to provide a sense of generalisation for the whole affected group or population. Therefore, the statistical usage of numbers which is absent in qualitative approach turn to be used in proving hypotheses right or wrong under quantitative research approach. On the other hand quantitative paradigm use a highly structured method such as questionnaire, surveys, and structured observation (Taylor, 2005), which would have not tackled the in-depth perception and understanding of identified individuals about rural development and traditional leadership.

The abovementioned conflicting interests and preferences has been referred as a 'paradigm wars' where social scientist researchers and theorists defend their research approach (either qualitative or quantitative) while criticising another (Clark and Creswell, 2008). This research employed what Hunter (1989) has advocated for, which is more integrated methodological approach, focusing on the need for individual researcher to combine methods in their investigations. Loopholes and gaps that would not have been covered in the case where the researcher used one research method, are the very cause of 'mixing' two methods to make the study representative of what is taking place

in the identified case study. Clack and Creswell (2008:22) stipulated four mixed method designs which are;

*Sequential studies*: The researcher first conduct a qualitative phase of a study and then a quantitative phase, or vice versa. The two phases are separate. *Parallel/simultaneous studies*: The researcher conduct the qualitative and quantitative phases at the same time. *Equal status designs*: The researcher conducts the study using both the quantitative and the qualitative approaches about equally to understand the phenomenon under study. *Dominant-less dominant studies*: The researcher conduct the study within a single dominant paradigm with small component of the overall study drawn an alternative design.

This research is based on *dominant-less dominant* research approach where minimal elements of quantitative design were employed. Quantitative approach was carried out in sampling stage of data collection of this study where surveys questionnaire was used to survey targeted or affected group. The *dominant-less dominant* research approach and the aforementioned mixed method designs use triangulation techniques that evolved from the work of Campbell and Fiske (1959) who used more than one quantitative method to measure a psychological trait, and they called it the *multimethod-multitrait* matrix. The fact that the solely usage of either qualitative or quantitative method might demonstrate some weaknesses, created a necessity to combine them (triangulation) so that each method be "...compensated for by the strength of the other" (Hall and Hall, 1996: 44). Triangulation or mixed methods was useful in the study as it stimulated the creation of inventive methods where different ways of capturing a problem to balance with conventional data-collection methods that are available (Jick, 1996).

Mixed method research approach was more suitable for this study because both elements and paradigms of qualitative and quantitative methods were crucial for the study to produce demonstrative results. According to Holloway and Wheeler (1996) cited in Nieuwenhuis (2007:51) "qualitative research as a research methodology is concerned with understanding the processes and the social and the cultural context which underlie various behavioural patterns and is mostly concerned with exploring the 'why' questions of research." This research used qualitative method as a dominant method because it is more convenient to study people or system by interacting with them. It provide an opportunity to observe participants in their natural environment while focusing on their meaning and interpretation of the phenomenon of the study. Furthermore, qualitative



proved to be more relevant and conducive to this study because it provided an in-depth approach in terms of information gathering.

## **4.2. Research Approach**

In this research, one method was nested within another method to provide insight into different levels or units of analysis (Tashakkori and Teddle, 1998). This research employed concurrent procedure where the researcher converged qualitative and quantitative data in order to provide a comprehensive analysis of the research problem (Creswell, 2003). The researcher also collect both forms of data at the same time during the study and then integrate the information in the interpretation of the overall results. This approach has been selected based on the assumption that collecting diverse type of data will best provide an understanding of a research problem. The complexity of the study has created both the need of generalization of the finding to the identified population (traditional communities) and of developing a detailed view of the research problem form interviewees participated as targeted by the study.

## **4.3. Theoretical Population**

As aforementioned, the study employed dominant-less domination mixed method, therefore, qualitative approach dominated in the study as compared to minimal techniques of quantitative approach. The research identified individuals who hold different kinds of leadership positions in different institutions and in government. Moreover, the study focuses on those who are in position that are closely related to rural development such as governmental, traditional leadership and public's point of views. In-depth interviews were arranged and conducted in attempt to gather qualitative information and perspective about the nature of subjects posed by the research. In the case of governmental officials, the researcher interviewed the Mayor of Ndwedwe local municipality, its traditional governance sector and land allocation official, and rural development and traditional governance from Co-operative Governance and Traditional Affairs. For traditional leadership perspectives, four traditional leaders under the jurisdiction of Ndwedwe local municipality.

Since this study attempt to assess the role of traditional leaders in democratic South Africa using the case of rural development in Ndwedwe area, the sample group has been the heads of

households residing in that particular area together with representatives of Ndwedwe local municipality and other local and governmental authorities. In that sense, the sample group was selected within those who are the heads of their households regardless of their race, gender and age. The selected heads households provided adequate information as they have already been allocated to sites through traditional land allocation procedure, and they have possible attended public meetings to voice their concerns about local development. This selection strategy seemed provided an adequate sense of generalisation about communities residing under the jurisdiction of that particular traditional leader. The sample procedure of this study is based on cluster sampling approach. Furthermore, a cluster sampling approach was employed as it identify certain group (head of households) to generalise from.

#### **4.4. Data Collection, Sampling and Data Analysis**

Data was collected from different sources or population group. This included the order of two types of data collection where interviews were conducted first and after targeted group of heads of households were surveyed. There were three traditional leaders of different Traditional Councils who were interviewed. Moreover, the mayor of Ndwedwe local municipality, four ward councillors from the jurisdiction of four traditional councils, two local government official from the Department of Cooperative Government and Traditional Affairs were also interviewed.

Due to the nature of this study qualitative data collection method was used with semi-structured interviews that were conducted face to face. Semi-structured interviews were use in this research because it enables the interviewer to "...have more latitude to probe beyond the answers and thus enter into a dialogue with the interviewee" (May, 2004:123). Furthermore, follow-up questions that were the part of the interview provided the interviewees with an opportunity to express their perceptions and knowledge pertaining the study in question. The employed semi-structured interviews also provide the possibility to 'make meaning' from individual accounts and experiences. Therefore, it worth-mentioning that qualitative data was collected through semi-structured interview while quantitative one collected through surveys.

#### 4.4.1. Interviews

Semi-structured interviews were used in this research due to their ability to allow the informant or an interviewee to comprehend the question while providing a research with an opportunity to ask follow-up questions. On the other hand, different people from various levels and institutions were to be interviewed, slight changes on interviews were undertaken to gather relevant information from dissimilar approaches. Structure interviews as the use of open-ended questions "...allow the informants to speak for themselves, without being forced into the interviewer's predetermined categories" (Hall and Hall, 1996:98). As aforementioned, identified group of leaders were interviewed. The rationale behind the selection of these representative individuals is that they can provide more information since they are the ones who administer the process of rural development land allocation. On the other hand, councillors are government arms who are democratically elected by the people within the jurisdictions of traditional authorities. According to May (2004) this semi-structured interviews allow people or informants to answer more on their own terms than the standardised interview permits, but still provide a greater structure for compatibility over that of focused interview. Moreover, the employed semi-structured interviews enabled the researcher to work directly with an interviewee. This seemed to be advantageous as made interviews easier for respondents while allowing an interviewer to clarify questions when needed be. Individual interview method was employed in this research as oppose to focus and other method. This was a preferable method because a researcher was able to grasp and obtain individual attitude, beliefs and other feelings in relation to the study from each participant.

#### 4.4.2. Surveys

Pre-coded or close questions were developed for survey questionnaire that was exclusively directed to heads of households. This questionnaire entailed questions that asked the informant to choose one (or more) from a set of pre-selected answers. Due to the multiplicity of data regarding the study, this form of questionnaire was more convenient as it simplified questions and answers to choose from (Hall and Hall, 1996). The researcher also employed the technique of self-completion questionnaire in a group setting, with the researcher present. This form of questionnaire was employed in order to minimise errors that might arise from misunderstanding of questions while providing assistance if need be. Moreover, it also guarantees the anonymity of response and the informants.

- There were thirty surveys that were conducted on heads of households who are residing under each jurisdiction of three Traditional Councils of Ndwedwe local municipality. Therefore ninety surveys were conducted in total. Surveys were made up of questionnaire of close-ended questions.

#### 4.4.3. Sampling

Cluster sampling method was employed for surveys in this research where certain groups (heads of households) were targeted and sampled the larger community under the jurisdiction of each traditional councils. For this research heads of households were targeted because they are the ones who are traditionally responsible and representatives of their households in traditional communities under jurisdiction of traditional leaders. The selected sampling method was more appropriate for this research as it enables the researcher to take informants from “...specific areas to reduce the costs...” of surveying or interviewing (Hall and Hall, 1996:111). Therefore, researcher used predetermined random method to choose one person (head of household) from the rest of household members.

#### 4.4.4. Analysis of Data

Due to the complexity of the study as it conducted both interviews and surveys, there were different methods of data analysis involved. Interviews were analysed through theory that motivated the study, other relevant academic material and thematic headings relating to the key concepts from the theoretical framework. This entailed the comparison of findings from different conducted interviews and also previous academic researches that are related to the study. In analysing qualitative interviews, constant comparative method was employed where transcript were coded and categorised into themes. Surveys questions and their findings were presented in table, graphs or chart followed by a brief description of what that ocular representation means In light of key research question. Accordingly, the data produced both by survey results and interview themes on particular groups respectively, will be analysed In light of key theoretical concepts and the result of the previous researches.

#### Other Contextual Data

- Historical Documents e.g. archives

- Academic Books and Journals
- Government legislation and policies

#### **4.5. The Main Ideas about the Relevance of Traditional Leaders in the Existing Literature**

The comprehensive nature of the study has created a need of employing the above-mentioned methodological approach. The fact that relevancy of the institution of traditional leadership is closely linked to social, historical and cultural diversity creates a necessity to gather reliable data that will provide a true reflection of the existing condition in case study area. The required data could not only be collected and presented through quantitative approaches as it requires in-depth information about the role and relevancy of traditional leadership in democratic South Africa. This has been the core reason behind the usage of mixed method. One of the most prevailing issue about this institution of traditional leadership is the historical role it played during pre-colonial, colonial and apartheid epochs. Consequently, this has server as a both selling-out and also a defending tool for the resistance of this institution. Its historical stances are restlessly used by civil society organization found in the post-apartheid democratic South Africa as reason why traditional leadership should be abandoned but the same history is employed to advocate its survival.

#### **4.6. Summary and Conclusion**

This Chapter has presented a methodology in which this study will be based upon. In light of research problem the study sought to resolve, it became apparent that the usage of single methodological approach could limit the quest of the study. Although qualitative approach was seemingly the most appropriate approach, however, some research questions would have not have been answered in the absence of quantitative element. This chapter indicated that the study is an explanatory research which employed *dominant-less dominant* mixed-method research approach where both qualitative and quantitative paradigms were used. Quantitative approach was carried out in sampling stage of data collection of the study where surveys questionnaire were used to survey targeted or affected group. Governmental or institutional representatives were interviewed (qualitative approach) to grasps their expertise from different points of view. For data collection, semi-structured interviews were used in this research to enable the interviewee to get hold of most relevant information from the participants. On the other hand, pre-coded or closed question were

developed for survey questionnaire that were directed to heads of households. Cluster sampling method was also used for surveys to reach sample larger community under jurisdiction of traditional leaders. This section further indicated that data will be analysed through themes together with usage of theoretical approach guided the study while surveys finding were presented in tables, graphs or chats with brief description of ocular presentation.

## Chapter Five

### 5. Research Results

#### Introduction

In light of the previous chapter (methodology) which stipulated that mixed-method data collection was employed as endeavour of obtaining enough and relevant information, so, interviews were conducted and likewise surveys were distributed to targeted groups in the case study area. Hereto, qualitative and quantitative methods were employed which was very useful to explore different views and opinions which could have never been achieved through one method. As explanatory research, the study employed *dominant-less dominant* mixed-method research approach where qualitative paradigm dominate in the study while minimal quantitative elements serve to gather numerical information and justify qualitative data – to forge a trues representative study. Open-ended interviews accompanied by follow-up question made both interviewee and the interviewer be part of the exercise. This did not only kept interview alive but also made the interviewee to be more comfortable and able to express their views.

Moreover, the contributing factor to successful interviews was the fact that all interviewees were interviewed in their offices as it was their choice during the arrangement of appointments. Likewise, surveyed were distributed to the heads of households in traditional communities of the interviewed traditional leaders. This was made possible by the assistance of traditional leaders who provided permission and informed *Izinduna* about the exercise. Quantitative data was collected through pre-coded and closed question surveys which were completed in the presence of the researcher. In employing that strategy, the researcher was able to assist in clarifying questions if needed be. Therefore, this chapter will present research results in light of the themes and key concepts of the theory motivating the study. On the other hand, graphs and statistics will be employed in presenting quantitative data collected through surveys guided by the same research themes and key concepts.

#### 5.1. Background of the Fieldwork - Interviews and Survey

Three traditional leaders under Ndwedwe local municipality were interviewed whom appeared to be well informed about their supposed role as prescribed by government's policies and legislations

although they are partially approve of them. Interviewed traditional leaders/*Amakhosi* are all members of Executive Committee of ILembe Local House of Traditional Leaders, and also members of Executive Committee of Municipality. The land of their *Izizwe* is under Ingonyama Trust Board. On the other hand, they all demonstrated elements of being critical and also confused about government's aim with regards to the participation of traditional leaders in local governance. In their general conceived view, this uncertainty of government's objective about the authentic participation and clear role of traditional leaders does not only affect the institution of traditional leadership but also compromise adequate development of local/rural communities.

For government's perspective on infrastructural development and the role of traditional leadership, two officials from KZN Provincial department of CoGTA were interviewed. One from Traditional Governance and Finance directorate, and the other from Municipal Infrastructure Directorate. The aim of interviewing the above-mention official was to acquire the provincial approach about the role of traditional leaders in rural infrastructural development while exploring department's objective in light of decentralized administrative power. On the other hand, close proximity government's administrative institutions such as the identified case study of Ndwedwe Local Municipality were more useful as a result two of its officials were interviewed. This included the Municipal Mayor and the Manager of Technical Directorate which deals with infrastructural and other forms of rural development in areas under municipal jurisdiction in terms of municipal demarcations.

Likewise, surveys were distribute amongst the targeted group in the traditional community which was the heads of households. The aim of this exercise was to evaluate perception of people who directly deal with traditional leadership on daily basis representing their families. Surveys focused on their views pertaining rural development (infrastructure and provision of basic serviced), land administration, public participation of members of traditional communities in development issues. Moreover, they also evaluated households' perception on co-operative relation between traditional leaders and democratically elected ward councillors based on their observation as members of a traditional community.



### *Summary of Surveyed Participants*

Figure 2: Table that demonstrate background of selected surveyed group from Traditional Communities under Ndwedwe Local Municipality.

<b>Traditional Community</b>	<b>Household Headed by Young-Adults</b>	<b>Household Headed by Men</b>	<b>Household Headed by Widow (Women)</b>
Hhosiwana Traditional Community	10%	25%	65%
Nkumbanyuswa Traditional Community	20%	20%	50%
Qwabe Traditional Community	5%	20%	75%

## **5.2. Theme One: Devolved Power and Efficiency in Decentralization:**

The devolution of power to lower structures has both negative and positive impact according to the interviewees who participated in the study. However, at core, is the concern about the exercise of that power to administer rural development and other related issues to traditional communities where institution of traditional leadership was and at times remained as a major sole centre of authority. Decentralized administrative power entailing democratically elected ward councillors introduced a new form of authority which has potential of both developing and or puzzling rural communities. The perception of *Amakhosi* on the devolved power has been the scepticism due to their undefined or merely ceremonial role which they interpret as a deliberate undertaking by the current government for their political expediency.

### **5.2.1. The Nature of Co-operative Relationship between Traditional Leaders and Ward Councillors**

For this research, the most preferable approach to assess respondent's views was to evaluate nature of 'co-operative' relationship between traditional leaders and democratically elected ward

councillors. *INkosi* S. Ngcobo of NkumbaNyuswa Traditional Community expressed his general view by stating that it is supposed to be much better in the contemporary democratic dispensation because there is mutual cognizance of institutional existence between the involved structures power (democratically elected structures and traditional leadership). Moreover, he stated that it should be much easier to operate in a co-operative manner with ward councillors since they (the institutions involved in local governance) all have common goal of developing rural traditional communities. *INkosi* Ngcobo also voice his sentiments about the initiative of co-operative governance by stating that transformation is seemingly failing to advocate for the participation of traditional leaders and to advance the way in which they interact with district and local municipalities. Furthermore, *iNkosi* Ngcobo itemized that the realization between traditional leadership and ward councillors that they have sole and common goal which is rural development, mutual understanding will be eminent.

On the other hand *iNkosi* Nzama of Hhosiyaana Traditional Community who have been in the position for years, acknowledged the existence of relationship with ward councillors in communities under his jurisdiction but indicated that it is not progressive in nature. According to *iNkosi* Nzama, this is because ward councillors usually implement development program without consulting with the traditional council/traditional leadership structures or ordinary community member to identify their development priorities. The fact that they have access to funds, they turn to implement uninformed and irrelevant development programs to the community. According to *iNkosi* Nzama, that practice has introduced the unnecessary competition which results into dawdling in the delivery of basic services and service delivery protests. He also stated that ward councillors are member of traditional communities therefore, they should come back to their traditional communities and report to their parents about progress they have made in respect of development projects before they reach the implementation stage. According to him, it is more crucial to do so because ward councillor have no power over land. Traditional leaders do not even have access to information about municipal budgets and or reserved monies for traditional communities or areas under jurisdiction of traditional leaders. Therefore, that diminishes genuine and transparent co-operative relationship between traditional leaders and democratically elected structures.

Moreover, *iNkosi* Nzama. Gumede of Qwabe Traditional Council asserted that although they (traditional leadership and ward councillors) have their differences but they manage to put community before themselves. *INkosi* Gumede also stated that this form of cooperation does not diminishes the fact that traditional leaders do not have adequate opportunity to participate in local governance as a whole. He indicated dissatisfaction by pointing out that the minimal role reserved to be played by traditional leaders even in local municipal structures undermines the idea of effective participation of local institutions.

*On co-operative relationship between ward councillors and traditional leadership.* The abovementioned and other reasons compelled *iNkosi* Nzama to openly state that there is no co-operative relationship between the involved institutions in local governance particularly in his area since they rarely meet with any of ward councillor to discuss development issues and other community challenges. Infected, he stated that they have never had a meeting with any ward councillor to discuss development issues or programs. If there is a development program to be attended by community members the ward councillor usually inform the community the day before the actual event which results into less or no attendances. *INkosi* Nzama also attested that he has pleaded with municipal officials that they should also inform traditional leadership if there are programs to be attended by the community so that *iNkosi* will also notify *Izinduna* to make an announcement to the traditional community/*Isizwe*.

#### 5.2.2. The municipal programs to resolve or prevent potential conflicts as a result of decentralized power from national to local structures of government

The Municipal Mayor confirmed that they have faced some challenges at local government after municipal demarcation where municipal powers were introduced in areas under jurisdiction of traditional authorities as it appeared as if they were taking traditional leaders' power away. As a result the objective behind the devolution of administrative power was almost compromised due to the fact that traditional leaders used land as tool to block government way from their areas and also to discredit community meetings that were convened by government. However, the Mayor indicated the need of taking into consideration the fact that democracy was a new phenomenon to all of the involved structures forming local government. He acknowledged that the most prevailed source of conflict has been the usage of political party's alignment as a tool of dominance over traditional leadership. This also includes public preference of certain political parties by traditional leaders who are supposed to be neutral in their communities. According to the Municipal Mayor,

this and other factors turned to hinder adequate and speedily infrastructural development in traditional communities. The Municipal Mayor was of view that convening workshops involving municipal councillors and traditional leadership structures can promote co-operative governance while advocating for mutual institutional understanding.

