

UNIVERSITY OF NATAL

**THE IMPLICATIONS OF THE INCORPORATION OF
TRIBAL AUTHORITIES INTO METROPOLITAN
GOVERNMENT: THE CASE OF KWAXIMBA TRIBAL
AUTHORITY IN KWAZULU-NATAL**

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AUTHORITY IN KWAZULU-NATAL**

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TABLE OF CONTENTS

Title	Page
List of abbreviations	
Chapter 1	
Introduction	
1.1 Aim of the study.....	1
1.2 Background to the study.....	2-6
1.3 Research topic.....	6
1.4 Statement of the problem.....	6
1.5 Research question.....	6
1.6 Research sub-questions.....	6-7
1.7 Hypothesis.....	7
1.8 Working definitions.....	7-9
1.9 Research methodology.....	9-14
1.10 Rational for the study area.....	14-15
1.11 Scope and limitations of the study.....	15-16
1.12 Chapter outline.....	17-18
1.13 Conclusion.....	18
Chapter 2	
Conceptual framework	
2.1 Introduction.....	19
2.2 Theoretical lens.....	19-20
2.2.1 The modernization paradigm.....	20-23
2.2.2 The post-modernization paradigm.....	24-26
2.2.3 The post-development paradigm.....	26-29

2.2.4	Comment.....	29-30
2.3	The review of the related concepts.....	30
2.3.1	The institution of traditional leadership.....	31-34
2.3.2	Traditional leaders in a democratic government.....	35
2.3.3	Debates on traditional leadership institutions.....	36-40
2.3.4	Comment.....	40-41
2.3.5	Traditional leadership institutions in South Africa.....	41-45
2.3.6	Comment.....	45-47
2.3.7	Metropolitan government.....	47-50
2.4	Conclusion.....	50-51

Chapter 3

The context

3.1	Introduction.....	52
3.2	Concept of local government.....	52-54
3.3	Local government in South Africa.....	54-58
3.4	Boundary demarcation.....	58-63
3.5	Broad legislative framework.....	63-71
3.6	Durban functional region.....	71-73
3.7	KwaXimba Tribal Authority.....	74-81
3.8	Conclusion.....	81

Chapter 4

Data presentation and analysis

4.1	Introduction.....	82
4.2	general findings.....	82-84
4.3	Specific findings.....	85-99
4.3.1	Perceptions around boundary demarcation.....	85-87
4.3.2	Perceptions on power relations.....	87-90
4.3.3	Service and infrastructure delivery.....	90-96
4.3.4	Planning processes.....	96-99
4.4	Conclusion.....	99-100

Chapter 5

Summary, conclusion and recommendations

5.1	Introduction.....	101
5.2	Summary of findings.....	102-103
5.3	Theoretical considerations.....	103-104
5.4	Recommendations.....	104-105

List of references.....	106-112
--------------------------------	----------------

Appendix.....	113-119
----------------------	----------------

List of maps

Note The maps assume the page numbers of the previous page

Map 1 The extended Durban Metropolitan Area.....	72
Map 2 The Outer West Substructure and KwaXimba Tribal Authority.....	74

List of tables

Table 1 Key respondents.....	12
Table 2 Gender background by age.....	83
Table 3 Duration of stay in the area	83
Table 4 Households main source of income.....	84
Table 5 Period when services were introduced.....	91

Plates

1 Sub-regional health center.....	93
2 Sub-regional police service center.....	93
3 Local access roads.....	94
4 Postal service facility.....	94
5 Sub-regional sports ground.....	95
6 Crèche.....	95

LIST OF ABBREVIATIONS

DMA..... Durban Metropolitan Area

DMC..... Durban Metropolitan Council

DFR..... Durban Functional Region

OWLC..... Outer West Local Council

KTA.....KwaXimba Tribal Authority

Pers. Comm.Personal communication

ADF.....AmaXimba Development Forum

ADT..... AmaXimba Development Trust

CHAPTER ONE

INTRODUCTION

1.1 AIM OF THE STUDY

This study sets out to understand the dynamics around the issue of boundary demarcation as part of the local government democratization process in South Africa. The establishment of democratically elected local government in the country came with some great challenges and unremitting changes. One of the most important features of the formal local government democratization process has been boundary demarcation, which brought into the picture the project of extending local authority jurisdiction to cover outlying rural areas. The process of rationalizing the municipal system is said to be part of a general trend worldwide to ensure more personal service to the people from municipal services and to ensure that people have access to resources. This process is also said to be about the demarcation of what will be future municipal administrative areas and not about demarcation of land (Mail and Guardian, 28 January 2000).