The municipal Technical Director who is responsible for infrastructural development and planning for provision of basic services stated that as a municipal endeavour to avoid and minimize conflicts, traditional leaders are able to sit in JCCs to be part of municipal processes. The respondent (Municipal Technical Director) made an example of a Housing Forum where all traditional leaders of Ndwedwe local municipality form part of it while it chaired by the mayor. That forum entails the Department of Human Settlement which reports to traditional leaders about the progress in built houses. Therefore, according to respondent, those kinds of forums can played a vital role in promoting co-operative relationship between municipal structure and traditional leadership in the area.

### 5.2.3. The Impact of Legislative Acts and Policies to Traditional Leadership

*INkosi* Ngcobo demonstrated well informed knowledge of legislations regulating traditional leadership. The respondent perceived legislation and an endeavours of promoting peace, harmony and co-operative relationship between the institutions involved in local governance while attempting to define the role of traditional leaders in rural development. However, he put an emphases on KwaZulu-Natal Traditional Leadership and Governance Act 5 of 2005 as a close proximity act in defining the role of traditional leaders in the province. On the impact of legislatives acts that aim at regulating the role of traditional leaders in local development, *iNkosi* Ngcobo indicated that some of them are useful, but also acknowledged the fact that changes in administrative process can never be always smooth. He further stated that as traditional leadership in the region of Ndwedwe Local Municipality have embraced governmental transformative endeavour.

When asked about the effectiveness of legislative acts in promoting public participation and the participation of traditional leaders in local government, *iNkosi* Gumede stated that most of acts advocate for the involvement of traditional leaders. However, he voiced his grievance about controversy that arise when it is time to take crucial decision that will directly or indirectly affect traditional communities under jurisdiction of traditional leaders. He also expressed his

dissatisfaction about the fact that in some municipal structures, traditional leaders are legislatively forbidden to vote while their role is turn into merely advising those who will vote and therefore take decisions.

In initiatives that can be undertaken to improve the inclusive approach in legislative acts, *iNkosi* Ngcobo pointed out the great need of community workshops and to all institutions that are involved in local governance. This is because he is of view that there is confusion amongst local authorities and rural community members about the role of each structure in rural development and other related matters. Therefore, according to *iNkosi* Ngcobo government should champion community workshops which must also include ward councillors and focus on administrative responsibilities on the involved institution and communities.



Figure 3: Pie chart demonstrating general view of surveyed traditional communities about the abandonment of traditional leadership

When surveyed population asked about whether traditional leadership should be abandoned, 10% said yes and 90% said no. - This graph confirm the general view of heads of households that they still regard traditional leadership as relevant institution in rural areas and in South Africa in general. In a decentralized form of democratic government, the view that traditional leadership should not be abandoned further suggest that there is certain role in fulfilling needs of rural populace.

In assessing government's initiative, *iNkosi* Nzama responded by stating that the department came once to train them about what is legislatively expected from them as traditional leadership however, he was not satisfied about their nature of presentation or of conducting a workshop. According to *iNkosi* Nzama, the workshop was not that useful to them since it did not talk to main

issues that affect traditional community and their role in development and no one who bother to make a follow-up on the progress or on the implementation of what was taught. *INkosi* Gumede also attested by stating that provincial office of COGTA once came to his traditional council to train its members about KwaZulu-Natal Traditional Leadership and Governance Act 5 of 2005 but did not tackle the most burning issue of unhealthy relationship they have with ward councillors.

On the *impact of legislative acts or policies in the role of traditional leaders* in areas under his jurisdiction, respondent stated that some of them are useful because they assist in local governance. However, he also stated that the poor explanation Acts that sought to define the role of *Amakhosi* has also resulted into them being interpreted as a direct attach to the powers of traditional leadership. *INkosi* Nzama also insisted that traditional leaders are excluded from major decision making that affect their communities while they are the ones who understand their communities better than any newly established structure. According to *iNkosi* Nzama in light of legislative act and policies, a traditional leader is a mediator in any conflict in the community and ought to participate in rural development issues but there is no clear or active role that actually play other than supporting or advising. Moreover, according to him, traditional leadership is there to promote peace and social cohesion while protecting culture and custom but they must be able participated in development. Moreover, *iNkosi* Gumede stipulated that issues that cannot be resolved by ward councillor and municipality due to their political alignment, traditional leaders are able to provide resolution to those conflicts or dispute due to their supposed apolitical position. According to *iNkosi* Gumede traditional leaders also serves as representative of the area under his jurisdiction while connecting it with government structures.

#### 5.2.4. The Impact of Devolved Administrative Power on Institution of Traditional Leadership

##### *The administrative role of traditional leaders in the devolved Administrative power*

According to *iNkosi* Ngcobo, the sole source of power for traditional leaders is land. When it comes to current development responsibility under the notion of devolved administrative power, land administrative is an uncontested responsibility of traditional leaders. Due to that responsibility of land administration according to *iNkosi*, they automatically form part of rural development. In that sense they should be informed and consulted regarding any form of development in areas under their jurisdiction. *INkosi* Ngcobo was of view that ward councillors should deliver to traditional communities in a co-operative manner with traditional leadership. According to *iNkosi*

Ngcobo, this is due to the fact that *Amakhosi* as promoters of peace and social cohesion are more able to protect infrastructural facilities if they were adequately informed about that particular project from its inception. He indicated that exclusion of a traditional leader in development projects has turned to be a common practice due to their supposed apolitical stand which is commonly deemed worthless in municipal structure as they do not vote.

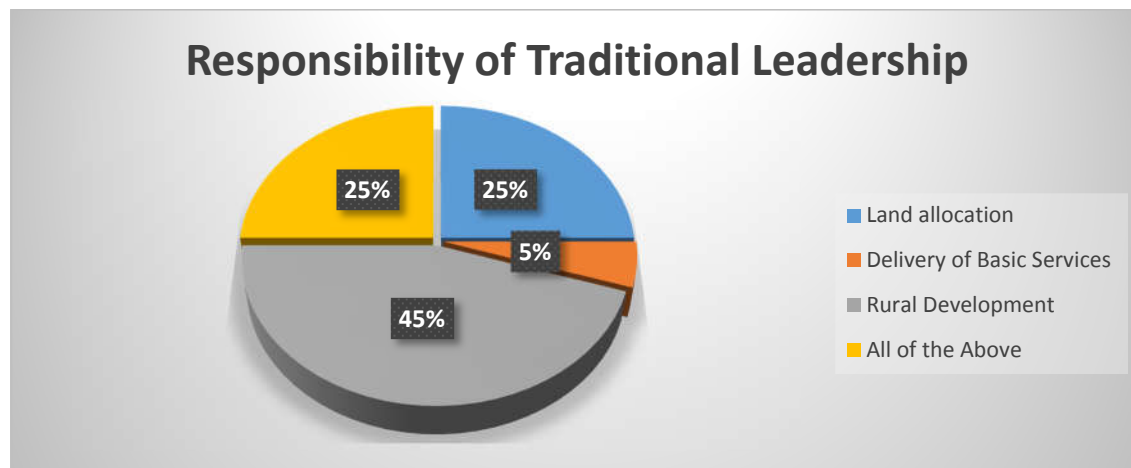


Figure 4: Pie chart showing the view of surveyed traditional communities about the responsibility of traditional leadership

This figure aimed at evaluating the knowledge of heads of households about the responsibility of a traditional leader (*iNkosi*) in their communities. Out of four options that were provided, 5% stated that they are responsible for the delivery of basic services, 25% stated that they are responsible for Land allocation, 45% stated that they are responsible for rural development and 25% stated that they are responsible for all of the above (land allocation, delivery of basic service and rural development). Regardless of devolved administrative power where democratic local government operate through municipal councils, the graph demonstrate that most of traditional community members continue to perceive traditional leadership as being responsible for rural development. The quarter of the surveyed group view traditional leaders as being responsible for land allocation, delivery of basic services and rural development in general.

Furthermore, *in characterizing relation of traditional leaders and ward councillors*, *iNkosi* Nzama also asserted that in areas under his jurisdiction, people rarely complain or voice their grievances to a ward councillors because most of the time they are not available. Therefore, community member direct their complaints to *Induna* or directly to him as *iNkosi* Nzama. Moreover, *iNkosi* Nzama pointed out that he is of view that the concept of co-operative governance has not been properly explained to local communities. According to him; regardless of introduced democratically elected ward councillors, people in his community seem to trust on traditional

leadership to resolve their worrying matters. Moreover, he indicated that the devolved administrative power has not yet properly explained in traditional communities and that it also confuses institutions that are forming local government.

### **5.3. Theme Two: Downward Accountability of Institutions involved in Local Governance**

The notion behind the downward accountability has been the most prevailing issues that motivate the inclusion of local institutions such traditional leadership. This has also resulted into the inclusion of those institution who were deemed undemocratic in their practices with the hope of transformative programs. However, the nature in which transformative endeavours were introduced could be the root-cause of continuing traditional-modern standoff. Under this theme, the participants who were interviewed (traditional leaders) voiced their dissatisfaction regarding the issues of communication with other involved institutions.

#### **5.3.1. Perception on rural development and downward accountability in areas under jurisdiction of traditional leadership.**

According to *iNkosi* Ngcobo, the main problem in the administration of rural development while maintaining downward accountability is the fact that municipality exclude traditional leadership (*iNkosi*, *Induna* and T.C.) and sought to operate only through a ward councillors. This according to *iNkosi* Ngcobo does not only affect traditional leaders but also impose a burden on ward councillors. Moreover, *iNkosi* Ngcobo stated that after a ward councillor who championed the delivery on any form of infrastructure has been voted out of office there will be no one who further protect or maintain that infrastructural facility. Also at times when people are angered by that ward councillor they destroy the same property that was delivered through him because they don't seem themselves as owners of that facility. According to *iNkosi* Ngcobo this is usually caused by the fact that in most cases municipalities introduce infrastructure through political lines which excludes community member. Municipal official sometimes defy the existence of traditional leadership that has power to urge people to protect their public facilities because it is theirs at the



end of the day. This exclusion of some structures of local administration creates a view that that community hall belongs to the municipality but not to people.

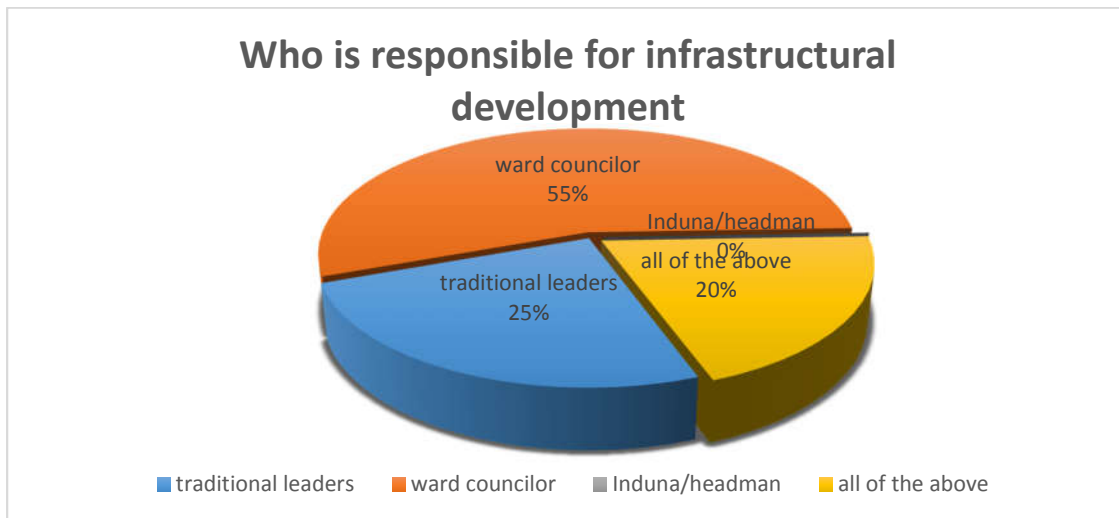


Figure 5: Pie chart showing the view of surveyed traditional communities about who is responsible for infrastructural development.

The graph attempt demonstrate people’s understanding of who is responsible for infrastructural development in rural areas. It further attempted to evaluate people’s view or understanding of who is responsible for infrastructural development in their area. In options that were provided, 55% said ward councillor are responsible for infrastructural development in their areas. 25% said traditional leaders are responsible for infrastructural development in their area. 0% said induna/headman is responsible while 20% of the surveyed group said all of the above (ward councillor, traditional leaders and induna/headman) are responsible for infrastructural development in their areas.

Evidently in this graph ward councillors are the one who are responsible for infrastructural development but quarter of surveyed group also view traditional leadership as a major player in this responsibility. This seem to be the result of them being custodian of land in which infrastructure is built. A downward accountability from the side of traditional leadership seem to be eminent since land allocation process include formal introduction of project to community members by *iNkosi*, *Izinduna* and the Traditional Council. This further affirm that downward accountability has been a practice for traditional communities where *Amakhosi* regularly convene *Izimbizo* to listen to traditional community members about their input and recommended approach in any development project.

On the other hand *iNkosi* Nzama responded by stating that ward councillors are in the forefront of development but even traditional leadership through TC are also responsible for infrastructural and other forms of development in area of his jurisdiction. However, he noted that at the end of the day, ward councillors get credit of everything that has been achieved in the society. An example that was made by *iNkosi* Nzama is of Community Hall and road construction that the traditional

council has applied for funding to initiate. Moreover, *iNkosi* Nzama also indicated that traditional council also excel in the protection and maintenance of the delivered infrastructure and form of rural development. According to *iNkosi* Nzama, in cases of droughts, traditional leadership goes by itself to municipality looking for assistance with regards to water supply as it also responsible for the delivery of basic services in his community. Likewise, according to *iNkosi* Nzama, in times of any community crisis people do not complain to ward councillors because they are nowhere to be found but therefore, they voice their grievances to structures of traditional leadership.

### 5.3.2. The role played by traditional leaders in rural development

In light of accountability and the exact role that is played by a traditional leaders in infrastructural development, *iNkosi* Ngcobo started by stating that the whole process of rural development should via through *iNkosi*, a supposed neutral figure in the community. He further stated that in the local development arena, *iNkosi* is responsible for land administration and therefore they automatically form part of rural infrastructural development. In that sense according to *iNkosi* Ngcobo, they should be informed and or consulted about any form of or development endeavours of local government through municipalities. According to *iNkosi* Ngcobo, a genuine co-operative manner in the delivery of infrastructural development in traditional communities could increase accountability since there will more institutions participating and therefore more checks and balances.



Figure 6: Pie chart demonstrating the view of surveyed traditional communities about the effectiveness of the role of traditional leaders in the delivery of rural basic services.

The above graph demonstrate people's perception on the effect role of traditional leaders in the delivery of basic services. 25% of the surveyed group said there is no effective role of traditional leaders while 75% said there is an effective role of traditional leaders in the delivery of basic services.

On the issue of downward accountability, *iNkosi* Nzama indicated that the structure of the newly formed Traditional Councils seemed to be problematic by itself. According to *iNkosi* Nzama, there is no incentive for TC member to attend meetings and as result his traditional council membership has reduced to less than thirty members. *INkosi* interpreted the challenge of attendance as having negative impact on downward accountability since traditional community members turn to have no community structure to voice their grievances and no one account to them for any development progress as ward councillors are usually nowhere to be found. He also noted that introduction of money/stipend in traditional councils is seemingly the main cause in the lack of attendance.

### 5.3.3. Municipal Rural Economic Development Programs:

The Municipal Mayor acknowledging that as grade two municipalities, Ndwedwe Local Municipality is highly depended on grants which hinder adequate economic growth. He stated that there are municipal plans in place to generating revenue. One of them according to him are already been identified as corridors of the economic growth such as areas that are to be transformed into nodes; Bhamshela, Thafamasi, Montobela, Glayndale and Qinisani. He emphasized that as municipality, they rely and guided by National Development Plan (NDP) to create job opportunities and eliminate inequality through infrastructural development. However, the respondent also acknowledged some municipal challenges such as the electricity power supply which has delayed the construction of shopping centres at Bhamshela. According to the respondent, currently there are talks with Eskom and other relevant departments to find a solution and seemingly connecting the line from Sonkombo Power Station could be the solution.

The respondent further stated that the mall will be built near municipality offices. He also attested that there have been some talks in about 15 years ago of a town construction in Ndwedwe area. According to the mayor, there is a Steering Committee today to begin construction since the site has been identified and there are people who already temporary employed by construction companies. The respondent also stated that there will a Museum that will be built in Thafamasi and the site has already been identified. However, there some difficulties with funding and the

municipality been pleaded to provincial and national government to assist with budget. According to the mayor, this will attract tourist, create business and job opportunities through tourism since there is also a Holly Mount Nhlangakazi.

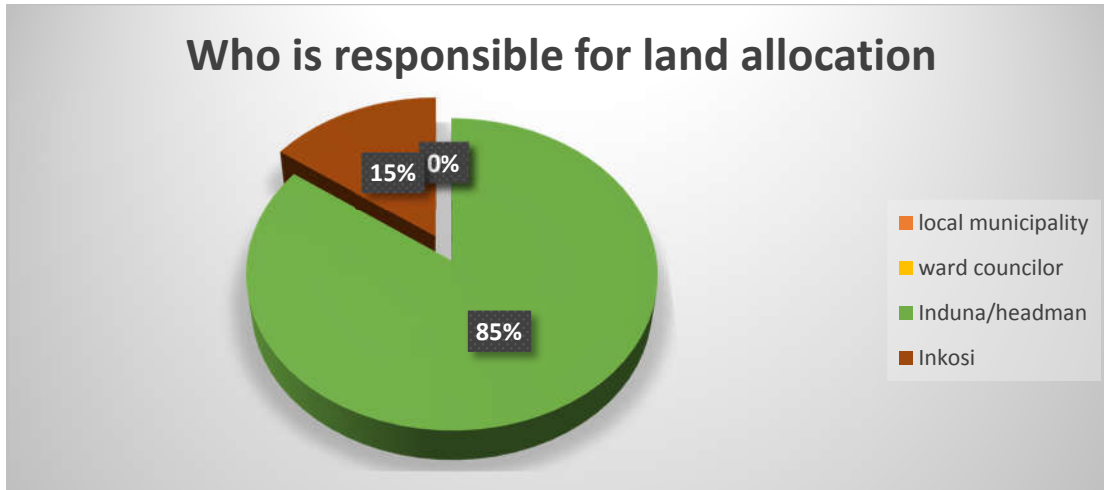


Figure 7: Pie chart showing who is responsible for land allocation in traditional communities.

The graph demonstrate the respondents' view on land allocation process. When asked to choose amongst stipulated option, who is responsible for land allocation, 15% stated that *iNkosi* is responsible for land allocation in their community and 85% said Induna is responsible for land allocation.

The graph demonstrate that the main role for traditional leaders has strongly relied on land allocation. Likewise land allocation in traditional communities include the acknowledgement of the surrounding community, and also the allocation of land public facilities goes through the same rout. This automatically include the voice of local populaces to engage about the consequence of that particular on natural resources, landscape and their surroundings in general.

#### 5.4. Theme Three: Public and Institutional Participation: Inclusion of Relevant Local Institutions

Local institutional participation as advocated by the devolution of administrative power, decision-making process and responsibilities has been moved to lower structures and therefore resulted into the formation of local government in democratic South Africa. Likewise, institution of traditional leadership has been and continue to be main actors in local traditional communities and in former homelands or Bantustans areas.