This study is therefore presented as an insight into the process of incorporating land under tribal authority into metropolitan government in South Africa. Particular attention will seek to look at how the process has translated itself in the case of KwaXimba Tribal Authority (KTA) which was incorporated into the metropolitan boundary (the Outer West substructure of the Durban Metropolitan Area of KwaZulu-Natal) in 1996 as a consequence of the 1995 demarcation process (see map 2 showing the Outer West Substructure and the study area). This work was undertaken in the hope that a greater understanding of KwaXimba experience would allow inference of lessons that could then influence the demarcation process to be undertaken in other localities.

1.2 BACKGROUND TO THE STUDY

The evolution of local government in South Africa since 1995 came with some pieces of legislation and policies to manage the transition and to give direction to the reform of local government structures. South Africa's Constitution (Act 108 of 1996) sets the broad framework in which local government has to operate. The constitution gives primacy to the institution of local government as a vehicle for reconstruction and development of the vision of a new society, and accordingly it has been allocated a whole chapter. Chapter seven, section 151 (1), of the constitution states that the local sphere of government consists of municipalities which must be established for the whole of the territory of the Republic of South Africa. Section 56 also spells out the powers of local governments as listed in part B of schedule 4 and 5 of the constitution. The constitution does not deal directly with demarcation other than to provide in section 155 (3) (b) that there must be an independent demarcation authority for the drawing of new municipal boundaries, which will establish criteria and procedures to be followed. An amendment to the constitution in the form of the Constitution of the Republic of South Africa Second Amendment Act (Act 87 of 1998) is specifically concerned with the extension of local government activities (Republic of South Africa, 1998).

The demarcation process started with the Local Government Transition Act (LGTA) (209 of 1993) which, along with the Interim Constitution, guided the transformation phase, and made provisions for the establishment of demarcation boards in each province. The objectives of these boards was to investigate the demarcation of metropolitan, urban and rural local governments, as well as wards within the area of jurisdiction of such local governments (Cameron, 1999). It was therefore obligatory for boards to investigate boundaries for elections. These boards had advisory powers only and their reports were referred to the respective provincial ministers for local government, who made the final boundary decision in conjunction with the relevant multi-party provincial committee (Cameron, 1999). This process culminated in the 1995 demarcation of

boundaries in South Africa. Within the context of the Durban Metropolitan Area (DMA) where this study is located, the previous process culminated in the incorporation of KwaXimba into the metropolitan area, namely, the Outer West substructure of the greater (DMA).

To complete the process started during the multi-party conference for Democratic South Africa (CODESA) the country further embarked on another process of redemarcation of local government boundaries in preparation for the 2000 local government elections. The Municipal Demarcation Act (Act no.27 of 1998) established an independent authority, the Municipal Demarcation Board, charged with the responsibility of determining new municipal boundaries for the country so as to enable municipalities to fulfil their constitutional obligations.

Both processes, among other things, plan to link tribal areas functionally linked to the metros directly to local municipalities, often becoming part of a common local government structure. Cameron (1999) asserts that, the concept of a functional boundary is derived from the optimal area, for which particular services is or should be provided namely the catchment area. What is worth noting is that a minimum organizational size is needed for each function and that the optimal size greatly exceeds this minimum. So the type and number of functions is important in ascertaining the minimum size of the unit. According to Cameron (1999) the advantages of this functionalist approach is that it provides a precise guideline rather than the vague criteria such as the "social community" or the "financial". Cameron (1999) is however quick to point out that this approach has some flaws in a sense that local government functional units have different catchment areas, making it necessary to select one or two functions as determinants; different aspects of a service may have different catchment areas and some services may be national or provincial in scope, which complicates the question of functional boundaries, particularly given the fact that political values instead of catchment areas often determine the allocation of functions.

According to the Demarcation Draft Document, 12 January 1999 both demarcation processes in the country used the concept of functional boundaries in its broader sense. One of the requirements of the LGTA is that the boundary restructuring process should link with the Integrated Development Plan (IDP). This is important because IDPs are intended to promote the integration of different sectors and activities; thus, they have implications for the demarcation process and the concept of functionality. From a technical perspective, “functional boundaries” was adopted as a concept to drive the demarcation process. The criteria for demarcation was therefore located within the functional approach, which was informed by the following parameters as, defined by the Urban Foundation Study of 1985 and the Municipal Demarcation Act of 1998:

- areas that depend on the metropolitan area as a source of employment opportunity;
- areas that depend on the metropolitan area for access to basic services and amenities;
- areas which commercially and educationally are linked to the Metropolitan area;
- the interdependence of people, communities and economics as indicated by among other things, employment and access to basic amenities; and,
- the already existing functional boundaries relating to among other things, voting districts socio-economic planning and environmental implications.