On the involvement of traditional leaders in structure of local government: all interviewed traditional leaders indicated that they are part of the Executive Committee in ILembe Local House of Traditional Leaders. Moreover, they also stated that they also sit in the Executive Committee of

municipality in accordance of section 18(3) of Traditional Leadership and Governance Framework Act of 2003, however, they all asserted dissatisfaction with regards to the fact that they only advise but do not form part of decision making sessions.

*INkosi* Gumede of Qwabe Traditional Council expressed his discontent about the issue of municipality and its relationship with traditional leadership in the area. He indicated that the issue of power struggle is very eminent as traditional leaders participate in municipal structures solely because of land issue that the municipality ought to develop as part of their governmental responsibility. Moreover, he voiced his grievances by stating that at times ward councillor together with municipalities agree on certain things including land that they will use for any project or for infrastructural development without engaging or consulting with *iNkosi* or traditional leadership structures. He also highlighted that ward councillors in areas under his (*iNkosi*) jurisdiction even attempt to allocate land for municipal projects without any permit from traditional leadership structures such Induna or TC. *INkosi* Gumede asserted that as traditional leadership they are aware that there is struggle for power due to the fact that institutions involved in local governance such as municipal/ward councillors have financial strength and others are custodians of land and customs. However, all interviewed *Amakhosi* indicated that the whole procedure of rural development should not be confusing since there is section 81 of Municipal Structures Act of 1998 which promotes the participation of traditional leaders in municipal councils but authenticity clause in participation should be amended (included) to ensure meaningful and effective participation of *Amakhosi*.

With regards to *public participation in rural development issues*, *iNkosi* Nzama stated that there is no effective public and institutional participation since there is no proper communication between a ward councillors, and traditional leadership together with local/traditional community in areas under his (*iNkosi*) jurisdiction. *INkosi* Nzama also stated that even he invites ward councillor through letter and phone calls to TC meetings and *izimbizo*, he does not show up and also he rarely convene community meetings to discuss development issues. Due to municipal demarcation there are four wads in area under jurisdiction of *iNkosi* Ngcobo and some of them also fall under jurisdiction of another different traditional community.

When it comes to institutional participation, *iNkosi* Nzama indicated that in most cases traditional leaders listen to municipal programs of service delivery and infrastructural development but they

do not have of taking binding decisions towards municipality. *INKosi* Nzama expressed his grievances with regards to the fact that *Amakhosi* are not allowed to vote when it comes to decision-making stage and according to him that is not an authentic participation of traditional leadership. *INKosi* Nzama also insisted that traditional leadership should be able to take final decision in areas under their jurisdiction because they fully understand their communities better than anyone else who is voted to a position for a limited term.

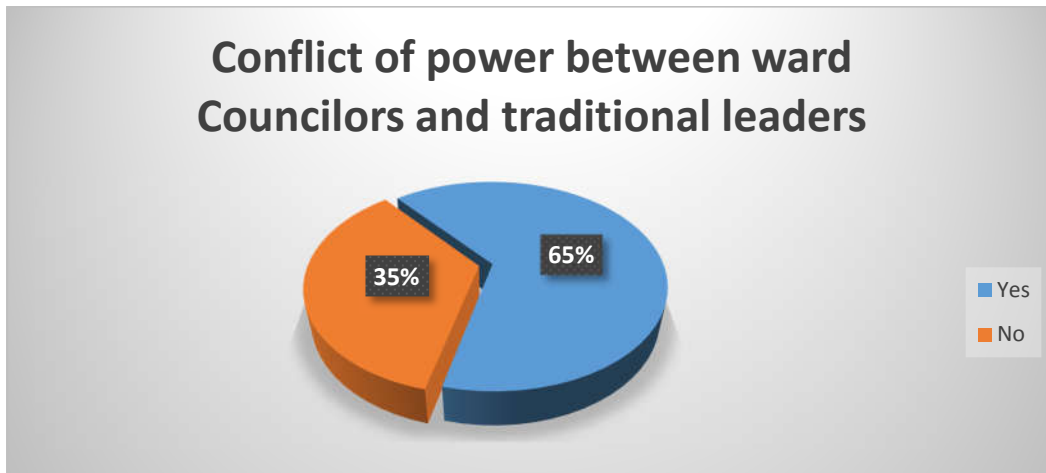


Figure 8: Pie chart demonstrating the view of surveyed traditional communities about conflict of power between ward councilors and traditional leaders.

The objective of this graph was to evaluate the acknowledgment or awareness on conflict of power between ward councillors and traditional leaders in traditional communities. 35% of the surveyed group stated that they do not see any conflict of power. On the other hand 65% of the surveyed group is aware of conflict of power between traditional leaders and ward councillors.

On the other hand, on the inclusion of traditional leaders in municipal structures, the Municipal Mayor affirmed that there is a Joint Coordinative Committee (JCC) which consist of seven ward councillors and seven traditional leaders and chaired by him. In this committee according to the mayor, traditional leaders under the municipality appoint their seven representatives to JCC. The objective of this committee to resolve various matters ranging from development issues, grievances from traditional leaders under the municipality and disputes between *Izinduna* and councillors. The mayor emphasized that JCC and other subcommittees do not take final or binding decision but they make recommendations to EXCO and then from EXCO recommendations go to

Councillors Committee. According to the mayor, municipalities are now commanded to include traditional leaders in the sitting of committees and they also included in different internal committees and further participate in infrastructural and other form of development issues representing their areas of jurisdictions.

On authentic public participation, the mayor was of view that there is public participation in Ndwedwe Local Municipality where municipality through ward councillors call meetings which are commonly attended by most of community members. He further stated that municipality ensures that there is a public meetings where traditional leaders together with their ward councillors who then inform *Amakhosi* about development priorities that have been identified by their communities

#### 5.4.1. Integrated Development Plan (IDP) and Inclusion of Traditional Leaders

The mayor regarded IDP as a municipal bible since it determines the provision of basic services and how the municipally should comply and priorities on them. The municipality must issue an advert to the media about the discussion and formulation of the IDP to ensure that the local populace manages to participate (naming their developmental needs) in its formulation where municipal officials go and listen to the needs of the people. Also that advert must be included in the report to CoGTA. According to the Mayor, generally local municipality also listen to issues that do not fall under its jurisdiction and pass them to District Municipalities which is ILembe District Municipality and or provincial departments, this entails roads with numbers are not under our jurisdiction but they are under the departments of transport provincial and national level. The following stage according to the mayor is to combine those listed development priorities from all communities under its jurisdiction and discuss the compiling of the IDP with different stakeholders. This include traditional leaders, departments' officials and community based organization. Then the final stage is the adoption of the IDP by the municipality which is done through voting.

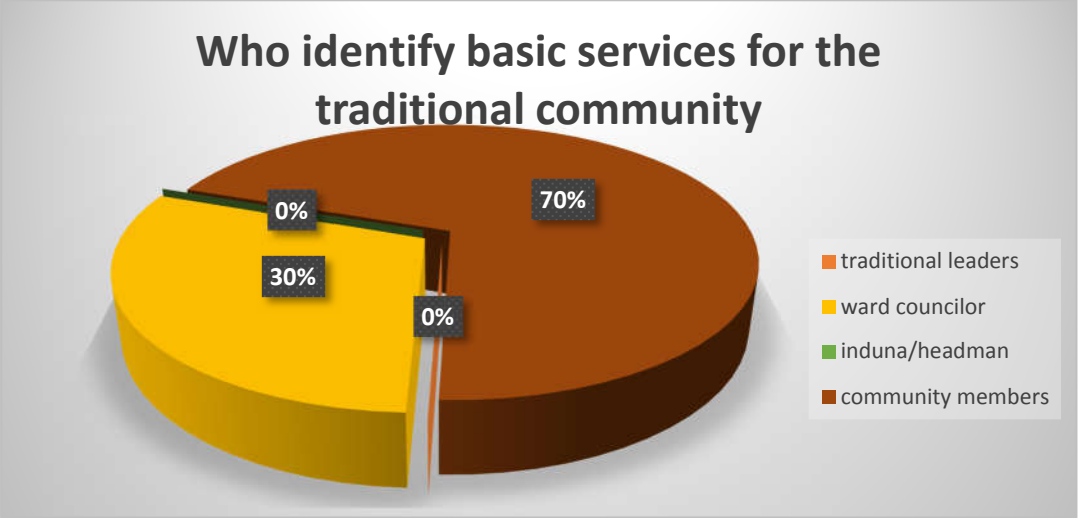


Figure 9: Pie chart showing who is responsible for the identification of basic service in rural areas.

The aim of this graph was to determine institution or people who identify community needs. Amongst four options 30% of the surveyed group chose ward councillors as the ones identify service delivery needs for their communities while 70% said community members as the one who identify community needs. Seemingly according to graph, traditional community members are the ones who identify their development needs and priorities. However, the portion of 30% who said ward councillors are the ones who identify community development needs and priorities demonstrated that there might be no clear and proper explanation of community meetings particularly those of IDPs.

**5.5. Access and Use of Local Public Resources – Land Administration (Participation and Locally Accountable Representatives)**

**5.5.1. Perception on Land Administration in areas under jurisdiction of traditional leader**  
*Procedures that are followed to allocate land to individuals for sites*

*On the question of who is responsible for land allocation – iNkosi Ngcobo/respondent 1 stated that land administration is currently a responsibility of traditional leaders in areas under their jurisdiction. He further stated the first step in acquiring land in traditional communities under his jurisdiction which is to consult induna whose main responsibility is to allocate land. According to iNkosi Ngcobo, a traditional leader together with the traditional council only read correspondences from Induna and evaluated whether appropriate traditional process was followed. If a person in need of the land is from another area outside the jurisdiction of iNkosi Ngcobo, he or she has to provide a letter from the previous authorities of the area he or she came from which could be from*



previous traditional council or from his or her previous ward councillor. This letter should state the reason why that particular person has decided to leave that area. *INkosi Ngcobo* further asserted that this practice aims to reduce incidents of people who commit crimes and when they are wanted they seek refuge in traditional communities and continue to commit those crime in those communities.

*Land allocation procedure:*

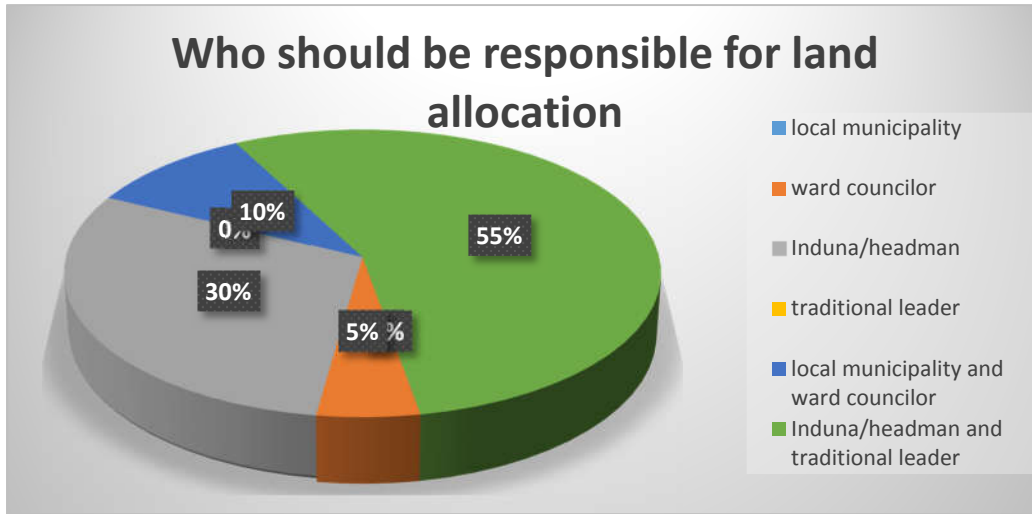


Figure 10: Pie chart showing who is responsible for land allocation in rural areas.

The graph attempted to determine the preferable person or institution that should be responsible for land allocation in traditional communities. Amongst options that were provided, 5% of the surveyed group preferred ward councillor, 10% preferred local municipality to be responsible for land allocation. 30% preferred Induna/headman to be responsible for land allocation while 55% preferred Induna/headman together with a traditional leader (*iNkosi*) to be responsible for land allocation.

*INkosi* Nzama also stated that a person also pays the *Khonza* fee (*Ukukhonza*) which ranges from R600 to R1000 to Induna who submit it to the traditional council and to *iNkosi*. The final stage according to *iNkosi* Ngcobo is when the person is officially allocated to a particular site or piece of land. Likewise, on land allocation, *iNkosi* Nzama second respondent attested that *Izinduna* are responsible for land allocation, however, if someone is from another area under a jurisdiction of another *iNkosi*, then *iNkosi* of the new area together with *Izinduna* has to be the ones who allocate that particular person. According to *iNkosi* Nzama on the other hand, TC ensures that proper procedures were followed in land allocation process and if so, then it approves the allocation of

that land. The respondent 2 also asserted that there is *khonza* fee in the area of Hhosiyanane. In his area of jurisdiction if a person is from the same area then the *khonza* fee is R450 but if he or she is from other area under different *iNkosi* or township, then the *khonza* fee is R700.

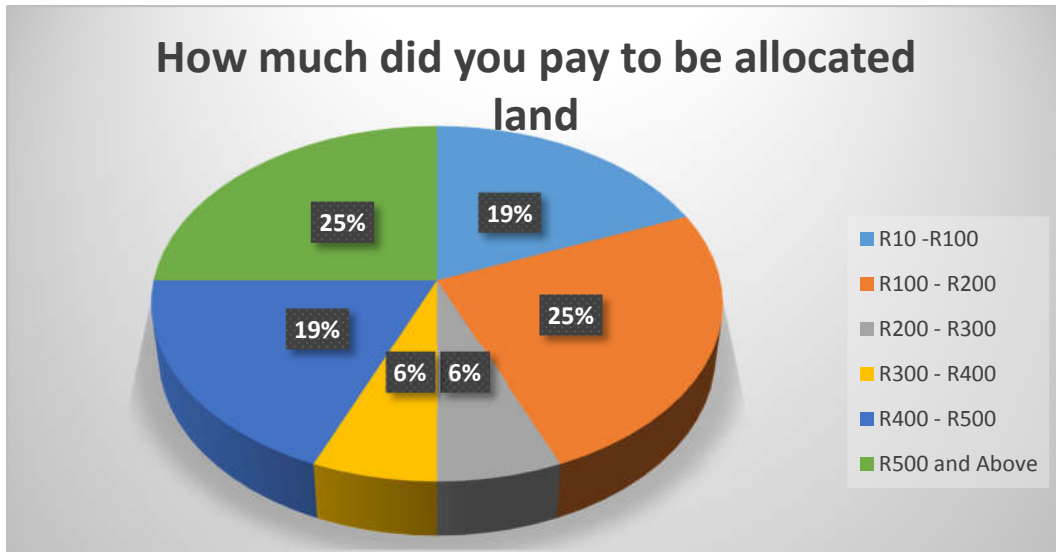


Figure 11: Pie chart showing the amount that is payed as ‘*khonza*’ fee for the allocation of land or residential site.

The objective of the graph was to determine the amount that was paid by the heads of households to be allocated land: 6% of the survey group paid R300- R400, another 6% of surveyed group paid R200 – R300, 19% of surveyed group paid R10 – R100, another 19% of surveyed group paid R400 – R500, 25% of the surveyed group have paid R100 – R200 while another 25% have paid R500 and above. Based on the pie chat data, most of surveyed heads of households demonstrated the presence of ‘*Khonza*’ fee in traditional community and due to change overtime the prices are inequivalent.

In light of responsibilities of land administration in rural areas *iNkosi* Ngcobo also noted that although *Izinduna* are the ones who are in the forefront of land allocation but in his area they have never been train for land administration by the current government. According to *iNkosi* Ngcobo, cases such as people who are being allocated in watershed areas and those who have to relocate to be closer to certain public facilities or infrastructure could be avoided.

On the question of people who are eligible to be allocated land or site, *iNkosi* Ngcobo responded by stating that anyone could be allocated to the land if the due process has been followed (the traditional process). He further stated even women who are old enough to have a family are allocated a land. *INkosi* Ngcobo opposed the general view that women are forbidden to be allocated

land in traditional communities and he regarded it as a deliberate view of undermining traditional leadership. However, he acknowledged that previously single men were forbidden to be allocated land because they could be easily accused of by the community if there are some criminal offenses in the area. According to *iNkosi* Ngcobo, all this was to maintain peace and harmony while protecting customs in traditional communities. He further stated that due to transformation and the realization that constitutionally everyone has a right to shelter, this practice of forbidding single men to be allocated land was reversed. Single men are now allocated land but they are encouraged to have wife or partner.

On who is eligible for land allocation, *iNkosi* Nzama stated that in the area under his jurisdiction they do accept a person even he or she is not married but he or she is guided by the rule of *isizwe* and they encourage him to have a partner if he is man. *iNkosi* Nzama also indicated that they even go further to negotiate with the in-laws of the men about relevant necessities such as *ilobolo* so that he can be allowed to live with his bride if he is engaged. He also stated that they even allocate a woman if they children and they want to start a family

On *allocating land for individuals such as sites*, *iNkosi* Nzama stated that in a case where a community member has negotiated with the person who is in need of a piece of land to build home, then he or she can go with that person to induna who will then allocate that person but this applicable to people who are already residing in the area. However, this is also has to be approved by a traditional council which also consider the nature of land as to whether it is suitable to build a house or not. It is not allowed to come with a person that you have already allocated him to that particular land but all process has to pass through Induna to avoid any form of corruption. If someone has *inxiwa* (residential site), that land does not belong to him but it belongs to *iNkosi* who own on behalf of the community. Therefore, that person cannot just sell that land or allocate it to someone else by himself but that has to go through Induna. Therefore, there is a co-operative relationship between TC member and *Izinduna zeNkosi* since some of *Izinduna* are also appointed by *iNkosi* to be TC members.

On the *procedures that are followed when allocating of land for infrastructural development*, *iNkosi* Nzama stated that the main thing they check in his area is the closeness proximity of that piece of land to the community who will be using that particular infrastructure or public facility.

On the other hand he indicated that they also avoid to destroy natural resources such as endangered trees and treasured sites or mountains.

The Municipal Mayor confirmed that allocation of land is solely a responsibility of traditional leaders, the municipality does not interfere. However, indicated that they have voiced their concerns as municipality about planning in allocating people because there is no proper plan to reserve certain land to build public infrastructural facilities e.g. school and clinics. We have a policy as a Municipality which deals with will ensure the type of buildings in relation to the land it built on (indication of that policy).

### 5.5.2. Women and land access in areas under traditional leaders

All traditional leaders who participated in the study, guaranteed that women have access to land and the view that they are excluded sought to paint traditional leadership with negativity.