All these elements exhibit interaction between the people as well as the circulation of people and goods between the core and the periphery, as well as administrative and development concerns. The demarcation process is therefore said to be at the heart of local government transformation in a sense that it seeks to bridge the gap between the rich and the poor in relation to access to basic amenities of water, sanitation, electricity and other infrastructure needs of poor communities as well as bring down the curtain of the apartheid municipal system (Mail and Guardian, 28 January 2000).

However, boundary demarcation has arguably been the most heated and controversial part of the entire local government democratization process. With the 1995 process, local forums in many areas were unable to reach agreement about the boundaries for elections (Cameron, 1999). With the country currently standing on the brink of a further redemarcation of local government boundaries ahead of the 2000 local government elections, the issue of demarcation took a center stage once again. The dissertation was done at a time when the process of incorporating land under tribal authorities into metropolitan government was gaining publicity and attention from different members of the society.

In fact, many debates and criticisms were floated around concerning the demarcation of municipal areas and the possible incorporation of areas under traditional authority. The daily print and electronic media highlighted cases of dissatisfaction by tribal leaders over the process and most of them argued that their land, powers and functions would be lost and that the process would alter the age-old tradition and change the way of life of the traditional communities (Daily News, 12 October 2000). Most of the issues raised by the media centered on power relations and roles of the democratically elected and the traditional structures. On the other hand some sections of the society hailed the process as the best vehicle for developmental local government and equitable municipal service provision (Daily New, 22 July 2000). Even though the issues around the demarcation process received wide coverage, it was necessary to treat them as allegations, which still needed to be confirmed through a more objective assessment. As the process unfolded it became pertinent to explore how the previous process had translated itself in KwaXimba Tribal Authority, which was incorporated in 1996.

The primary focus of this study is therefore more specific. While including an overview of the general local government constitutional and legislative procedures, it focuses specifically on the critical process of incorporating tribal

authorities into metropolitan boundaries as part of the local government democratization exercise.

1.3 RESEARCH TOPIC

The purpose of this study is to look at the implications of the incorporation of tribal areas into metropolitan government for planning processes and development. It deals specifically with the case of KwaXimba Tribal Authority in KwaZulu-Natal.

1.4 STATEMENT OF THE PROBLEM

The process of redrawing boundaries of South Africa's municipalities involves linking areas under traditional authority directly to local municipalities. There is however controversy surrounding the incorporation of the tribal areas and it is not clear as to what the implications are for planning processes and development.

1.5 RESEARCH QUESTION

What has been the outcome for planning processes and development of the 1996 incorporation of KwaXimba tribal area into the Durban Metropolitan Area and what lessons might this provide for the current demarcation process?

1.5.1 RESEARCH SUB-QUESTIONS

In order to answer the research question the following subsidiary questions were used to guide the research.

- How does the process of demarcation work?

- Which basic amenities and other infrastructure services are associated with the incorporation of KwaXimba into the Durban Metropolitan Area?
- What are the perceptions of the people of KwaXimba towards the incorporation?
- What specific problems did the incorporation process present for KwaXimba?
- What are the different forms of participation and roles traditional leaders play in the metropolitan area and how effective is it?
- How has the KwaXimba area been incorporated into planning processes?

1.7 HYPOTHESIS

The process of incorporating tribal areas into metropolitan government provides a major instrument to bridge the rural-urban divide in terms of provision of basic amenities and other urban infrastructure as reflected in the case of KwaXimba in KwaZulu-Natal.

1.8 Working Definition for Key terms

For purposes of this study the following terms were identified and their meanings which show how each term is understood and will be used, are attached.

- **Demarcation Process:** A plan which seeks to re-draw the outer boundaries of a local authority such that functional tribal areas that enjoy a reciprocal relationship with the urban areas, as stated in the background section, are directly linked to local municipalities, and thus become part of the metropolitan government.
- **Metropolitan Government:** A formal government or management system for a metropolitan area that is made out of elected councilors as opposed to non-elected customary administration.
- **Tribal Leader:** Non-elected but appointed person to a position of political leadership over a particular community sanctioned by custom, tradition and

by virtue of his/ her ancestry. In some cases a traditional leader can be appointed by order of a community or government to exercise political authority over a tribe or a tribal area (Keulder, 1998). This person then assumes a position of authority as a chief “inkosi” or a headman “induna”. This concept is located within the whole institution of traditional leadership. In fact, a tribal authority is a component of the system of traditional leadership, which includes the traditional council and several levels of decision-making, depending on the matter concerned.

- **Tribal Area:** An identifiable settlement or land under the customary tenure, administered by a tribal leader. In this study this excludes commercial farm and freehold areas. In the case of Kwazulu-Natal the regulation of such land was once vested in the former Kwazulu homeland government, but is now regulated under the Ingonyama Trust Act (Act, 3 of 1994), which has established a special board for that purpose.
- **Basic Amenities:** Facilities and circumstances that improves the quality of life and make life pleasant for the people; such as access to water, sanitation, electricity and other infrastructure needs of the poor communities. In this study different service providers such as Metro water, Telkom and Durban Electricity provide such services.
- **Development:** Includes both economic growth as well as social developments, although one is often given precedence over the other, depending on the ideological background of those plotting the development trajectory. T. J. D. Fair (1990) has described development as the satisfaction of people’s material and strategic needs. The satisfaction of the people’s material needs lead to increases in the standard of living and decreases in absolute and relative levels of poverty. The satisfaction of strategic needs involves the empowerment of people in order to allow them to take control of their lives. It is however, essential to remember that the satisfaction of basic needs is often contingent on higher levels of economic growth.

- **Urban-Rural Divide:** The lack of linkages and interdependence between the urban areas and their rural hinterlands, such that, there is no mutual interaction and complementary roles that the two sectors play in the national space economy of a country.

1.9 RESEARCH METHODOLOGY

1.9.1 Broader Methodological Approaches

The methodology employed was descriptive and exploratory, combining both qualitative and quantitative design. The study was exploratory and descriptive in nature because it attempted to understand the issues and dynamics of planning processes, development patterns, and power relations, in the context of the demarcation process. The qualitative aspect of the study involved semi-structured interviews and on site observations. Qualitative data gathering is efficient since it provides one with behavioral information that shows the individual views, perceptions and opinions on the subject under discussion. On the other hand, the quantitative aspect of the study comprised structured questionnaires, which were directed to the residents of the area. The latter method is good in a sense that it allows one to compare variables. Details of the methodology is discussed below

1.9.2 Data gathering

Due to the diverse information required it was necessary to rely on a combination of both primary and secondary sources.

1.9.2.1 Primary Sources

Several surveys were conducted. Some 40 residents were surveyed using structured questionnaires. Informal interviews with 8 residents of two neighboring tribal areas, which were not under the DMA, were also conducted. There were also some semi-structured interviews, which were used to solicit in-depth information on the issues relating to the research problem as well as cover some

issues, which might not have been well picked up in the surveys. The interviews focused on the following key respondents and stakeholders like the:

- tribal leaders of the area like the chief and the headman;
- service providers like Durban electricity, Durban metro water, Telkom, and the Outer West Local Council Engineering Department;
- academics and some people with some knowledge on the subject of local government, traditional leadership and the demarcation process;
- local authority officials like the planners and project managers; and,
- local members involved in the development structures in the KwaXimba area.

There was also some actual site observation whereby the author made several visits to the area and identified some public facilities as well as development projects associated with the Outer West Local Council in the area. The on site observations by the author was to verify and to add to what the questionnaire and interview items presented.

1.9.2.2 Secondary Sources

The researcher utilized different documents relating to local government democratization and the institution of traditional leadership in the context of boundary demarcation. Some of the materials accessed for the writing of this dissertation included: books, journals, newspaper articles, reports, dissertations and the Internet search. Below is a list of some documents which were specific to the study:

- the Discussion Document on Traditional Leadership and Institutions;
- a dissertation on Tourism in KwaXimba;
- Outer West Local Council report on KwaXimba Sub-region;
- a report by the Durban Metropolitan Council on Development Nodes on the Urban Fringe; and,
- A book on the Democratization of South African Local Government.

The researcher also embarked on an analysis of different reports and policy documents, that were relevant to the study like the:

- Constitution;
- the White Paper on Local Government;
- the Local Government Transitional Act; and,
- the Ingomyama Trust Act.

The main focus of this exercise was to try and identify points of agreement and disagreement between the various texts, and this analysis formed part of the legislative framework.