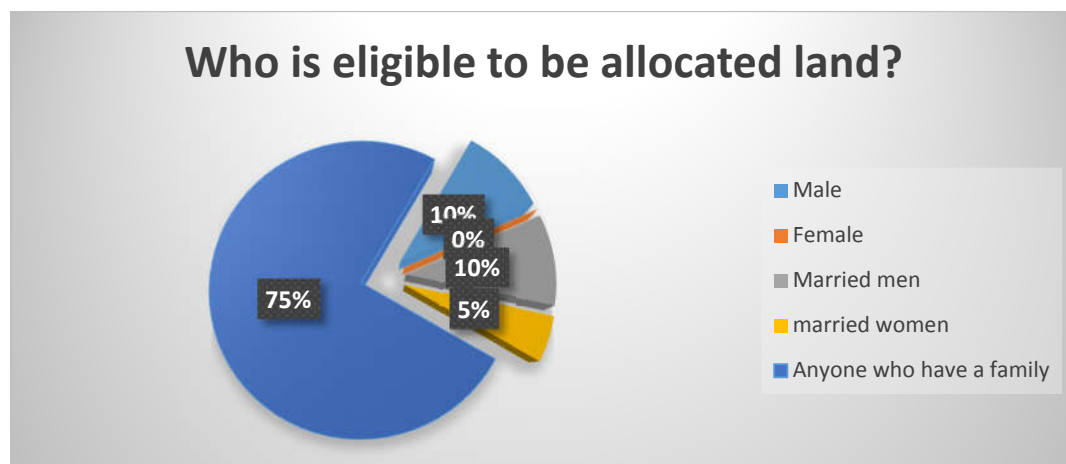


Figure 12: Pie chart demonstrating who is eligible to be allocated land.

The objective of the data was to determine whether gender issue is also taken in consideration in the process of land allocation in areas under jurisdiction of traditional leaders. Amongst provided options before each of the heads of households, 5% asserted that only married men are allocated land, 10% said male are the ones who allocated land while 75% of heads of household asserted that anyone who have a family is eligible to be allocated land. In the light of graph that is presented, most of the respondents affirm that anyone can be allocated a land in a traditional community. On the other hand, ten percent of respondents maintain the view that only male who are eligible to be allocated land in traditional communities.

### 5.5.3. Traditional Leaders' view on Ingonyama Trust Board and Rural Development

*INkosi* Ngcobo stated that land under his jurisdiction is also under Ingonyama Trust Board. *INkosi* Ngcobo felt that it is much better that there is a known institution or trust that own land on behalf of traditional communities because it is protected. However, over and above *iNkosi* Ngcobo stressed that people should also be able to see their communities being developed through community based programs and they should be able to alleviate poverty in their communities. According to *iNkosi*, infrastructural development should be headed by traditional leadership in conjunction with ITB as a board that sought to protect traditional land and promote rural development.

When asked about the *implication (advantages and disadvantages) of Ingonyama Trust Board oversight land related matter in area of his jurisdiction*, *iNkosi* Ngcobo expressed his appreciation about that kind of ownership as it prevent unregulated usage of land and of other natural resources. Moreover, *iNkosi Ngcobo* stated that this is also crucial for next generations as they will have access to land. According to *iNkosi Ngcobo* this kind of ownership is also a chainlike ownership since Ingonyama Trust Board cannot use land without an approval letter from a traditional leader.

On the role of Ingonyama Trust Board in infrastructural development, *iNkosi* Ngcobo expressed dissatisfaction about the process of acquiring infrastructural development funds the ITB. This is because the ITB collects different kind of royalties in his area such as for MTN and Vodacom Towers and of other major companies operating in the area but when the traditional community want recollect or request funds from the ITB according to *iNkosi*, the process becomes very long and unclear. *INkosi* Ngcobo stated that he has developed the required business plans in line with traditional communities several times but they are being disqualified by the ITB. Therefore, that discourages traditional communities to follow their money from the board since the process is very complicated and no one who bother to inform them about their available funds from the ITB. Even when *iNkosi* wants to initiate infrastructural development project it becomes very difficult exercise which turns to be a failure.

*INkosi* Nzama: On the *implications (advantages and disadvantages) on form of ownership which entails ITB*, *iNkosi* Nzama feels that is much better and the process protects the loss of money that could be generated by *Isizwe* in any form of natural resources. This according to *iNkosi* Nzama also avoids corruption, looting and or exploitation of natural resources. When asked about *whether*

Ingonyama Trust Board adequately address land related issues, iNkosi Nzama indicated that it very hard to tell because they have never seen Ingonyama Trust in areas under his jurisdiction and they were hoping that they could come and clarify some issues regarding their role in development. On question of whether does Ingonyama Trust Board contribute to rural development initiatives that benefit local populace, he insisted that as traditional leadership in the area they believe that ITB should come and informed *Amakhosi* about the money they have for *Izizwe zamaKhosi*. Also he believes that they should conduct workshop on them on development issues together with other initiative that *Izizwe* could take to use that money effectively.

### **Summary and Conclusion**

This chapter has presented research results in light of primary data and theoretical framework that guided this study. This chapter provided an outline of consolidating gathered information in the field together with consideration of secondary data. It became apparent from the participant that the study of this nature is crucial for rural development and clarity of institutional responsibilities. First section of this chapter presented background of fieldwork strategy conducted for this study in collecting primary data in light of research problem. Thematically approach was employed in presenting primary data where four themes were presented to consolidate the collected primary data. The first theme presented data that seek to investigate efficiency in the devolved power under the notion of decentralization. Under this theme, it became clear that to be mindful of legislative acts and policies' impacts and co-operative relationship between the involved institutions in local governance is of utmost importance. The second theme on the other hand, presented results in the investigated downward accountability of the local institution involved in local governance. This theme also presented the role of traditional leaders in rural development and or the delivery of basic services in observance of principles of downward accountability. Moreover, theme three presented research results of evaluated public participation and the inclusion of local institution in rural development. The theme also presented procedure in the identification of development of rural communities together with procedures of public participation. The theme also provided glimpse of conflict of power between the democratically elected ward councillors and traditional leaders regarding the roles, functions and responsibilities in rural communities. The fourth and final theme presented results in access and usage of local resources. This theme also demonstrated results in the question of women and land access in traditional communities. This section provided

results of assessed impact of power wield by traditional leaders over land administration processes in rural communities - dynamics between traditional communities and land related development monitored by the ITB.

## Chapter Six

### 6. Analysis and Interpretation of Results

#### Introduction

The aim of this chapter is to analyse and interpret research result presented in Chapter Five. The chapter further aims to provide meaning of pie charts and thematically presented data in previous chapter. This also entails an endeavour of connecting presented research results to key questions of the study through discussion and interpretation. In light of the information provide in Chapter Five it became eminent that general assumptions vary from the elements of reality when it comes to the interaction between traditional leaders in traditional communities. On the other hand, the main question about the relevancy of traditional leadership in democratic South Africa has been indirectly answered throughout data presentation process in the previous chapter. Likewise this chapter will also tackle the main question through assimilation contextual and fieldwork data.

As decentralization entails transference of political, financial, administrative and legal authority from central government to local structures, therefore, its adoption by South African government increases hope for the realization of autonomous power being exercised by local populace in resolving their local challenges (Sigh, 2007; Agrawal and Ribot, 1999; Cheema and Rondinelli, 2007). Local government has become more of a priority in the country since the advent of wall-to-wall through Municipal Demarcation Act of 1998 municipal demarcation especially in rural areas where elements of failing government are easily identified. Picard and Mogale (2015:4) alluded that "...South Africa shares same patterns of diarchy... ...with the other postcolonial societies of Africa [where]... ...elements of local government and local state coexist within the same political sphere". Similarly local communities (rural areas) are substantially affected by government's steady pace of service delivery and poor infrastructural development and strong reliance on provincial and national government will evidently maintain chronic underdevelopment at grassroots level. The research results presented in the previous chapter demonstrated six discussion themes that seek to profile the existence of traditional leadership in local democratic governance.

- The role of traditional leaders in rural development: legal, theory and practice
  - Traditional leaders and socio-economic development at local level
- Local government and institutional participation in local governance



- Democratic institutions versus traditional leadership
- Traditional Leaders: Local Resource Distribution and Rural Development
  - Land allocation
  - Gender inequality
  - Ingonyama Trust Board and rural infrastructural development
- Traditional leadership, civil society organization and rural population
- Rural Public Participation and Traditional Leadership
- Impediments of Adequate Rural Development in Democratic Decentralization of South African Governance

## **6.1. The Role of Traditional Leaders in Rural Development**

### **6.1.1. Legal, Theory and Practice**

Local Government and Municipal Structure Act 117 of 1998, give traditional leaders an opportunity of participating in municipal councils. However, this marginal role of traditional leaders has been the root cause of an ongoing push for meaningful recognition and effective participation of traditional leadership. Section (3) of this Act stipulate that “before a municipal council takes a decision on any matter directly affecting the area of traditional authority, the council must give the leader of that authority the opportunity to express a view on that matter”. This summarizes the nature of traditional leaders’ participation in municipal council above the fact that they do not vote even on matters pertaining rural development under their jurisdictions. The legislative curtesy of giving a view on issues affection traditional leaders’ areas does not provide enough effect in the direction of proceedings in the municipal councils if *iNkosi* has been heard. The abovementioned form of participation in municipalities as a legislatively stipulated route determines the role of traditional leaders in rural development at local level which is evidently ineffective in nature.

In an attempt of consolidating the exact roles and function of traditional leaders in democratic South Africa, legislative acts have been adopted by both national and provincial legislatures. However, these roles and responsibilities have been regarded as in effective by traditional leaders while on the other hand, civil society organizations have regarded these roles, functions and responsibilities as extreme for undemocratic institution. The growing commotion is based on the view that traditional leaders continue to execute roles and responsibilities that were defined by

colonial and apartheid legislations. Listed below is a sequential summary comparison of major colonial and apartheid legislations with those of post-apartheid or democratic South African sought to define roles and administrative duties of traditional leaders in rural development. Under colonial and apartheid government Black Authorities Act 68 of 1951 as continuation of Native Administrative Act 38 of 1927 and the Proclamation No. 110 of 1957 affirmed that a traditional leader:

- generally administer the affairs of tribes and communities in respect of which it has been establish;
- advise and assist the Government and any territorial or regional authority having jurisdiction in any area for which such tribal authority has been established, in connection with matters relating to the material, moral and social well-being of Blacks resident in that area, including the development and improvement of any land within that area;
- he shall seek to promote the interests of his tribe or community council;
- he shall maintain law and order;
- he shall bring unrest to the notice of the Native Commissioner;
- he shall carry out all the lawful orders of the Native Commissioner or other officer of the Government duly authorized by the Secretary for Native Affairs or the Chief Native Commissioner;
- he shall ensure the enforcement within his area of all laws orders and requirements of the Government relating to the administration and control of the Natives in his area in general;
- he shall bring all new laws, orders and requirements to the notice of his tribe

On the other hand, in democratic South Africa, the recognition of the institution of traditional leadership was accompanied by thorough consideration of the Bill of Rights and the supremacy of the constitution. That consideration validates the outcry of necessary transformation of the institution in question, however, its role in local governance still remain vague and other referred it as undefined. And from that notion, civil society organization easily call for the abandonment of this institution.

In the current democratic South Africa, the effect exercise in the power of traditional leaders is mostly felt at local level and therefore, their supposed authentic and transparent co-operative relationship is meant to be establish with structures of local government. It is of this view that The White Paper on Traditional Leadership and Governance (2003) stipulate that District/Local House of Traditional Leaders shall advance that cooperative relationship with District Municipalities through advising them in:

“... developing the rules and bylaws impacting on rural communities; ...development of planning frameworks that impact on rural communities; [also] participating in local programmes geared towards the development of rural communities; and participating in local initiatives meant to monitor, review and evaluate government programmes in rural communities”. (WPTLG, 2003: 19).

In conjunction with data presented in the previous chapter, the current and main legislative acts such as Traditional Leadership and Governance Framework Act 41 of 2003, Local Government: Municipal Structures Act 112 of 1998, this affirm functions and role of traditional leaders is:

- to work closely with government in the construction and development of rural areas
- to observe a system of customary law in area of a municipality and participate through their leaders
- to attend and participate in municipal council meetings
- to performs the functions provided for in terms of customary and customs of the traditional community concerns, and in applicable legislation
- are responsible for land allocation

As continuation of Traditional Leadership and Governance Framework Act 41 of 2003 that sought to provide a blueprint in defining the role of and transforming the institution of traditional leadership, The KwaZulu-Natal Traditional Leadership and Government Act 5 of 2005, in the KZN province aimed to establish harmony between the traditional leaders and other democratic local structures. According to the Act, the recognized role of traditional leaders is to:

- uphold the constitution and the law and ensure that members of his or her traditional community have the rights enshrined in the constitution, including the rights to freedom of political activity and freedom of association

- promote democracy, provincial unity and uphold national and provincial legislation
- carry out customary function not inconsistent with national and provincial legislation, and consistent with an open and democratic society; and
- preserve and foster knowledge and understanding of Zulu culture, history and tradition

The White Paper on Traditional Leadership and Governance of 2003 as policy mandate in attempt of defining role and place of the institution of traditional leadership seeks to transform the institution in accordance with the constitutional principles (2014/2015 COGTA Annual Report, 2015). In aligning the traditional leadership with government's quest of rural development, the White Paper sought to establish that the institution in question can crucial role through the following:

- promote socio-economic development;
- promote service delivery;
- contribute to national building;
- promote peace and stability amongst the community members;
- promote social cohesiveness of communities;
- promote the preservation of the moral fibre and regeneration society;
- promote and preserve the culture and traditional communities; and
- promote the social well-being and welfare of communities

In stipulating those roles the White Paper affirmed that traditional leaders "...can influence government policy and legislation especially in so far as it effects the institution and traditional communities; must form co-operative relations and partnership with government at all level in development and service delivery" (TWPTLG, 2003). The abovementioned functions and roles that should and currently played by traditional leaders have not yet put to rest or resolved their push for more effective role mostly in areas of their jurisdiction. Legislative and political push continue to display itself in traditional leaders' interaction with democratic government particularly in issues of development in rural areas. The outcry ranges from land administration, ongoing tension and unhealthy relationship they have with ward councillors and the recently the unsuccessful Traditional Court Bill. Clearly strong support for traditional leaders in rural areas can

never be resolved through political manoeuvre and political correctness of current ruling party (Pityana, 2015). Therefore, honest and open engagement between local government structures, traditional leaders, traditional communities and civil society organizations is and should be deemed necessary for the realization of progressive solution.

It became clear from the research results presented in the previous Chapter that traditional leaders enjoy much support of rural populace which could be credited to the fact that traditional community members continue to feel a sense of protection from unclearly defined reviving power of state through local government in rural communities. At the forefront is the issue of municipal rates which rural and especially traditional communities are not willing to pay (Picard and Mogale, 2015; Cousins and Walker, 2015). The fact that *Amakhosi* have been and continue to be vocal about that impact of rates in poor rural population since the introduction of wall-to-wall through Municipal Demarcation Act of 1998 municipalities in rural areas won them a growing support of rural communities. This is regardless of the fact that rural communities are also divided when it comes to the issue title deeds which are needed for security in different financial applications such as loans. This also cripple local municipalities' development level as they turn to rely on government's grants for any development. Ndwedwe Local Municipality also face this challenge of fewer sources of generating municipal revenue. This interconnection of rural communities and institution ought to champion the provision of basic services necessitate the genuine cooperative relationship.

Research results presented in the previous chapter affirmed that the overlapping responsibilities of institutions involved in local governance continue to be the main hindrance in aims and objectives behind the established local government. The unclear jurisdictional line in development responsibilities continue to spark tensions in traditional communities (Tuner and Blunt, 2007). Furthermore, the absence of strong and accountable alternative institution, the reduction of previously central institution into ceremonial and advisory role does not only distress the institution itself but also confuses traditional communities while opening a window of conflict of powers. In light of gathered data, it became clear that the role of traditional leadership in traditional communities is still and generally considered as all-inclusive role where *iNkosi* is regarded as the father-figure of his traditional community together with its people (Goodenough and Hornby,

2002; Picard and Mogale, 2015). However, in rural development terms, quantitative data demonstrate that in traditional communities under Ndwedwe Local Municipality the main responsibility for *iNkosi* is land administration amongst other responsibilities. Due to traditional close proximity and attachment of traditional leadership to community members traced from pre-colonial epoch, the gathered research results affirmed traditional community's trust and understanding of institution in question. Interviewed participants revealed that the institution of traditional leadership deals with various responsibilities ranging from social cohesion, custodian of traditional customs, basic service provision, and socio-economic development of their areas which serves as backbone to their unwavering support they enjoy at local level.

Amongst options provided in the questionnaire, 45 per cent of surveyed participants believed that rural development is also the responsibility of traditional leaders. This affirmed the interpretation of traditional community members towards their traditional leaders which refuse to fade away even in democratic dispensation. This is regardless of various local democratic structures that have been established to strengthening local democracy while responsible for rural development roles. It became clear that if roles and responsibilities in development remain undefined, rural development process will be subjected to inherent pitfalls based of confliction interests. In a system where institutional participation is seemingly determined by the level of democratic compliance and of political party interests, traditional leadership together with its traditional values which are deemed undemocratic in nature seemed to be compromise and likewise traditional communities they represent (Picard and Mogale, 2015). *Amakhosi* that were interviewed, perceived legislative acts attempting to define role and function of traditional leaders as an endeavour of promoting peace; harmony; and co-operative relationship between the institutions involved in local governance. This endeavour ought to achieve that by transforming traditional leadership participation in local governance. It as this point that traditional leaders' concern arise particularly on strategies that are currently employed to further transformation end and based on the research results they are sceptical of the process. *Amakhosi* suspect that the transformative process might completely push them out of local/rural administration especially on land related matters and or that traditional values might be eroded from the very communities they preside over. These elements and others that they sought to protect are the stronghold of their power and of their relevancy in traditional communities.

Interviewed traditional leaders also indicated that role and responsibilities that they are currently and legislatively assigned to do, are not adequately defined as most of them focus non-pertinent which maintain the view of their irrelevancy in rural areas. It became clear from *Amakhosi's* comments that the preferred acts focused on social responsibilities of a traditional leader but not administrative powers and responsibilities which cripple their ability to effectively drive the development of traditional communities. The promoted role of traditional leadership according to most legislative acts, is merely to embrace, support and advise government's initiatives on issues that directly affect their traditional community but there are no legal binding decisions that can be taken by *Amakhosi* even in issues that affect their communities. Furthermore, legislative act do not promote traditional leaders' development initiatives except through land in traditional communities that fall under ITB.

#### 6.1.2. Traditional Leaders and Legal Perspective

The coexistence of western liberal perspectives and African customary law in the same country (South Africa) has produced endless political and legal quarrelling outlooks. This ranges from the interpretation of laws, and moral values which are largely influence by cultural ideals. At core of these quarrelling views is the Bill of Rights and constitutional recognition of customary law (Deveaux, 2010). This form of recognition endeavour to forge balance between individual human rights enshrined in the Bill of Rights protected in chapter two of the South African constitution and traditional communal rights protected by the constitutionally recognized customary law. Likewise, the institution of traditional leaders maintain its current 'ambiguous' position in the South African democratic state due to its constitutional recognition and of the abovementioned customary law. Research results showed that the constitutional recognition of customary law did not accompanied by necessary and enough explanation or neither continual consultation with the most affected rural communities (traditional communities) in this democratic dispensation.

South African approach of recognizing living customary law seemingly did not regarded as a law that evolves from the interpretation of human behaviour and process of identifying particular strands patters and practices that constitute normative customs (Perreau-Saussine and Murphy, 2007). It is therefore, equally important to take into account the colonial polarization and misinterpretation of true African traditional customs and likewise, enough space should be

provided for the institutional of traditional leadership to revive itself and possibly resurrect, promote and protect its true African indigenous humane customs under parameters of the South African constitution.