1.9.3 Sampling Procedures and Selection of Respondents

Due to time, financial and logistical constraints it was not possible to follow an exhaustive quantitative methodology. For the selection of the households, the random sampling technique was used. Choosing a random sampling method usually involves using a table of random numbers to avoid bias selection of respondents. Some recent aerial photographs of the area were then identified at the Outer West Local Council, and they were used as a reliable basis for using a table of random numbers to select 40 homesteads through the grid. Since the area is divided into 13 settlements, the settlements were used as clusters and in each settlement 3 households were chosen using the grid. In each homestead the researcher administered a questionnaire of about 25 items to heads or senior members to ensure that there was adequate responses (see appendix). The researcher administered the questionnaire items personally so as to clarify where there was a need. The author also embarked on some informal conversations with 8 household members from two neighboring tribal areas that were not under the DMA, to elicit different views on the issue of incorporation. These 8 households 4 in each tribal area (Mkhizwana and Nyavu) were randomly selected.

For the selection of key respondents the researcher identified people with the desired characteristics and came up with a sample of 11 key informants. This entailed people that were not part of the sample framework. These people were selected by virtue of their expertise on the subject of local government and the incorporation of tribal authorities into metropolitan government. This group also comprised of people who were involved in driving development and service delivery projects in the area.

Table 1 key respondents

Names	Date	Credentials
A. McIntosh	1 /03/ 2000	Planner (consultant)
A. Vaughan	5 /03/ 2000	Academic
P. Ngcobo	4 /08/ 2000	OWLC official
S. Mlaba	7 /08/ 2000	Tribal chief
V. Ramduny	10 /08/ 2000	Planner DMA
T. Subban	20 /10/ 2000	Planner DMA
J. Forbes	26 /10/ 2000	Planner OWLC
S. Khuzwayo	3 /11/ 2000	Planner DMA
N. Sibisi	4 /11/ 2000	ADF Chairperson
S. Ngubane	5 /11/ 2000	Ward Councillor KTA
P. Gilmore	26 /11/ 2000	Planner OWLC

The main issues that were raised and monitored during the surveys and interviews centered around:

- the perceptions of the respondents towards the issue of incorporating tribal areas into metropolitan government (in particular the way in which the process translated itself in KwaXimba);
- the existing or desired relationship between the formal and the informal management structures within the new demarcation arrangement and the

roles played by each structure in the processes of development (with reference to KwaXimba);

- the mechanisms of delivery of services and their management by the different service providers in the area, as well as the problems encountered;
- the current development needs in terms of basic amenities and other infrastructure services in the area; and,
- the way in which planning processes like Spatial Frameworks, Land Reforms, Land Use Management Systems, Land Development Processes, Environmental Management Systems, Sectoral Plans, Participatory processes, and other planning mechanisms translated themselves in KwaXimba.

1.9.4 Data Processing and Analysis

A composite answer table was manually designed to slot in the responses from the 40 questionnaires. This was used to summarize data and to group responses into meaningful categories and themes. Then a series of tables and graphs were generated using the computer and were then used for analysis purposes. The information gathered from the 8 respondents from the two tribal authorities which were not under the DMA, was used to check out the differences/similarities with regard to the level of service provision between an incorporated and non incorporated areas.

Interviews were manually processed and some meaningful categories were established and points of similarities were grouped together, versus those of dissimilarities, and then a summary was made.

1.9.5 Validity and Reliability

Before the final survey was conducted a pilot study on 5 households was conducted. Some items were all right for respondents to respond to, and other items required some changes, and adjustments in the wording or the content.

1.10 RATIONALE FOR CHOOSING KWAXIMBA TRIBAL AUTHORITY AS A CASE STUDY

It was important to conduct a study on the issue of demarcation of municipal boundaries in KwaXimba because of the following reasons.

The fact that during the time of the study the area already fell under the Durban Metropolitan Council and formed part of the Durban Functional Region (DFR) as defined by the Urban Foundation Study of 1985 swung the decision to its favor. It was essential to see how the process of incorporation had translated itself in the area in view of the debates around the demarcation process.

Secondly, the area was continuously being used in boundary demarcation debates, as a reference point for other tribal areas to see that the formal and informal systems of governance could co-exist. The chief of the area was also featuring prominently in the demarcation debates that were taking place as a tribal leader with practical experience on the realities of being part of a metropolitan area to such an extent that at the time of this dissertation, the chief of KwaXimba was busy conducting some workshops, helping out some tribal authorities who were to become part of the DMA (pers. Comm. Chief Mlaba). The researcher viewed that as fertile ground to conduct a study of such nature in that area.

Lastly, the authorities of the area, especially the chief, seemed to share some special relationship (brother) with the mayor of the DMA and that was useful in

testing out whether KwaXimba was a special case, as a result of that relationship.

1.11 SCOPE AND LIMITATIONS OF THE STUDY

The dissertation seeks to add to the debate surrounding the project of extending municipal boundaries into tribal land. This process has to be considered in the context of the broader local government democratization process in South Africa. Boundaries are however not artificial constructs and they delineate political power and involve a political process, hence the contestation. Although the study dealt with a particular geographical setting, a few limitations of the study, which cuts across a wider spectrum, need to be pointed out.

Firstly, there seem to be no known rural settlement in South Africa that is completely free from urban influence. This suggests that it is problematic to talk about the urban-rural discourse (urban-rural divide) of the study, since it is difficult to define a threshold separating urban from rural. That is the case since there is a considerable interaction between the two places, to an extent that there is no phenomenon as a rigid urban and rural area.

Secondly, when one looks at the nature of KwaXimba before it was incorporated as part of the DMA, its characteristics show that the area was urbanizing, as it had been a peri-urban place for many years. Even though the area was not clearly urbanized in terms of formal administrative structures, but in terms of basic development needs and development patterns that are associated with urban areas, it was urbanizing. This therefore, makes it difficult to clearly test out the assertion that the incorporation is a major instrument to provide basic amenities and other urban infrastructure to rural area.

Thirdly, the special relationship that was enjoyed by the chief of the area, with the DMA mayor, was problematic in a sense that it was not clear whether its

successful incorporation into the DMA was a special case, as was believed by some sections of the society.

Fourthly, even though the author did conduct some informal interviews with some residents from two neighboring tribal authorities that did not fall under the DMA, the research could have been more informative if a more extensive comparative study with a tribal authority that did not fall under the DMA was conducted.

Fifthly, while the author was busy conducting the study, the issues around demarcation were ongoing and new developments and legislation were factored in, this made it very difficult for the author to capture all the changes that might have impacted on the study.

Sixthly, while there is fair degree of general information available on boundary demarcation in developed countries, there is very little information on individual cases in Africa and South Africa in particular. This then rendered the study inefficient and as a result it had to rely much on Cameron's work.

Finally, due to financial, budget and time constraints the study was not able to reach a larger section of the KwaXimba area, interviews were only limited to a small sample. Hence, the results of the study are not necessarily representative to the whole community.

1.12 CHAPTER OUTLINE

For creating a clear frame of reference this dissertation is presented in 5 chapter. The aim and composition of each chapter is as follows:

Chapter 1 Introduction

This section sets the scene by revealing the aim and background of the study. The research topic is also stated as well as the main research question, its subsidiary questions and the hypothesis. The methodology is also developed as well as the working definition, the rationale and the limitations of the study.

Chapter 2 Conceptual framework

This section attempts to build the theoretical glasses through which the primary research is to be viewed. It also gives the literature that deals with specific concepts, which inform the research problem.

Chapter 3 The contextual framework

This section provides a substantive context, tracing the debates around the issue of democratic local government as well as the legislative framework around it in South Africa. The chapter also considers the concept of local government demarcation and then concludes by looking at the location of the study, starting with the broader location of the DMA and then KwaXimba Tribal Authority.

Chapter 4 Analysis

This section presents and analyzes the findings of the study. At the most practical level the analysis looks at the lessons derived in terms of planning processes, development projects and power relations of incorporating KwaXimba into the DMA. Then, at a more theoretical level, the aim is to make a contribution to the debates surrounding the linking of urban areas to their rural hinterlands.

Chapter 5 Conclusion and Recommendations

This section pulls together the finding of the study into a conclusion of this dissertation. This chapter also provides some recommendations that have meaning for future planning practice in the context of boundary demarcation.

1.13 CONCLUSION

This dissertation examines the process of boundary demarcation in South Africa. Boundary demarcation in the country has to be understood in the context of the broader local government democratization process. More specifically, the objective of this dissertation is to look at the implications of incorporating tribal authorities into metropolitan government for planning processes and development, with particular reference to KwaXimba tribal authority.

The concern of this chapter was to put the study into context. An outline of the research problem, research question, subsidiary questions, hypothesis, and the structure that the dissertation takes is provided. This chapter also included the research methodology employed to achieve the objectives of the study. The following chapter will present the conceptual framework that guides the study.