The major issue to the interviewed traditional leaders turned to be the trust that they receive from traditional communities due to justice they provide based on reconciliation and restoration of peace which is also easily accessible (Carnelley and Hoctor, 2011). Contrary to small claims courts which are located in urban or semi-urban areas, accompanied by non-refundable fees that are sometimes paid for state sheriffs to deliver sermons to defendants. All these processes are viewed delaying justice by traditional communities who are commonly depending on grants and therefore could not afford to manoeuvre through that process. Moreover, section 11(3) of the Constitution provides that “The courts must apply customary law when the law is applicable, subject to the constitution and any legislation that deals specifically with customary law” (Constitution of RSA, 1996). Therefore it is compulsory for South African courts to apply customary law in relevant cases and that is clearly not optional. Although traditional leadership’s outcry to be custodial this form of law has been pushed through ‘traditional court bill’ which was rejected by parliament, the argument it still hotly debated even interviewed traditional leaders express their view that development of traditional communities and their role as leaders could be easily defined if such bill could be recognize into law.

It is therefore evident that democratic principles are commonly at odd with customary practice in different levels of governance even on the international level and traditional leaders with their advocacy of traditional court bill have found themselves in these crossroads. Perreau-Saussine and Murphy, (2007:2-3) declared that;

In modern societies, valid law is usually said to require democratic legitimacy, exemplified by an elected legislator [but] many traditional jurists argue that custom is the only genuinely democratic mode of law-making, reflecting the actual convictions to those customs of ordinary people who practice them, people who vote by consenting to those customs. . . . a formal act such as judicial decision is needed to convert customs into customary law.

The fact that traditional leaders have right to exercise their customs affirmed by Section 30 of Constitution of the Republic of South Africa abide by the Bill of Rights, has created a need of a



supposed proper and detailed clarification of Chapter 12 of the very constitution which deals with their recognition (Constitution of RSA, 1996). Dating from the advent of Native Administrative Act of 1927, traditional leaders were legally permitted to apply and enforce customary law in their traditional communities with regards to marriage, succession, ownership of certain kinds of properties, and other civil matters between members of their communities. However, the Act specifically asserted that rules of customary law were only valid if they "...were compatible with the white authorities' ideas about morality, justice, good order and public policy" (Native Administrative Act of 1927).

Under democratic dispensation the Constitutional Court regarded the Native Administration Act as "an egregious apartheid law... a demeaning and racist system... obnoxious and as not benefitting a democratic society based on human dignity, equality and freedom" (Meintjes-van der Walt, 2008:154). It was illustrious from the interviewed traditional leaders that alienation of African traditional practices together with traditional leadership is deliberately maintained and or repeating itself in contemporary democratic dispensation. They argue that it is demonstrated by current government's position in ignoring their grievances and their legal entreaties as a constitutionally recognized institution. Over and above constitutional recognition, legislative acts have been adopted both by National and provincial government since the advent of democracy in 1994 to strengthening cooperative institutional relationship. However, the endeavour has not yet suppressed continual outcry of alienation of the institution of traditional leadership especially at local level.

In light of the aforementioned legislative acts, constitutional recognition and interviewed traditional leaders, there are no strong signs that seeks to address the most pressing legal issues that does not only affect the institution of traditional leadership but also affect the population of rural and traditional communities. Albeit these legal endeavours seemingly move towards the direction of mixed-government but traditional leadership is clearly not satisfied by its prescribed role in rural areas (De Visser, 2005). Interviewed traditional leaders confirmed that although government aim to clarify the role of traditional leaders but more restrictions and or power limitations are being imposed to the institution even in this democratic South Africa. Also based on the above research results and legal position of traditional leadership in the current democratic South Africa, it is evident that the recognition of living customary law should have been

accompanied by a consultative workshops and be more transparent in rural areas where power of traditional leaders is mostly exercised. The deficiency of consultative and cooperative relationship has been also demonstrated in this study where *Amakhosi* openly attest that their communities has not yet stop to report matter that they (*Amakhosi*) no longer have jurisdiction on.

## **6.2. Local Government and Institutional Participation**

### **6.2.1. Democratic Institutions versus Traditional Leadership**

Chapter Seven of the South African constitution recognized local government and later in 2000 wall-to-wall through Municipal Demarcation Act of 1998 municipalities was adopted together municipal power and functions, but powers of traditional leadership that they had in previous undemocratic regimes were limited. De Visser (2005:91) stated that government's "...reluctance to give in to traditional leaders' demands is undoubtedly informed by the dubious role they played during the colonial and apartheid era and by the sheer impossibility of restoration the institution to its pristine pre-colonial form". Traditional leaders have underwent different form of transformation and changes including challenges with minimal success for the institution itself. Their role and function have been reduced and their jurisdictions in rural areas have also minimized.

Under the notion decentralization of administrative power, the dialogue has been mainly focused on quest of proving the degree of constitutional consistence of institutions involved in local governance as a result the objective of the employed strategy of power devolution is diminished (Cheema and Rondinelli, 2007). This has also compromised traditional community members who still conservative of their traditional practices and their traditional leaders to rely on democratic structures whom they have not yet fully comprehend their operation especially in development issue of rural communities. The collected data demonstrate that traditional leadership seem to be more relevant to rural communities. This is seemingly as a result of the growth of distrust that manifest from corruption, complexity and the lack of transparency of local democratic government structures (De Visser, 2005). Therefore, this inflict a responsibility upon contemporary government to creating an authentic common ground between democratic and traditional institutions. One of interviewed traditional leaders expressed his dissatisfaction about the fact that in some municipal structures, traditional leaders are legislatively forbidden to vote and therefore, their role is merely reduced into advising those who vote even on matters that directly affect

traditional leaders and their communities. This demonstrate that there are blind sides in the notion of cooperative relationship and also the legislative process contradict principles of moving decision making process to local institutions who understand their communities better than any structure of government ranging from national to local level.

Since the main objective of decentralization is to devote some of administrative responsibilities to local people, therefore, institutional participation is pertinent in promoting representative democratic governance (Cheema and Rondinelli, 2007). South Africa as a constitutional representative democratic country, local institutional participation has been of steady growth with confusion in roles and responsibilities. Amongst these confusions is the concern about the clear role of the institution of traditional leadership in a decentralized administrative responsibilities. Collected data demonstrated that institution of traditional leadership is still relevant both in traditional communities and in local governance in general. Also any effective institutional role in community development seem to determine its relevancy in post-apartheid government of South Africa, traditional leadership maintained that their active and clearly defined role in rural development will reserve them with some adequate platform in local government's agenda of rural development (Picard and Mogale, 2015; Keulder, 2010). The study demonstrate that rural public perception of the presumed 'solely' role of institution of traditional leadership in the development of traditional communities continue to pave way for traditional leaders' rural public support. The main question is whether traditional leaders will be able to demonstrate capability of standing by their rural public support through active participation in the rural development agenda given the scarcity of resources on their hands?

The growth of South African democracy together with civil society organizations advocating for democratic institutional partition in rural areas has located traditional leadership under spotlight in the post-apartheid era in South Africa (Pierre de Vos, 2012). Albeit these civil society groups act as checks and balance for democratic qualification of institution involve in local governance, most of issues that are said to confront traditional leadership such as women exclusion (which will be discussed below) were rejected by interviewed traditional leaders. Therefore, the research results reveal that the newly introduced democratic local institution lack capacity to solely make infrastructure and service delivery a reality therefore, an authentic and transparent co-operative procedure is apparently necessary (Wekwete, 2007). The survey participant also attested on the

notion that cooperative governance is crucial for the development of rural traditional communities. It became clear for the preferred choices of institution that should champion rural development; although most of participants preferred traditional leadership but a considerable number of participants preferred ward councillors (democratically elected structure) to champion development in their communities. Based on survey results, 55% percent of the participants in the research affirmed that ward councillors are responsible for infrastructural development in their communities as it demonstrated in the previous Chapter. On the other hand, 65% of the participants acknowledged that there is conflict of power between traditional leaders and ward councillors which hampers the speed of development in their communities.

The exercise of top-down approach in development projects and the administrative powers seemed to be one of major challenges confronting institutions involved in local government (Cheema, 2007; Wekwete, 2007; Picard and Mogale, 2015). This practice turn out to be worst rural areas and particularly in areas under jurisdiction of traditional leaders in Ndwedwe local municipality. The data presented in the previous chapter demonstrated that development projects in areas under jurisdiction of traditional leaders of Ndwedwe Local Municipality do not reflect the general needs of traditional communities. This was revealed by the number community halls compared to health facilities as most and generally needed basic service in traditional community of NkumbaNyuswa area under *iNkosi* S. Ngcobo. This development approach is commonly politicized solely to secure a position of certain political parties where a facility is delivered merely for the sake of delivering without any proper evaluation of what is needed by each traditional community. Seventy percent (70%) of surveyed participant attested that community members are the ones who identify community's needs and basic services through IDP meetings but those priorities also rely on those who take decisions at municipal level where traditional leaders themselves are not part of voting process. It is therefore proven that the needed form of development for rural communities is a "...bottom-up process in which people has a chance to create institutions that respond to their own needs and priorities" (Hyden, 2007: 216). Although the institution of traditional leadership as a local structure still enjoy privilege of being entrusted with certain development responsibilities by their traditional communities but that highly depends on platform and resources that could enable them to adequately deliver what has been entrusted to them by their traditional communities or *Izizwe*.

Traditional council and women participation guaranteed by the KwaZulu-Natal Traditional Leadership and Governance Act 5 of 2005 to ensure democratization of involved institution in local government became apparent in the research results. All interviewed *Amakhosi* demonstrated that they abide it and its effect is evident in TC structure. The Act stipulate that “the number of members of a traditional council may comprise of at least one-third women (Section 2 (c)). They all asserted that they are quite aware of that legislative act and their councils uphold this required percentage of women and their inclusion in land related decisions in the area. INkosi S. Ngcobo went further to state that “this generally conceived idea that traditional leaders discriminate against women is a deliberate effort of tainting the credibility of traditional leadership institution in this democratic South Africa”. The analysis here is that at times civil society organizations rely on one or few cases and therefore generalize to form conclusions with facts that are not adequately tested in respect of practical administrative procedure of every traditional councils in the province or even in the rest of the country for that matter. It of these elements of gender inequality and constitutional contradictions that said to trample upon individual rights of rural population found in the institution of traditional leadership that at times hinders ANC led government to firmly delegate key local administrative power to institution of the traditional leadership (Ntsebenza, 2005, Pityana, 2015). Therefore, rural development under notion of decentralization remain compromised.

### 6.2.2. Houses of Traditional Leadership and Rural Development

In attempt of creating a truly reflection of local community development needs, institutional participation ought to begin from local, provincial and to national level. Likewise National House of Traditional Leadership Act No. 22 of 2009 serves to establish National House of Traditional Leaders with powers and duties to “...cooperate with the provincial houses of traditional leaders to promote [amongst others]; the role of traditional leaders within a democratic constitutional dispensation; socio-economic development and service delivery; the social well-being and welfare of communities;...” (NHTL Act 22 of 2009). The legislative act affirmed powers and responsibilities of the institution of traditional leaders through local and provincial houses. While this act prescribe some powers and duties of traditional leadership through local houses even at local level in a cooperative manner with local government but the relevancy and effectiveness of these houses is seldom. Also their powers and responsibilities are rarely exercised even on matter

that affect traditional communities. Most of these responsibilities could not be adequately exercised given the minimal role of traditional leaders in local government structures (District and Local Municipalities through section 81 of Municipal Structures Act) which exacerbate their irrelevance in rural development.

NHTL Act also provide that the House “must be consulted on national government development programmes that affect traditional communities” (NHLT Act 22 of 2009). Issues that affect traditional communities at they reach implementation stage without adequate consultation of relevant institutions of traditional leadership. INkosi Nzama and iNkosi Ngcobo who are currently members of ILembe LHTL affirmed that even in their traditional communities ward councillors have attempted to allocate sites for development projects without consulting TC and the surrounding community members. This is much worst on national level because most of social issues also traditional communities and directly or indirectly have impact on rural population mostly reside in areas under jurisdiction of *Amakhosi*, but NHTL infrequently participate in those social dialogue. On the other hand NHLT Act 22 of 2009 state that NHTL “may participate in national initiatives meant to monitor, review and evaluate government programmes in rural communities” however, its influence on policy development is seldom in a democratic South Africa. This could also be accredited to the lack of enough resources which is currently a major challenge especially at local level and Ndwedwe Local Municipality is also proved to be prone to this inadequacy of local resources.

### **6.3. Traditional Leaders: Local Resource Distribution and Rural Development**

Democratic government’s administrative endeavours requires resources to maintain any form or structural change or administrative transformation, therefore, decentralization turn to be viewed as a solution where local structures could have power generate revenue to maintain their affairs. However, in a condition where local structures lack resources, a burden continue to fall on central/nation or provincial government. Based on research results, it is apparent that for rural communities in South Africa, the challenge was also exacerbated by post-apartheid restructuring process of local governance with the introduction of new democratic structure over and above of the traditional leadership institution proved to a costly exercise.

The distribution of financial resources proved to be disproportionate or unparalleled manner in areas under Ndwedwe Local Municipality especially in traditional communities. Interviewed traditional leaders complained about the steady growth and *iNkosi* Gumede of Qwabe Traditional Council argue that rural financial resource challenge is mainly caused by the fact that there are two structures of power administratively presiding over same communities (traditional communities). In a local state where communication mechanism are well utilized and responsibilities rests unto local structures of governance to ensure that resources are distributed reasonably in collective manner, inequality in development could be minimized (Picard and Mogale, 2015). It is evident that the absence of effective role of *Amakhosi* in local municipalities' decision-making structures due to the shadow of undemocratic practices over their heads continue to wage the growing disregard of areas that they have strong attachment with its population and mutual understanding of their needed development projects.

Municipal Mayor of Ndwedwe Local Municipality explained that after listening to communities' development priorities, they are then internally "...discussed with different stakeholders including traditional leaders". However, its adoption which is undertaken through voting system excludes traditional leaders since their role ends on advising local municipality only in traditional matters or those that directly affect their traditional communities – but still have no legally binding power over municipal officials and its process. Inequality in development trends is seemingly stems from that form of exclusion and therefore, transparency in cooperative relationship between *Amakhosi* municipal councillors is ineffective.

The fact that sixty-eight percent of land in the jurisdiction of Ndwedwe Local Municipal is under traditional authorities/traditional leaders and predominantly rural with less or no major economic activities, forbids the municipality to collect any revenues from local residences and that hampers local development (Ndwedwe IDP, 2015/2016). This and other reasons are contributing factors to municipal inability to generate income from local natural resources although they are legally allowed by Section 229 (1) (a) of the constitution which stipulate that "...a municipality may impose - (a) rates on property and surcharges on fees for services by or on behalf of the municipality" (Constitution of RSA, 1996). On the other hand the alignment of development projects to national development goals is seemingly has its impact to the direction of rural

development. Although this give a broader direction to local development initiatives but at times it compromise the independence of local governance and which contradict the devolution of administrative power to local structures where traditional leaders could be effective development agents. As a result understanding of local development priorities is crucial to be comprehended by local leaders especially in local municipalities.

Since decentralization is a reactive endeavour which sought to be a remedy the already affective issue of inequality, concentration and abuse of power together with misdistribution of either natural or financial resources, likewise, post-apartheid South African political and economic inequalities necessitated the adoption democratic decentralization of power (Kauzya, 2007). Traditional communities are also inclined to this unequal distribution which promote dependency to provincial government grants due to minimal sustainable development projects to rely on. Ndwedwe local municipality which stands at grade two level is constituted by the population mostly of low income and depends on government grants. Nevertheless this opens a possibility of rooted patronage practice where local leaders depend on provincial leaders and vice-versa and therefore, transparent and accountability principles could be easily destabilized (Cheema, 2007; Wekwete, 2007). It also became apparent based on research results presented in the previous Chapter that the notion of fiscal decentralization which is an endeavour South African government move towards economic equality is likely to be confronted by the common problems that will serve as stumbling block to current administrative decentralization.

It also became apparent from research results that traditional councils chaired by *Amakhosi* have financial challenge and structurally there are minimal chances of them to generate any revenues for sustainable local development. Most traditional areas' lands that dominated Ndwedwe Local Municipality are under ITB which collects royalties in any land related financial activity. And given the nature of process of acquiring that money from the board, therefore it is structurally impossible for TCs to have effective impact on rural development. This will remain so, unless they are met halfway by local government structure who are seemingly investing more on elected ward councillors.



### 6.3.1. Land Allocation and Access

Land issue in South African like in most of developing countries has remain as a source of human development at different levels. It has manage to cross cultures, to trigger gender and increasing racial tensions, to be a tool to measure socioeconomic equality, to be a backbone of any form of development especially in rural communities (Walker and Cousins, 2015). It is therefore a logical necessity and a legal obligation for post-apartheid government to protect and promote land rights for rural populace who heavily depend on land for most of human and community developments. Evidently traditional leadership have been and continue to be at a very controversial position in respect of rural land rights dialogue which has its impact on socioeconomic development of rural population due to their power over its administration.

Although most of land related trends and confusions at local level were forged through oppression colonial laws that resulted to massive land dispossession of African people, tradition that introduced during colonial epoch has its elements in currents traditional leaders' rural land administrative approach (Claassens, 2015). It became apparent from presented results in this study that the dialogue of rural development at local level has been narrowed to the nature of institution of traditional leadership instead of other structural contradictions of local administrative structures that massively contribute in hampering adequate rural development. It also became evident that the widely questioned administrative power of traditional leaders in rural communities is not necessarily linked to development itself but strongly to the said undemocratic nature of the institution of traditional leaders which is strongly manifested into their generally perceived attitude towards rural women. Their central role in exercising authority over land related matters in a communal manner has been characterised by different pitfalls including lack of accountability, transparency and infringement upon the rights of rural populace.

On the other hand, scholars who engage to this topic seemingly to devoting their faculty of mind in characterizing rural underdevelopment and poverty as result of merely 'undemocratic' institution that administer communal lands (Himonga, 2012). Although land rights and access for rural communities is valid contest, however to be convinced that traditional leadership and its nature is solely responsible for underdevelopment and poverty in rural areas is a misconception of the principal problems ranging from the abovementioned institutional structural challenges of local government. It is evident in this study that the said link between land administrative power and

poor provision of basic services together with infrastructural underdevelopment in rural area (especially traditional communities) in the contemporary democratic South Africa is negated by history of former communal areas where *Amakhosi* managed to provide for their communities under oppressive separate development policies of apartheid government. This is demonstrated by the willingness of interviewed *Amakhosi* to participate in rural development issues and with commonly minimal resources, they even go further to approach Ndwedwe Local Municipality for service delivery provision for areas under their jurisdiction.