CHAPTER TWO

CONCEPTUAL FRAMEWORK

2.1 INTRODUCTION

The primary purpose of this chapter is to place the research topic within a conceptual framework. This section is of critical importance because it provides a framework that underpins the research and gives a broader context to the discussion that will follow. An attempt was made to blend a literature review on the issue of traditional leadership institution and democratic governance with a consideration of theoretical paradigms in understanding developmental issues. There are therefore two dimensions to the conceptual framework outlined below: the first part considers the broad theoretical lens through which the research problem is looked at; the second part then considers the literature that deals with the specific concepts that inform the research problem.

2.2 THEORETICAL LENS

This section of the study provides a critical review of the different positions that can be used to understand a study of this nature. In view of the theoretical aspect of the topic, the study is located within a combination of three theoretical paradigms namely the:

- Modernization theory;
- Post-Modernization theory, and
- Post-Developmental theory.

The idea of adopting more than one theoretical framework has been influenced by the fact that the conception and application of boundary demarcation do not reflect one ontology and epistemology. In fact, boundary demarcation looks at

the character and notion of planning activities as essentially a developmental and post-developmental project. This section of the study is therefore organized such that it considers the assumptions of each paradigm and then validates them against the thesis of the study. What is worth noting is that the study does acknowledge the fundamental differences between these different paradigms. However, each paradigm is used as a framework in which the dynamics of boundary demarcation can be understood, and it is only the postmodernism paradigm that has been identified as the pillar of this study.

2.2.1 THE MODERNIZATION PARADIGM

Modernization theory dominated development theory and practice up to the early 1970s. Modernism is associated with the Enlightenment period and has as its major objectives the power of the individual to effect change and progress. According to Healey (1997) Modernism is concerned with rights of the individual to life and respect, that we are all free and equal and that by the application of scientific enquiry and technology progress we can advance and positively influence the circumstances of people's lives. In the modernist era planning was regarded as a science, and thus, only trained officials would engage in it. As with all sciences, planning was expected to follow prescribed procedures, which follow one after the other to reach a rational conclusion.

Its basic tenets are that knowledge is an object construct different and superior to the irrational forms of knowledge such as tradition and religion; that rational knowledge of society is attainable; and, that empirically tested knowledge is truth (Odendaal, 1999). These have been the building blocks of modernism. They are based on Western intellectual thought of how social institutions should be organized and the way in which life should unfold (Odendaal, 1999). At the level of application it is a theory that tries to ensure that there is outward diffusion of development whereby the underdeveloped nations and regions are integrated and assimilated into the developed ones.

The modernization theory also views the democratic countries of the West as having reached the zenith of civilization and that the rest of the countries of the world are to emulate them (Bauzon: 1992). Rostow then came up with stages of development, which were meant to be followed by the developing nations in order to reach the higher levels of development. It however falls outside the prerogative of this study to delve into the details of the stages of development as they were applied in the context of developing nations.

There is also another dimension of the modernization paradigm, that of the core-periphery postulation. The assertion in this postulation is that, for each major period of economic development through which a country passes, there is a corresponding structure of space economy (Friedman, 1966). Space economy means the manner in which the economy of a country is manifested spatially, which in turn will influence the relationship between types of settlements.

Relevancy of the paradigm to the study

The most important implications of modernization theory to this study is its antagonism towards tradition. Tradition is viewed as an obstacle to developmental processes. Europe for example, could only commence its evolution progress with the Enlightenment when the constraints of tradition, medievalism and religion were removed, and the conception of individual rationality was entrenched.

In the context of KwaXimba modernization theory would view the major constraints to development being non-elected traditional leadership, communal land tenure, cultural attitudes and myths that have existed from times immemorial. The notion of planning as a modernist construct has become a common characteristic in the quest to improve people's lives through scientific enquiry and intervention. Therefore, the possible incorporation of areas under tribal leaders into metropolitan government would be used as a measure to

transform the rural areas and their institutions to adapt to the requirements of modern societies and its arrangements.

The employment of modernist planning ideas to make traditional institutions compatible with the modern ones is not new to Africa, nor is it particularly new to South Africa. According to the Ministry of Provincial and Local Government (2000), following the attainment of independence and decolonisation process, most African countries borrowed extensively from modern planning in the creation of a new society. In the case of South Africa post 1994 ushered in a new order in the planning field which among other things sought to democratize local government to make it relevant to development circumstances associated with modernity.