### 6.3.2. Current Land Allocation Approach in Tradition Communities

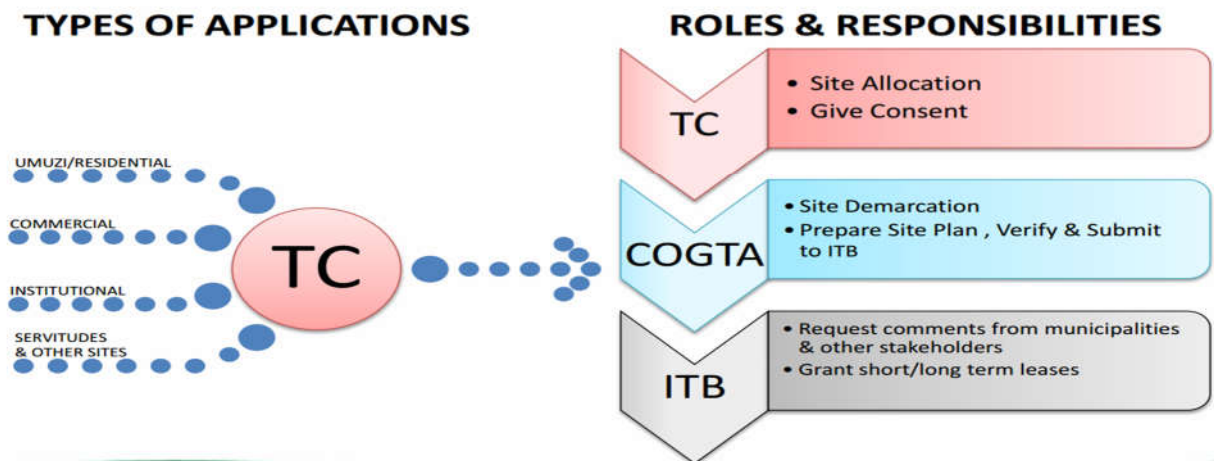
It became apparent from research result that land allocation solely falls under the jurisdiction of the institution of traditional leaders through *Izinduna*. This is so because traditionally they are the first level of traditional leadership that is contacted on land related matters. A traditional council chaired which is established through section 3 (2) of TLGFA (2003) and chaired by *iNkosi*, has its role in land allocation process. Amongst of functions stipulate in section 4 of TLGFA, traditional council's functions is that of "administering the affairs of the traditional community in accordance with customs and tradition; promoting the ideal of co-operative governance, integrated development planning, sustainable development and service delivery". Therefore, this structure is directly involved in rural land administration and interviewed traditional leaders confirmed that after Induna has identified the sites for a particular purpose either settlement or infrastructural development site, the TC evaluate the site which also includes physical site visit. The research results indicate that some *Izinduna* are also members of a traditional council meaning that they sit on TC structure as an ordinary TC member (either selected by *iNkosi* or democratically elected by community members) and also sit on *uMkhandlu weNkosi* as *Induna*. Evidently the role of traditional leaders through traditional councils is directly confronted by legislative limits, scarcity of resources and 'pseudo' co-operative relationship with municipalities which proved to be ineffective (Claassens, 2015).

The results presented in the previous chapter, affirmed that there is a direct link between land access and customary law approach in traditional communities. The research results demonstrate that traditional leaders hold land on behalf of traditional community in a communal manner. This was also confirmed by the process of land allocation in traditional communities which entails formal announcement to community members after the approval of Induna, TC and *iNkosi*. The

Traditional Council which is chaired by iNkosi evaluate the piece of land that has been identified by Induna. Amongst the core things that are considered in the evaluation process is; whether the land is suitable for the purpose that is needed for (e.g. either settlement or public facility). This includes landscape, the impact of that project in nature/environment. The announcement process could also be refuted by community members if evidence of potential future land dispute could arise due to the newly identified site or questionable record of the allocated person or private company. In this regard the community have the power to appeal the decision of *Induna*, T.C. and *iNkosi* by writing a letter of complaint to COGTA district or provincial offices.

Figure 13: Diagram demonstrates a stipulated land allocation process in traditional communities, Site allocation process: KZN CoGTA Presentation in Land Allocation Management in TC Areas

## SITE ALLOCATION PROCESS



Land allocation presides amongst traditional community's controversy and it has been a central point of land rights dialogue after the advent of democracy in South Africa. The main concerns appear to be the sympathy to rural population due to their non-individualistic ownership of land together with the supposedly exclusion of women by undemocratic institution which operate in local democratic governance. The advocacy for the abandonment of communal and traditional form of land ownership is also accompanied by expanding individualistic western principles contradiction the collective or communal form of land ownership. The Rural Women's Movement a community based organization operating in KZN Province is one civil society groups who sought

to represent interest of rural women. The Rural Women's Movement's Director Ngubane together with Claassens attempted to identify *Problems Facing Rural Women*. Amongst other identified problems that are commonly faced by rural women, they stipulated that;

Women are treated as minors, both within the family and the community; ... single women struggle to access residential land because traditional leaders generally refuse to allocate land to women; women are often excluded from traditional institutions such as tribal and village council meetings where key decisions about land rights are taken (Ngubane and Claassens, 2008:156).

Nevertheless, this does not diminishes the focal point of land rights for everyone in rural communities under traditional leadership, however, conclusions they have made about traditional leadership together with blanket generalization especially in women's rights to access or to be allocated land seem to lack thorough research (Keulder, 2010). This is what Pienaar (2011:250) acknowledges that in the South African context "...two diverse property regimes exist alongside one another [which are:] individualized common-law landownership and co-ownership ...based on civil-law principles and the system of land tenure ...based on the shared use of land by communities in terms of indigenous-law principles". Therefore, community's norms and values determines access to land and in this context traditional leaders are the custodians of those norm and values in traditional communities. The effort devoted to land under administration of traditional leaders, is disproportionate to the percentage of general ownership of arable and more productive land which is privately owned (Aliber, 2015). It is therefore a cloudily quest to comprehend whether the central point is indeed a genuine pursuit of resolving land rights challenge together with rural-urban socioeconomic inequality affecting rural communities in a larger scale in democratic South Africa.

With regards to women accessing land in traditional communities, primary data collected from interviewed traditional leaders and surveyed groups (heads of households) from traditional communities revealed that women do access land in traditional communities. However, all interviewed *Amakhosi* express concerns of social cohesion and prevention of potential abuse that could be directed to young and single women who could be allocated land with no trace of family or whatsoever. As it has been presented in the previous chapter, this concern is also the same with single man who require a residential site. In responding to the question, *iNkosi* Nzama of

Hhosiwane traditional community vehemently insisted that in case where women is old enough and also have kids is allocated a residential site if so she requires. Nevertheless it is evident that land access for rural women in traditional communities is matter of great concern from both legal rights and rural development point of view but based on primary data of this study it is apparent that transformation is already underway with the institution of traditional leadership.

Amongst other proposals made by this institution is the recent Traditional Court Bill of 2008 which advocated for full legal operation of traditional courts where tradition councils will legally administer local populace. Furthermore, the bill aimed to affirm the traditional justice system based on restorative justice and reconciliation. Autonomy of these traditional court will mean that local traditional communities would rely on traditional courts presided over traditional leaders and their councils to rule on community's disputes, civil matter and other legal matters which were previously held in local Magistrate courts (TCB, 2008). At core is the fact that the bill was widely criticized mostly by women's civil society organizations such as Alliance for Rural Democracy (ARD), Commission for Gender Equality on grounds that it will oppress women's rights and right to fair justice (De Vos, 2013; Claassens, 2008). On the other hand, the notion of African based restorative justice advocate by traditional leadership through CONTRALESA and Houses of Traditional Leaders at different levels sits well to most of traditional communities and some parts of rural communities in general. This demonstrate the push by traditional leaders for effective role at local level which seems controversial given that the idea of autonomous traditional courts has colonial and apartheid legislative elements is yet to end.

### 6.3.3. Traditional Leadership and Gender Inequality

The notion of gendered inequality and women's limited rights in accessing land in traditional communities has indeed provoked an endless dialogue in land related paradoxes in rural areas of democratic South Africa. *Amakhosi* are at the centre of these controversies due to their presumed role that promote and protect patriarchal form of land ownership or access as custodians of traditional community norms and customs (Picard and Mogale, 2015; Keulder, 2010). This general perception that all traditional procedures pertaining the exclusion of women in land related matters proved to be untrue. Interviewed *Amakhosi* rejected that notion by arguing that women are the

backbone and commonly heads of household of most families in traditional communities, therefore, their exclusion will produce chronic poverty in rural areas. Land tenure approach together with the identification of traditional communities and their leaders intended to establish protection of land rights and guarantee just access for all rural populace regardless of gender (Claassens and Ngubane, 2008). However, results presented in the previous chapter of this research reveal that women involvement in land related issues and traditional institution is indeed improving and in other cases their participation has been already in existence.

*INkosi* Ngcobo of Nkumbanyuswa Traditional Community indicated that “in the presence of poverty and absence self-reliance development amongst women result into chaos in a traditional community”. According to *iNkosi*, tilling land has been almost a day to day cultural practice to women who rely on subsistence, small-scale commercial farming and other form of agricultural activities. The published agricultural households by sex of household head and local municipality statistics demonstrate that in Ndwedwe Local Municipality where 91, 8 percent of the area is under tribal/traditional communities, 6728 household head who rely on livestock production, female heads of households are 3576 surpassing male heads of households who are 3152 (SASTATS, 2016). Therefore, these general municipal Statistics refute the generally conceived idea of women being excluded from accessing land in all traditional communities. In the survey areas of traditional communities, it became clear that women do not access land only for settlement sites but also they are agriculturally active to sustain their lives. The Municipal mayor also stated that “...low income status of municipality in question has forced an all-inclusive approach in addressing poverty and socioeconomic ills”. It of this reason traditional community members engage in forming agricultural community based co-operatives championed by traditional leadership in conjunction with department of agriculture.

Figure 14: Table shows STATS SA: 2016. Number of agricultural households in vegetable production by sex of household head and local municipality: Ndwedwe Local Municipality

<b>Gender</b>	<b>Livestock production by sex of household head</b>	<b>Vegetable production by sex of household head</b>
Female	3, 576	2, 216
Male	3, 152	1, 776
<b>Total</b>	<b>6, 152</b>	<b>3, 992</b>

#### **6.3.4. Ingonyama Trust Board and Rural Infrastructural Development**

The recent pressure of land dynamics in traditional communities prove to be a major source of conflicting views pertaining the role of traditional leadership in democratic South Africa. For KZN province, establishment of Ingonyama Trust Board through Ingonyama Trust Act 3 of 1994, has been subjected to criticism and on the other hand, endorsed by traditional leadership in the province. Based on the data collected in this study, interviewed traditional leaders whom are under Ingonyama Trust openly supported the ITB as the only trust that has protected communal land under traditional leaders in the province. According to *Amakhosi* this included the dignity of traditional leaders since land is the only source of their power which forge their relevancy even in the democratic South Africa. However, it became apparent from interviewed *Amakhosi* that in some aspects, the role of ITB in traditional communities turn to be not what was expected of it particularly in infrastructural and other forms of development in their communities.

The primary objective of the ITB is to administer land for the benefit, material welfare and social well-being of the members of the tribes and communities as contemplated in the Kwa-Zulu Amakhosi and Iziphakanyiswa Act No 9 of 1990. Therefore, its mission is “to contribute to the improvement of quality of life of the members of the traditional communities living on Ingonyam Trust land by ensuring that land management is to their benefit and in accordance with the laws of the land” (Ingonyama Trust Board, 2000). With a total of 2,844,903 hectares held under some 1600 individual titles in the KZN Province, the board has less development influence or initiative for that matter in areas under its jurisdiction. As a result interviewed *Amakhosi* expressed their

distrust and dissatisfaction about the process of obtaining infrastructural development funds from the very ITB which collects royalties from land related activities in traditional communities. Although they (*Amakhosi*) countersign with its role of protecting land under traditional leaders but complication in development funds requests process has escalated pressure while diminishes the possibility of any development projects proposals submitted by traditional leaders together with their communities. *INkosi* Nzama of Hhosiyanane Traditional Community asserted that this lack of support from the trust also contribute to the widely conceive idea of irrelevance of *Amakhosi* in rural democratic South Africa due to their ‘ineffective’ role in rural development. Therefore the lack of transparency of ITB together with minimal or inadequate representative of traditional leaders in the trust contribute to the growing distrust towards traditional leadership to administer rural development. The research results demonstrate that these discrepancies in the relationship between *Amakhosi* and the ITB, promote misconception of ineffective role of traditional leaders in rural areas and or former homelands of democratic South Africa.

#### **6.4. Rural Public Participation in Traditional Leadership**

Public participation in traditional communities has been confronted by different confusions and tensions that originate from the existence of two structures of power which their legislative cooperative relationship is not adequately understood by general rural populace. Likewise, this has also been a challenging exercise or transformation even for the institutions involved in local governance. This is regardless of Municipal Structures Act and Municipal Systems Act that sought to provide blueprint of public participating channels. The fact that Municipality Structures act affirm that a municipality in made-up of political structures, the administration and community pose a responsibility of involving community member in affairs of the municipality. On the hand, Chapter seven of the constitution that recognizes local government, section seven specifically state that “[a] Municipality Council must conduct its business in an open manner, and may close its sittings, or those of its committees, only when it is reasonable to do so having regard to the nature of the business being transacted” (Constitution of RSA, 1998:80).

Municipal Systems Act is explicit in advocating for community participation in municipal processes. Chapter 4 section 16(1) (a) of the act aligns public participation with representative



form of democracy through the encouragement and creation of conditions for, the local community to participate in the affairs of municipality. This also includes:

- (i) the preparation, implementation and review of its performance management system in terms of Chapter 6;
- (ii) the establishment of, implementation and review of its performance management system in terms of Chapter 6;
- (iii) the monitoring and review of its [municipality] performance , including the outcomes and the impact of such performance;
- (iv) the preparation of budget; and
- (v) Strategic decision relating to the provision of municipal services in terms of Chapter 8.

Amongst other legislatively mandated municipal duties is to create mechanism and process for community participation in affairs of municipality which entails process and procedure for participation in municipal governance established in terms of the act (section 17 (1) (a and b)). The act goes further to stipulate that a municipality “...must communicate to its community information concerning - (a) the available mechanism, process and procedures to encourage and facilitate community participation; [this includes] ... (d) municipal governance, management and development” (Section 18. 1(a) (d)). Moreover, according to the act, municipality is legislatively compelled to notify local community of any municipal endeavours through different forms of local media. The results that were presented in the previous chapter the municipal mayor attested about the process of advertising to local newspaper to notify local community members however, due to the level of development and access to media, the municipality resort in informing local community through ward councillors.

According to the municipal mayor, the most public participatory platform for rural communities in areas under Ndwedwe Local Municipality is the sitting of IDP. This has proven that general public does not only elect local leaders but they have an opportunity of holding them accountable for their underperformances. Chapter 4 and Chapter 5 of Municipal Structures Act are interlinked therefore the admission of the public or local communities in the process of identifying development priorities is a municipal legal responsibility. Section 20 (1) of the act stipulate that a “meetings of municipal council and those of its committees are open to the public”. Amongst other considerations and voting process the municipality should not exclude the public from

participating in draft by-law table in council, budgets and draft integrated development plan, decision to enter into a service delivery agreement.

In light of the above-mentioned detailed process of public participation of local communities in the affairs of local municipalities, traditional leadership has a very minimal role to play and it is of this view that there is an endless outcry from the institution of traditional leadership. *INKosi* Gumede of Qwabe Traditional Community asserted that structures of public participation in traditional leadership is of daily basis since the engagement of the public with traditional leaders is open to views and ideas on any person regardless of gender and status in the community. However, the fact that this has never been properly documented and given adequate recognition it makes the institution of traditional leaders and vague institution which has no respect of human rights and supremacy of the constitution.

As it has been presented in the previous chapter, seventy-percent of the surveyed group attested that traditional community members are the ones who identify community development needs and priorities. Traditional leadership together with *Izimbizo* the major public participatory structure or gathering in traditional communities are not articulated in Municipal Structures Act. This demonstrate that the powers and the role that could be played by *Amakhosi* in areas of their jurisdiction is not encouraged enough and has a potential of future conflict if local government fail to deliver. As a result there is a confusion on who is responsible for calling *Izimbizo* in a traditional community since thirty percent state traditional leadership (*Amakhosi* and *Izinduna*) is responsible for calling *Izinduna*, twenty-five percent said they are convened by ward councillors while forty percent said it could be either traditional leadership or democratically elected ward councillor.

## **6.5. Impediments of Adequate Rural Development in Democratic Decentralization of South African Governance**

The abovementioned top-down development approach forbids people of rural areas to own any form of development implemented in their communities. This reveals the fault in priority identification process in traditional communities surveyed. *INKosi* Ngcobo of Nkumbanyuswa Traditional Community made an example of vandalized or destroyed community halls due to the delivery of non-priority infrastructure and politicization of basic services or infrastructure in that matter. The spirit or the objective of decentralization turn to be "...overshadowed by the continued dominance of sector-based services..." which turn to be a stumbling block for community-based

development (Wekwete, 2007: 245). This imposition of serviced further diminished the vision behind the adoption of decentralization and the involvement of local institutions including traditional leadership.

Poor communication between the involved institutions involved in local governance continue to be the hindrance in the realization of a meaningful development in traditional communities. This has been confirmed by the iNkosi of Hhosiya traditional community who have never had a meeting with a ward councillor to discuss development issues. In the absence of communication, cooperative relationship is impossible to achieve. The battle between democratic qualifications together with historically attached perception continue to be the underlying reasons behind poor communication in traditional communities. However, the lack of political will to connect the involved institutions is seemingly prominent in the ruling party merely for what Pityana (2015:170) referred as a 'political expediency' for a ruling party as opposed to pro-cooperative relations. Consequently, political attitude which lacks genuine political will of transforming the institution of traditional leadership has negative impact on role of *Amakhosi* in the democratic South Africa.

The lack of accountability amongst political agencies where democratically elected individuals turn to move to urban or semi-urban areas outside of their constituencies has also opened a vacuum and therefore affect adequate rural development. Interviewed traditional leaders indicated that ward councillors turn to be more accountable to their fellow comrades even in development project. This complain has been availing itself in a democratic south Africa since the formation wall-to-wall municipal structures.

Administrative decentralization continue to be central in rural institutional tension emanating from rural development responsibilities. Likewise, presented data in previous the chapter demonstrate that lack of accountability, transparency and public participation maintains the rural underdevelopment backlog. The data further demonstrated the minimal effort to give capacity building "...to give develop demand-driven mechanism f or ensuring that local governments and communities effectively interact" (Wekwete, 2007:252).

The lack of a political will in resolving the challenges in a transparent and accountable manner while turning the blindside on burning issue of conflicting power interest between the institutions involved compromises government's and state's ability to hold institution involved accountable. On the other hand, the undefined and poorly recognized institutions with conflicting interests or deliberate neutral stand of current government on matters affecting traditional communities together with their leadership pose a risk of chaos and disorder in rural areas under *Amakhosi*. This also affecting the provision of basic services while diminishes traditional community's ability of pursuing community-based socioeconomic development programs.

Moreover, economic challenges remain as the most hindrance factor in rural development while it is the main demonstrating factor in the ability of government and the state to provide and open opportunities for its people. Poor infrastructural development disable rural people to pursue their personal development initiatives including marketable skills, education and entrepreneurship. Also the disproportionate form of development of distribution of financial resources between urban and rural maintains rural underdevelopment as compared to urban areas. It of these reasons traditional communities lose faith on newly formed local democratic government together with its structures and band to traditional leadership as custodians of land and comprehend their community challenges more better than any elected structure.

## **6.6. Main Research Findings**

This section aimed to stipulate main research findings based on primary data analysed in contrast to secondary and or contemporary academic literature around the research problem.

- In light of primary and secondary data, it became apparent that traditional leaders continue to play pivotal role in promoting the delivery of basic services especially at local level. As constitutionally recognized institution traditional leadership has adequate potential of co-existing with democratic structures of local government.
- Customary law and growing demands of democratic governance has created need for more inclusive and authentic co-operative relationship between traditional leaders and democratic local structures.

- This study has found that the limited participation of the institution of traditional leadership especially at local level promote the irrelevancy of traditional leaders whilst hindering adequate rural development.
- The maturing of South African democracy together with growth of civil society organization exposing the lack of corruption, accountability, party politics and aloof behaviour of ward councillors continue to forge relevance for *Amakhosi* in rural development. This is due to traditional leaders' perceived apolitical position and effective role in the promotion of local social cohesion.
- Women inclusion in traditional leadership and in land related decision-making processes is a prevailing and evolving practice and therefore proved the viability in democratic transformative endeavours of traditional leadership.

## **6.7. Conclusion**

In conclusion, this chapter attempted to analyse and discuss research results provided in the previous Chapter. From above discussion, it became evident that interpretations regarding the role of traditional leaders in rural communities varies in the sense of their role and functionality in democratic state but the basics of this institution remain the same. For rural communities of democratic South Africa, traditional leadership is also viewed as the only African traditional based institution that still holds the sense of belonging for most of black South Africans. As a result it has managed to survive even in new democratic government. Amongst other upkeeps of this institution is power over land allocation which is the prevailing source its relevancy that continues to provide a support from rural populace. It also became clear that rural economic development in rural South African communities depends more on the relationship between traditional leaders and local democratic structures as they (*Amakhosi*) are responsible for land allocation in areas under their jurisdictions. Moreover, eminent confusion found in the newly formed local government in the notion of taking administrative power and decision-making process to local institution opens a window of failing government and therefore leads to a weaker state. In a close look of the need of

rural populace, this weakness can be characterized in threefold sectors which are politically, legally and socio-economic underdevelopment.

## Chapter Seven

### 7. Summary, Conclusion and Recommendations

#### 7.1. Introduction

The aim of this Chapter is to summarize central discussions made in the previous chapters of this study. This section sought to briefly unpack research deliberation that shapes the study in light of its primary objective. There will a revisit of introductory Chapters that provided background of the study, theoretical and methodological approaches. It is evident from the secondary data that extensive research has been conducted in the field of local governance with the deepening of democratic practices at grassroots level and or former Bantustans in post-apartheid South Africa. Therefore, contemporary discussion pertaining functions and the role of traditional leadership and constitutional democratic principles has been reflected in the study and will be retaliated in summarizing core discussion that were developed in the study.

In light of arguments, research results and data analyses made in the study, this Chapter will provide overall conclusion and consolidate central position of the paper. Through reflection to research finding and legislative position of *Amakhosi* in a democratic South Africa. This section will make concluding remarks on the current role and function of *Amakhosi* in rural development and their supposed role and functions as mandated by legislative acts discussed in the study. Main research findings will be summarily presented in this section. Democratic decentralization of administrative power and other related responsibilities to lower structures prove to have its pitfalls especially in rural areas of democratic South Africa. Therefore, this section will briefly reflect key discussions of contemporary relationship between the involved local institutions.

Since study investigate role of traditional leaders in a democratic South Africa using Ndwedwe local Municipality as a case study, this section will provide recommendations to provide way forward in controversial issue of traditional leadership and local democratic governance. The growing tension between traditional leadership and civil society organization continue to hinder adequate rural development. In light of decentralized administrative power, this section will also provide recommendations alternative to the already existing governmental approaches on local governance. This will range from decentralized local administrative power, nature of cooperative relationship between institution involved, and future role and functions of traditional leaders in a democratic South Africa.

## 7.2. Summary

As aforesaid, introductory chapters provided a general framework of the study which proved to be of utmost importance in the identification of research problem. Chapter one of this research provided a background of the study and key discussion of secondary data and current academic dialogue pertaining the controversy in the position of *Amakhosi* in a democratic South Africa. The background demonstrated that the widely questioned position of traditional leaders in local governance emanate from previous position of institution of traditional leadership under previous oppressive regimes especially under apartheid regime. This includes the fact that traditional leadership as indigenous structure was subjected to co-option and therefore *Amakhosi* were strengthened as political leaders especially under Apartheid government (Picard and Mogale, 2015). Their integrity, traditional position they held based on loyalty from their subjects was compromised as it was use as a political tool to control African majority. Introductory and background Chapter articulated that legacy colonial and apartheid governments' approach towards traditional leaders continue to be a stumbling block in the revival of this institution to its pre-colonial prestige of absolute rural administrative power in democratic dispensation. The contradicting views pertaining the role of traditional leadership as a Constitutional recognized institution continue to effect into tensions between institutions involved in local governance of democratic South Africa was also identified as main research problem.

Chapter two of the research which provided a review of contemporary academic literature around the research problem affirmed that the role of *Amakhosi* in democratic South Africa continue to be at the centre of fiery dialogue about the exclusion and underdevelopment of rural local communities. The current contradicting views between local democratic structures and traditional processes uphold by traditional leadership pertain rural development locates *Amakhosi* on contentious position of local governance advocated by democratic decentralization. It also became apparent that coexistence of different domains authority as stipulated by Sklar (1968) and Galvin (1999) is also retaliating idea in most of post-colonial African countries and likewise in local government especially in traditional communities. Evidently, power of traditional leaders strongly depended on people's will to obey and protect their community, culture, custom and most importantly land. Current literature reviewed in this chapter demonstrated that the lack of authentic



participation of relevant institutions involved in local governance hampers rural development in traditional communities. At core of quarrelling views about the preservation of the institution of traditional leaders in democratic South Africa is rural land rights as *Amakhosi* have unprecedented power over land; their participation in municipalities; inclusion of women inclusion in traditional leadership structures; and their role and functions in all levels of South African democratic government. Also the current position of ANC led government is perceived as “sustaining a partially dualistic order” which is evident in legislatives and policies that sought to strengthen the power of the institution of traditional leadership in local governance (Beinart and Belius, 2015:28).

It became clear from reviewed literature that traditional leadership’s push for more active role especially in local governance emanate from the advent of South African interim constitution which provided that traditional leaders should play an advisory role both at regional and national levels of government. Ntsebeza (2002:6) affirmed that “...both the interim and final constitutions the republic of South Africa merely incorporated a clause recognizing ‘the institution of traditional leadership’ without any clarity or guidelines as to its roles, functions and powers”. As the role of traditional leaders is more active at local level, this chapter reviewed the devolved administrative power and locate traditional leadership as they were previously responsible for every sector at local level. It became apparent that indeed there is a presence of overlapping role and functions between traditional leaders who still legally have a variety of administrative functions and democratically elected local councils (Oomen, 2013). It also appeared from the literature that this overlap and the preservation of traditional leadership in a democratic South Africa compromise citizenship status of rural population as they might continue to subject of their traditional leaders. However, Bank and Southall (1996) maintain the view that the current situation can provide the bedrock upon which to construct new and experimental governments and traditional leadership is seemingly harmonizing with and promote the democratic norms and practice in the post-apartheid South Africa. There is also a growing view from the reviewed literature that in a multicultural country like South Africa, accommodating diversity in a society with equal citizens is central and also that straddle recognition of formative past with a future vision.

Chapter three and Chapter four provided a framework and the methodological structure of this study. Due to the nature of the study which investigated roles and functions of *Amakhosi* whom are much active at local level, Chapter three displayed that it became necessary to consider a

theoretical approach that will channel more deliberations at local level. Decentralization became more relevant as it sought to promote devolvement of power, accountability, public participation, and local management of natural resources. Post-Apartheid South Africa like most of developing countries engaged on decentralization as state reformation endeavours. Decentralization in a democratic South African government was employed to decentralized hierarchical structures in attempt of making public service delivery more efficient and of extending service coverage by giving local administrative units more responsibility (Cheema and Rondinelli, 2007). The impact of devolved administrative power, accountability and institutional and public participation were stipulated as key concepts in relation to the research problem. Decentralization was identified as theoretical approach due to its relevance in this study as South African democratic government aimed to dismantle the segregating local administrative system of apartheid regime since land dispossession, ethnic grouping and other development challenges took its toll in rural areas. In acknowledgements of some pitfalls of decentralization in developing countries, this Chapter demonstrated that the notion of autonomy of local government currently a pursued approach for rural development.

Chapter four, provided a methodological approach of the research which aimed to shape the study in light of research problem and the way in which relevant data would be collected. This chapter affirmed that the study was an empirical one which made use of primary data collected via field work and that of previous research on the similar field of study including the existing secondary data. Both qualitative data collected through interviews and quantitative data collected through surveys and secondary data was employed to make the study more illustrative. This explanatory research employed *dominant-less dominant* Mixed-method research approach where both qualitative and quantitative paradigms were used. Governmental, organizational representatives and traditional leaders together with *izinduna* were interviewed as they were identified as relevant to provide expertise from different point of views. For research design, the diversity of the study created a need of adequate and relevant information which would have been compromised if either qualitative or quantitative method was solely employed. Therefore, *dominant-less dominant* research approach and mixed method designs use triangulation techniques. The fact that the solely usage of either qualitative or quantitative method might demonstrate some weaknesses, created a necessity to combine them (triangulation) so that each method be "...compensated for by the strength of the other" (Hall and Hall, 1996: 44). Semi-structured interviews were used in this

research due to their ability to allow the informant or an interviewee to comprehend the question while providing a research with an opportunity to ask follow-up questions. Pre-coded or close questions were developed for survey questionnaire that was exclusively directed to heads of households. Cluster sampling method was employed for interviews in this research where certain groups (heads of households) were targeted and sampled the larger community under the jurisdiction of each traditional councils.

Chapter five and Chapter six provided presentation and analysis of primary data collected from the identified participants. These chapter were interlinked as they sought to display and interpret the reality around research problem based on the case study. Primary data presented and discussed in these chapters revealed that the role of traditional leaders in a democratic South Africa is indeed a contested topic. However, both primary and secondary data also affirmed that current coexistence of traditional leadership with democratic structure especially at local level can provide a background for more inclusive rural governance in South Africa democracy. These chapter further illustrate that the general perception of *Amakkosi*'s hostility towards women's land rights and their participation traditional leadership structures is seemingly over exaggerated and at times misunderstood. At core, these chapters reveal that legislative role and functions of traditional leaders in democratic South Africa does not necessarily demonstrate what *Amakhosi* currently practice in day-to-day of traditional communities they preside over. In light of decentralization of administrative power and current challenges sluggish rural development faced by local government, it became clear that *Amakhosi* and their role in traditional communities can coexist with ward councillors to improve the lives of rural communities. Local institutional and public participation, adequate and access to both finance and natural resources proved to be in the forefront of local/rural development under the notion decentralized governance. Likewise, these chapter demonstrated that institution of traditional leadership's position in most of South African rural communities is key to local development.

### **7.3. Conclusion**

The current role and functions of traditional leaders in South Africa emanate from different sources. For that reason, the legacies of those sources continue to display themselves in the institution of traditional leadership. Amongst other sources that shaped procedural governance

approach of traditional leaders displayed in this research; is precolonial epoch where traditional leaders govern with autonomous power and based on African communal tradition. From colonial to apartheid era, traditional leadership is said to be infiltrated with codification of customary law which direct and indirect subjugated the institution to serve oppressive regimes. Therefore, the study attempted to reveal that the current growing tension between traditional leaders and civil society organization originate from their previous role they played in colonial and especially apartheid regime. In democratic South Africa, constitutional recognition of the institution of traditional leadership together with customary law serves as basis in the operation of *Amakhosi* in democratic government. Likewise, the research also discussed traditional leaders' power over land administration in former Homeland or Bantustans which continue to maintain their relevancy in rural development.

This study evaluated legislatives attempt in defining role and functions of traditional leadership post-apartheid era. It became evident that role and function of traditional leaders in democratic South Africa has been reduced to ceremonial and advisory responsibility to government. This nevertheless proved to be the major source of institutional contestation especially at local level. Structural design and participation of *Amakhosi* as stipulated by TLGFA (2003) and NHTLA (2009) also affirmed reduced status of traditional leaders even in areas under their jurisdiction. The primary data demonstrated that *Amakhosi* continue to play pivotal role in rural development particularly in traditional communities. Based on primary data the research also revealed that the role and functions of *Amakhosi* through newly formed traditional councils is confronted by legislative limits, scarcity of resources and 'pseudo' co-operative relationship with municipalities which proved to be ineffective for rural development.

It has been evident in this research that traditional leaders in the country have been dynamically in the centre of social, political and economic development of rural communities, however, their highly contested undemocratic nature compromised their credibility under current government. Gender inequality, land rights and inclusion of women in traditional leadership structures proved to be in the forefront of their contentious position in post-apartheid South Africa. This study has attempted to demonstrate that although traditional leadership acknowledges and committed to transformative endeavours directed to the institution of traditional leadership its imposition from

above seem to create more tensions in the involved institution at local level. Based on primary and contemporary secondary data, this research demonstrated that women's access to land in traditional communities continue to spark socioeconomic debate whilst interviewed traditional leaders attested that women are equally allocated land as equally as men in their communities.

The study also assessed public and institutional participation and ideal cooperative governance in light of democratic decentralization in South Africa. General challenges were revealed by this study which included, ineffective local institutional participation, top-down governmental approach and inadequate financial resources to enhance rural development. On institutional participation, the research articulated that traditional leaders' power which is currently limited by pseudo participation in local municipal councils stipulated in Section 81 of Municipal Structures Act (1999) continue to pose local institutional tension and there hinders authentic cooperative governance. It became apparent from the study that traditional leadership through traditional practice and legislative mandated - promotes public participation through *izimbizo*. Nevertheless, the study confirmed due to the fact that they traditional leaders do not vote and therefore have no decision-making power in local municipal council remain as a source in advocacy of more active role especially at local government.

#### **7.4. Research Recommendation**

This research investigated the role and of traditional leaders in a democratic South Africa using the case of rural development in Ndwedwe Local Municipality. In so doing, the research employed fieldwork strategy to grasp primary data that could provide facts and true reflection of actual representation of the study. In light of main research findings revealing that traditional leadership will continue to play pivotal role in different sectors of democratic South Africa – but their role and function remain vaguer in different respects created a need for alternative approach and possibly a permanent solution to the problem. It is this view that this section of conclusion aimed at providing overall research recommendations.

In an attempt of creating a functioning local democratic government in South Africa, it is crucial to ensure genuine and authentic local institutional participation. Decentralized administrative responsibilities and semi-exclusion of previously involved constitutionally recognized institution of traditional leadership proved to be ineffective in the pursuit of inclusive rural development. It

is evident that the institution of traditional leadership can integrate with local democratic structures due to their position in rural communities. Therefore, it is also recommended that there is a need of reviewing Section 81 of Municipal Structures Act to promote *Amakhosi*'s potential capacity in championing development projects at local municipal level – communities that they effectively communicate with. Likewise, decentralized administrative power should be accompanied by adequate financial resources and or programs that will promote self-reliance of local structures where local governmental structure will be able to generate revenues in areas under their jurisdictions.

It is also recommended that effective transformative endeavours be undertaken within the institution of traditional leadership itself. Although KZN CoGTA in conjunction with the University of Kwa-Zulu Natal has established Leadership and Governance Programme for Amakhosi, but a Learning Institute established by traditional leaders themselves could be more effective whilst allocating the institution of traditional leadership to vibrant competitive position at all levels of government. The learning institute for traditional leaders can assist the institution of traditional leadership in dealing the reviving elements of growing modern democracy.

Moreover, Provincial Houses of Traditional Leadership (PHTL) together with provincial governments should interact in a more inclusive relationship in shaping. Therefore, provincial houses of traditional leaders should have representatives in key provincial government departments related to the roles and functions of traditional leaders. More importantly, PHTL should have active representatives in South African Association of Local Government (SALGA) at all levels. For KZN PHTL, more representative of *Amakhosi* should be integrated in ITB structures as it currently own more than 2,700,000 hectares of land – this should also be accompanied by transparency and adequate assistance to *Amakhosi* in accessing development funds for traditional communities. Aforesaid recommendations can help in transforming the institution of traditional leaders and possibly provide a conducive planform in effecting development policies countrywide and especially at local level.

## Bibliography

Abelson, Julia, et al. (2003) "Deliberations about deliberative methods: issues in the design and evaluation of public participation processes." *Social science & medicine*, Vol. 57. No. 2, pp. 239-251.

Agrawal, A. and Ribot, J. (1999) "Accountability in Decentralization: A Framework with Asian and West African Cases" *The Journal of Developing Areas*, Vol. 33, No. 4, pp.473-502.

Alcock, R. and Hornby, D. (2004) "Traditional Land Matters- A Look into Administration in Tribal Areas in KwaZulu-Natal" Legal Entity Assessment Project: South Africa.

Aliber, M. (2015) "Unravelling the 'Willing Buyer, Willing Seller' Question" In *Land Divided, Land Restored: Land Reform in South Africa for the 21<sup>st</sup> Century*, ed. B. Cousins and C. Walker, 145-160. South Africa: Auckland Park.

Arts, B. and Van Tatenhove, J. (2004) "Policy and Power: A conceptual Framework Between the 'old' and 'new' policy Idioms." *Policy sciences* Vol. 37, No.3-4: pp. 339-356.

Aquinas, S.T. (2000) "On Kingship" In Ebenstein, A. and Ebenstein, W. (eds) *Great Political Thinkers: Plato to the Present*. London: Hogarth Press. pp. 218-237.

Bank, L., and C. Mabhena. "Bring back Kaiser Matanzima? Communal land, traditional leaders and the politics of Nostalgia." *New South Africa Review* 2 (2011): 119-141.

Bank, L. and Southall, R. (1996) "Traditional Leaders in South African Democracy" *Journal of Legal Pluralism*: Vol. 14, No.4. pp. 407-429.

Beinart, W. and Delius, P. (2015) "The Native Land Act of 1913: A Template but not a Turning Point" In *Land Divided, Land Restored: Land Reform in South Africa for the 21<sup>st</sup> Century*, ed. B. Cousins and C. Walker, 24-39. South Africa: Auckland Park.

Bekker B. et al (2008) "South Africa's Rapid Electrification Programme: Policy, Institution, Planning, Financing and Technical Innovations" University of Cape Town: South Africa.

Beall, J. (2004) "Decentralisation and Engendering Democracy: Lessons from Local Government Reform in South Africa" Crisis Research Centre, LSE.

Bell, J. and Ngonyama, M. (2009) "Indigenous Institutions, Traditional Leaders and Elite Coalitions for Development: The Case of Greater Durban, South Africa" Crisis States Research Centre: University of KwaZulu-Natal.

Blunt, P. and Turner, M. (2007) "Decentralization, Deconcentration, and Poverty Reduction" In *Decentralizing Governance: Emerging Concepts and Practices*, ed. G.S. Cheema, and D.A. Rondinelli, 115-130. Washington DC: Institute for Democratic Governance and Innovation, Harvard University.

Campbell, D. and Fiske, D. W. (1959) "Convergent and Discriminant Validation by the Multitrait-multimethod Matrix" *Psychological Bulletin*, 56, 81-105.

Carnelley, M. and Hooctor, S. (2011) "Law, Order and Liberty: Essay in Honour of Mathews" Scottsville: University of Kwa-Zulu Natal Press.

Cheema, G.S. (2007) "Devolution with Accountability: Learning from Good Practices" In *Decentralizing Governance: Emerging Concepts and Practices*, ed. G.S. Cheema, and D.A. Rondinelli, 242-265. Washington DC: Institute for Democratic Governance and Innovation, Harvard University.

Cheema, G.S. and Rondinelli, D.A. (2007) "Decentralizing Governance: Emerging Concepts and Practices" Washington DC: Institute for Democratic Governance and Innovation, Harvard University.

Claassens, A. (2001) "It is not Easy to Challenge a Chief": Lessons from Rakgwadi" Cape Town: Programme for Land and Agrarian Studies, University of the Western Cape.

Claassens, A. (2015) "Law, Land and Custom, 1913-2014: What is at Stake Today?" In *Land Divided, Land Restored: Land Reform in South Africa for the 21<sup>st</sup> Century*, ed. B. Cousins and C. Walker, 68-84. South Africa: Auckland Park.

Claassens, A. and Ngubane, (2008) "Women, Land and Power: The Impact of Communal Land Right Act" In *Land, Power and Custom*, A. Claassens and B. Cousins, 154-183. South Africa: UCT Press.

Cliffe, L. (200) "Land Reform in South Africa" *Review of African Political Economy*, Vol. 27, No. 84, pp. 273-286.



- Cook, P. (2011) “Infrastructure, Rural Electrification and Development” Energy for Sustainable Development: United Kingdom: University of Manchester.
- Cousins, B and Claassens, A. (2004) “Communal Land Rights, Democracy and Traditional Leaders in Post-apartheid South Africa” In *Securing Land and Resource Rights in Africa: Pan-African Perspectives*, ed. M. Saruchera, 139–54. Cape Town: Programme for Land and Agrarian Studies, University of the Western Cape.
- Cousins, B. (2009) “Review Essay: Land Reform in South Africa” *Journal of Agrarian Change*, Vol. 9 No. 3, pp. 421–431.
- Cousins, B and Claassens, A. (2004) “Communal Land Rights, Democracy and Traditional Leaders in Post-apartheid South Africa” In *Securing Land and Resource Rights in Africa: Pan-African Perspectives*, ed. M. Saruchera, 139–54. Cape Town: Programme for Land and Agrarian Studies, University of the Western Cape.
- Cousins, B. and Walker, C. (2015) “Land Divided, Land Restored: Land Reform in South Africa for the 21<sup>st</sup> Century” South Africa: Auckland Park.
- Creswell, J.W. (2003) “Research Design: Qualitative, Quantitative, and Mixed Methods Approaches” USA: University of Nebraska.
- Crook, R. (2003) “Decentralization and Poverty Reduction in Africa: The Politics of Local-Central Relations” Brighton, UK: University of Sussex.
- Dauids, I. et al (2009) “Participatory Development in South Africa: A Development Management Perspective” Hatfield: Pretoria.
- De Visser, Jaap. 2005. “Developmental local government: A case study of South Africa”. Oxford: Intersentia, Antwerpen. Utrecht University.
- Ebenstein, W. and Ebenstein, A.O. (2000) “Great political thinkers: Plato to the present” Wadsworth Publishing Company.
- Falleti, T.G. (2004) “A sequential theory of decentralization and its effects on the intergovernmental balance of power: Latin American cases in comparative perspective” Helen Kellogg Institute for International Studies.
- Fieldhouse, D.K. (1981) “Colonialism 1870-1945: An Introduction” London: Nicolson Press.

- Goodenough, C. and Hornby, D. (2002) "Traditional Leaders: A KwaZulu-Natal Study 1999 to 2001" Independent Research Trust: Durban.
- Geurts, L.A. and Joldersma, C. (2001) "Methodology for Participatory Policy Analysis" *European Journal of Operational Research*: Vol.128, pp.300 -310.
- Hall, D, and Hall, I. (1996) "Practical Social Research: Project in Work in the Community" Macmillan Press: Malayisa.
- Heyman, S.R. and Gary R.V. (1989) "Developing Local Resources to Enrich the Practice of Rural Community Psychology" *Psychiatric Services*, Vol. 40, No. 1, pp.21-23.
- Himonga, C. (2011) "Taking the Gap – 'Living Law Land Grabbing in the Context of Customary Succession Law in South Africa" In *Pluralism and Development: Studies in Access to Property in Africa*, H. Mostert, and T. Bennet, 114-139. South Africa: Cape Town.
- Holloway, I. and Wheeler, S. (1996) "Qualitative Research for Nurses" Blackwell Science: Oxford.
- Howlett, M. and Ramesh,M. (2003) " Studying Public Policy: Policy Cycles and Policy Systems" Canada: Oxford University Press.
- Huntington, S.P. (1968) "Political Order in Changing Societies" London: Yale University Press.
- Huppert, W. and K. Urban (1998) "Analyzing service provision: Instruments for development co-operation illustrated by examples from irrigation." *Eschborn, Germany*.
- Hyden, G. (2007) "Challenges to Decentralized Governance in Weak States" In *Decentralizing Governance: Emerging Concepts and Practices*, ed. G.S. Cheema, and D.A. Rondinelli, 212-228. Washington DC: Institute for Democratic Governance and Innovation, Harvard University.
- ILembe District Municipality; Spatial Development Framework (2011)
- Jick, T. D. (1996) "Mixing Qualitative and Quantitative Method: Triangulation in Action" Cornell University: London
- Kauzya, J.M. (2007) "Political Decentralization in Africa: Experience of Uganda, Rwanda and South Africa" In *Decentralizing Governance: Emerging Concepts and Practices*, ed. G.S. Cheema, and D.A. Rondinelli, 75-91. Washington DC: Institute for Democratic Governance and Innovation, Harvard University.

- Keulder, C. (2010) "State, Society and Democracy: A Reader in Namibia Politics" Namibia: Macmillan Education.
- King, G. et al (1994) "Designing Social Inquiry: Scientific Inference in Qualitative Research" Princeton, NJ: Princeton University Press.
- King, G. et al (1998) "The Question of Participation: Towards Authentic Public Participation in Public Administration" *Public Administration Review*: Vol.58 No.4 pp.317-326.
- Khan, S. and Lootvoet, B. (2001) "Tribal Authority and Service Delivery in the Durban Uni-City". Paper presented at *Gouvernance et Gouvernance Urbain en Afrique Australe*, November 2001, Lusaka.
- Lauglo, J. (1995) "Forms of Decentralization and their Implications for Education" *Comparative Education* Vol.31No. 1, pp.5-30.
- Legislature, KwaZulu-Natal. "Traditional Leadership and Governance Act No. 5 of 2005." (2005).
- Lerson, A.M. and Ribot, J.C. (2004) "Democratic Decentralisation through a Natural Resource Lens: An Introduction" *European Journal of Development Research*, Vol.16, No.1, pp.1–25.
- Mamdani, M. (1996) "Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism" Princeton, NJ: Princeton University Press.
- Manor, J. (1995) "Democratic decentralization in Africa and Asia." *IDS bulletin* Vol.26, No.2, pp.81-88.
- May, T. (2004) "Social Research: Issue; Method and Process" 4<sup>th</sup> ed, Berkshire: Open Press University.
- Mbiti, J.S. (1969) "African Religions and Philosophy" London: Edinburg.
- Meer, T. and Campbell, C. (2007) "Traditional Leadership in Democratic South Africa: *Democracy and Development*" Durban and Cape Town.
- Meintjes-van der Walts, L. (2008) "Introduction to South African Law: Fresh Perspectives" South Africa: Cape Town and Prentice Hall.
- Ndwedwe Local Municipality: Integrated Development Plan 2015-2016.

Nieuwenhuis, J (1995). "Qualitative Research Designs and Data Gathering Techniques" in Maree, K (ed) *First Steps in Research*. Pretoria: Van Schaik Publishers.

Ntsebeza, L. (2002) "Decentralisation and Natural Resource Management in Rural South Africa: Problems and Prospect" South Africa: University of Western Cape.

Ntsebeza, L. (2004) Democratic Decentralization and Traditional Authority: Dilemmas of Land Administration in Rural South Africa. *European Journal of Development Research*: Vol.16. No.1, pp .66-83.

Ntsebeza, L. (2006) "Democracy compromised: Chiefs and the Politics of Land in South Africa" Cape Town: HSRC Press.

Nyerere, J.K. (1966) "Freedom and Unity: A Collection from Writings and Speeches, 1952- 65" Oxford University Press.

Olowu, D. (2003) Local Institutions and Political Structures and Processes: Resent Experience in Africa" John Wiley & Sons: *Public Administration and Development* Vol.23 pp.41-52.

Oomen, B. (2013) "Rights for Others: the Slow Home-coming of Human Rights in the Netherlands". Cambridge University Press.

Pateman, P. (1970) "Participation and Democratic Theory" London: Cambridge University Press.

Pennock, J.R. (1979) "Democratic Political Theory" United Kingdom: Princeton University Press.

Perreau-Saussine, A. and Murphy, J.B. (2007) "The Nature of Customary Law: Legal, Historical and Philosophical Perspectives" United Kingdom: Cambridge University Press.

Picard, L.A. and Mogale, T. (2015) "The Limits of Democratic Governance in South Africa" USA: Lynne Rienner.

Pienaar, G. (2011) Land Information as a Tool for Effective Land Administration and Development" In *Pluralism and Development: Studies in Access to Property in Africa*. (ed) H. Mostert and T. Bennet, South Africa: Cape Town.

Pityana, Siphon M. (2015) "The 'Land Question': The South African Constitution and the Emergence of a Conservative Agenda." *Land Divided Land Restored: Land Reform in South Africa for the 21st Century*, ed. Ben Cousins and Cheryl Walker.161-174. Auckland Park: Jacana Media Ltd.

- Przeworski, A. et al (1999) "Democracy, Accountability, and Representation" United Kingdom: Cambridge University Press.
- Ray, D.I. (1996) "Divided Sovereignty: Traditional Authority and State in Ghana. *Journal of legal Pluralism and Unofficial Law*, 37-38.
- Ribot, J.C. (2002) "African Decentralization: Local Actors, Powers and Accountability" *UNRISD Programme on Democracy, Governance and Human Rights*, Vol.8
- Saito, F. (2008) "Foundation for Local Government: Decentralization in Comparative Perspective" Physica-Verlag: Ryukoku University.
- Seabright, P. (1996) "Accountability and decentralisation in government: An incomplete contracts model." *European economic review*, Vol. 40.No. 1, pp. 61-89.
- Singh, N. (2007) "Decentralization and Legal Empowerment of the Poor" In *Decentralizing Governance: Emerging Concepts and Practices*, ed. G.S. Cheema, and D.A. Rondinelli, 229-241. Washington DC: Institute for Democratic Governance and Innovation, Harvard University.
- Smith, L.D. (2001) "*Reform and Decentralization of Agricultural Services: A Policy Framework*". Food & Agriculture Org.
- Smoke, P. (2003) "Decentralization and Local Governance in Africa, Special Issue". *Public Administration and Development* 23" (4): 7 – 16.
- Stanton, A. (2009) "Decentralisation and Municipalities in South Africa: An Analysis of the Mandate to Deliver Basic Services" *Faculty of Humanities, Development and Social Sciences*: University of KwaZulu-Natal, Pietermaritzburg.
- Taylor, G. R. (2005) "Integrating Quantitative and Qualitative Methods in Research" University Press of America: USA.
- Thompson, L. (1971) "The Subjugation of the African Chiefdoms, 1870-1898" In Wilson, M. and Thompson, L (ed) *The Oxford History of South Africa*. Oxford University Press: New York.
- Times Live, (2016) "Replace Provinces with Big Metros" Available from <http://m.timeslive.co.za/thetimes/?articleId=17098863> [accessed, 05 July, 2016)

Tuner, M. (1999) “Central – Local Relations: Themes and Issues” *Central-Local Relations in Asia-Pacific*. Palgrave Macmillan UK, pp.1-18.

Wekwete, K.H. (2007) “Decentralization to Power Effective and Efficient Pro-Poor Infrastructural and Service Delivery in the Least-Developed Countries” In *Decentralizing Governance: Emerging Concepts and Practices*, ed. G.S. Cheema, and D.A. Rondinelli, 242-265. Washington DC: Institute for Democratic Governance and Innovation, Harvard University.

## Appendices

### Appendix A: questionnaire used to collect data from traditional leaders.

#### **Involvement in Traditional Leadership**

1. How long have you been a traditional leader?  
.....
2. Are you a member of local house of traditional leaders?  
.....
3. Are you involved in rural infrastructural development under Ndwedwe Local Municipality?  
.....
4. How can you characterize the nature of interaction between traditional leaders and local structures of government?  
.....

#### **Perceptions on the Legislative Policies and Acts Regulating Cooperative Governance and Traditional Affairs**

1. How much do you know about legislations regulating the role of traditional leaders in rural development?  
.....  
.....
2. Do you think that these Acts/legislations are good enough to ensure:
  - Clear role of traditional leaders in areas under their jurisdiction
  - Public participation in rural development issues.....  
.....
3. How effective are these legislations?  
.....  
.....
4. What are their strengths and weaknesses?  
.....  
.....

5. What do you think could be done to improve these legislative Acts?

.....  
.....

**Perceptions on Rural Infrastructural Development in areas under Traditional leaders in Ndwedwe Local Municipality**

1. Who administer development in your area of jurisdiction?

.....  
.....

2. What role do traditional leaders play in rural development?

.....  
.....

3. What kind of development do traditional leaders administer?

.....  
.....

4. Is there any transparency and accountability from those who manage development?

.....  
.....

5. Is there any effective public involvement/participation in developmental issues in this area?

.....  
.....

6. What kind of strategies that are employed or followed in ensuring public participation?

.....  
.....

7. Is there any cooperation relationship between ward councilors and traditional leaders?

.....  
.....



**Perception on Land Administration in areas under Jurisdiction of Traditional Leaders**

1. Who is responsible for land allocation in your area?  
.....  
.....
2. Who is eligible to allocated site in your area?  
.....  
.....
3. What procedures that are followed in allocating land for infrastructural development?  
.....  
.....
4. What procedures that are followed to allocate land to individuals for sites?  
.....  
.....
5. Is land under your jurisdiction also falls under any trust?  
.....  
.....
6. What is the role of Traditional Council in land related matters?  
.....  
.....
7. What are the implications (advantages and disadvantages) of that form of ownership?  
.....  
.....
8. What role does Ingonyama Trust Board play in rural infrastructural development in areas that are under the jurisdiction of traditional leaders?  
.....  
.....
9. Does Ingonyama Trust Board adequately address land related issues?  
.....  
.....
10. Does Ingonyama Trust Board contribute to rural development initiatives that benefit local populace?

.....  
.....

\*\*\*Thank you very much for your participation in this interview\*\*\*

## **Appendix B: Questionnaire used to collect data from the KZN Department of Co-operative Governance and Traditional Affairs**

### **Perceptions on Policies administering rural development**

1. What policies that administer the roles and functions of traditional leaders in infrastructural development?  
.....
2. Do current t policies in place administering infrastructural development adequately address the current infrastructural development backlogs?  
.....
3. Are there any policies that allows or ensure the participation of traditional leaders in rural infrastructural development?  
.....
4. Do traditional leaders involved in the formulation of policies that deals with issues of rural development?  
.....
5. If yes, what stage/stages of policy formulation where traditional leaders being to participate?  
.....
6. What other general procedures that are followed by this department in dealing with development in areas under the jurisdiction of traditional leaders?  
.....
7. How can you characterize the nature of cooperation relationship between this department (Cogta) and traditional leaders?  
.....
8. Is there any compliance from the side of traditional leaders?  
.....
9. How does the department resolve or rectify the potential conflict of power between democratically elected ward councilors and traditional leaders?  
.....

**Perceptions regarding the best form of governance**

1. What programmes or procedures that the department employ in ensuring transparency and effective rural infrastructural development?  
.....

2. Are there any effective endeavors of equipping traditional leaders to fit in local democratic structures?  
.....

3. How functional are traditional councils in issues of rural infrastructural development in areas under their jurisdiction?  
.....

\*\*\*Thank you very much for your participation in this interview\*\*\*

## Appendix C: Questionnaire used to collect data from Officials of Ndwedwe Local Municipality

1. Who administer rural infrastructural development in Ndwedwe area?

.....  
.....

2. What role do traditional leaders play in infrastructural development in this municipality?

.....  
.....

3. Who identify infrastructural development needs in areas under jurisdiction of traditional leaders?

.....  
.....

4. Is there any municipal platform where traditional leaders participate?

.....  
.....

5. Does that participation of traditional leaders effective in infrastructural development issues?

.....  
.....

6. Does cooperative governance useful for rural infrastructural development in Ndwedwe area?

.....  
.....

7. Is traditional leadership still relevant in Ndwedwe area?

.....  
.....

8. Does a transformative endeavor directed to the institution of traditional leadership useful for rural infrastructural development?

.....  
.....

9. How can u characterize the relationship between traditional leaders and democratically elected ward councilors?

.....  
.....

\*\*\*\*\*

## Appendix D: Surveys used to collect data from traditional communities under the jurisdiction of traditional leaders

# Survey Questionnaire

### Local Community Under jurisdiction of Traditional Leaders

1. Is there any traditional leader in this community?

a	Yes	
b	No	

2. Is traditional leadership still relevant in this community?

a	Yes	
b	No	

3. What does a traditional leader responsible for in your community?

a	Land Allocation	
b	Delivery of Services	
c	Rural Development	
d	All of the Above	

4. Should traditional leadership be abandoned in this democratic South Africa?

a	Yes	
b	No	

5. Is there any future of traditional leadership in democratic South Africa?

a	Yes	
b	No	

### Land Allocation and other Related Matters

1. Are you the head of your household?

a	Yes	
b	No	

2. How long have you reside in this community?

a	0-10 years	
b	10-20 years	

c	20-30 years	
d	30-40 years	
e	More than 40 years	

3. Who is responsible for Land Allocation in your area?

a	Local Municipality	
b	Ward Councillor	
c	Induna/headman	
d	Traditional leader	

4. Did you pay any amount to be allocated to this site?

a	Yes	
b	No	

4.1.If yes, how much did you pay for you to be allocated to this site?

a	R10-R100	
b	R100-R200	
c	R200-R300	
d	R300-R400	
e	R400 -R500	
f	More than R500	

5. According to you, who should be responsible for land allocation?

a	Local Municipality	
b	Ward Councillor	
c	Induna/headman	
d	Traditional leader	
e	Local Municipality and Ward Councillor	
f	Induna/headman and Traditional Leader	

## Rural Infrastructural Development and Governance

1. Who is responsible for infrastructural development in this area?

a	Traditional Leaders	
b	Ward Councillor	
c	Induna/headman	
d	All of the Above	



2. Is there any conflict of power between councils and traditional leader?

a	Yes	
b	No	

3. Do you see any progress in cooperative relationship between elected ward councillors and traditional leaders?

a	Yes	
b	No	

4. How can you characterise that cooperative relationship between ward councillors and traditional leaders?

a	Good	
b	Fair	
c	Poor	

5. Who do you prefer to administer rural infrastructural development in your community?

a	Traditional Leaders	
b	Ward Councillor	
c	Induna/headman	
d	All of the Above	

### **Delivery of other Basic Services**

1. Who identify services that you need as a community?

a	Traditional Leader	
b	Ward Councillor	
c	Induna/headman	
d	Community Members	

2. Who do you consult for needed basic service community?

a	Traditional Leaders/Traditional Council	
b	Ward Councillor	
c	Induna/headman	
d	Any of the Above	

3. Is there any effective role that is played by a traditional leader in the delivery of basic services?

a	Yes	
b	No	

4. Who should administer the delivery of basic services in rural areas?

a	Traditional Leaders	
b	Ward Councillor	
c	Induna/headman	
d	All of the Above	

### Public Participation

1. Are there any public meetings in this community or *iziMbizo*?

a	Yes	
b	No	

2. Who call those public meetings or *iziMbizo*?

a	Traditional Leaders	
b	Ward Councillor	
c	<i>Induna</i> /headman	
d	Any of the Above	

3. Who is normally attended those public meetings or *iziNduna*?

a	Heads of Households	
b	Most of Community Members	
c	Alders	
d	Youth Only	

4. Where those public meetings or *iziMbizo* are normally held?

a	Sports Grounds	
b	Community Halls	
c	Tribal Court	
d	Any where	

5. Do people allowed to freely voice their grievances?

a	Yes	
b	No	

6. Does a traditional leader form part of or attend those public meetings or *iziMbizo*?

a	Yes	
b	No	

a	Good	
---	------	--

b	Fair	
c	Poor	

7. How can you rate the attendance of community members in those meeting?