Criticisms of the Modernization theory

Odendaal (1999) asserts that, the problem with the modernist project is not so much that its objectives and principles are unsound, but that the way in which it has unfolded has had negative impacts. In its quest to free and make all people equal, though the application of scientific inquiry and technology intervention to improve the people's lives and material circumstances, it has translated into government institutions which have generated new bastions of power and new ways in which people are made unequal (Healey, 1997). By considering the modernist roots of planning we have come face to face with what Harrison terms "the mean side of modern planning" (1991:1). In the context of incorporating areas under tribal leadership into metropolitan authority thus becoming part of an urban area, the process can be viewed as an imposition upon the rural people of the values and culture of the urban elites. Furthermore, the process can be viewed as representing the victory of the city over the countryside, and of city-based structures over traditional values and cultures.

Another criticism of this theory is that it does not explain the persistence of underdevelopment, irrespective of the close cooperation of the underdeveloped

societies with the developed ones. For instance, in the case of South Africa, most rural areas share an almost daily contact with their neighboring urban areas, but still most of them are under developed, in terms of the criteria put forward by modernization theorists.

Closely related to that is the belief by the modernization theorists that the dual economy would eventually be eliminated and be transformed into a fully modern economy that is characterized by an interdependent spatial system (T.J.D. Fair, 1982). That is to say growth in the core would eventually move out to reach the less developed areas through the "trickle down effects." However, empirical evidence especially in the case of South Africa has clearly shown that irrespective of impressive national economic growth, disparities between the core and the periphery remain. In this respect T.J.D. Fair (1982) makes an illustration that, the gap in the GGP per capita between the former white areas and the African periphery in the 1970s increased tremendously despite the fact that the annual growth rate of the two areas was the same in relative terms.

Finally, modernization devalues local knowledge and cultural patterns. Instead, it presents the individualist, materialistic West as the ultimate social goal. Values of community, family and society, as well as their relationship to land and nature, often associated with African societies are marginalised. The tendency by modernization to discard everything akin to culture and to ignore the past and long held local values, when experimenting with new models is unwise. While adaptation and modification is important, it should however, not imply suppression of local and indigenous systems, because to do so will be risking too much. After all, in a context characterized by diversity and fragmentation, it is essential to consider local systems if they do not conflict with the laws (Keulder, 1998).

2.2.2 THE POSTMODERNIZATION PARADIGM

The notion of Postmodernism represents the body of ideas, writings and responses through which the modernist project has been challenged. As a paradigm it emerged around the 1970s as a reaction to the basic tendency of modernism. Harrison (1998) state that the term postmodernism has been used to label a complex and diverse artistic, cultural and intellectual ways of adapting to the world around us, as opposed to the modernism perspective. Postmodernism originated partly from the ranks of feminist movements, who argued for the idea of difference and the need to respond to the voices of the marginalized (Harrison, 1998). This paradigm celebrates local difference as opposed to sameness. It also celebrates diversity, discontinuity, disjunctive, incoherence and the importance of language and culture.

Postmodernism argues that there is no absolute truth waiting somewhere to be discovered through an application of criteria and methods applied by professionals. Therefore, it follows that not only the "science" is capable of engaging with development issues.

Sandercock cited in Harrison (1998:56) has it that postmodernism represent a "multiplicity of critical, deconstructive and oppositional voices hovering over the corpse of modernism." The death of modernism is believed to be caused by its attitude to speak about master narratives, which are totalizing and of structured human progress, in the face of tremendous fragmentation.

Relevancy of the paradigm to the study

Simple stated postmodernism gives renewed space to tradition. It acknowledges division, fragmentation and differences in societal organization. However, postmodernism is not "traditionalism," it only celebrates eclecticism and would bring elements of tradition together with the modern in order to engage in meaningful change. This is very important because even the traditional or

indigenous are not purely traditional anymore, as they have adapted to modification, diversity and change.

In the field of urban design an example of this is neo-traditionalism. A pragmatist's (which shares a lot with postmodernism) view might be concerned with what are the useful elements of the traditionalism that could be taken forward into the future for meaningful change. The main focus of the pragmatist would be on outcome rather than the process. Using the postmodernist thinking the process of linking urban areas to their rural hinterlands as a planning intervention can be viewed as a measure to promote and mix diverse models of societal organization. Furthermore, the theory can be viewed as a way to deconstruct the modernist paradigm that casts traditional institutions as being stagnant and incapable of accommodating change, after all boundary demarcation can never be elevated to the level of science.

Criticisms of this theory

Some authors do acknowledge the positive contributions of postmodernism to the planning field. However, they are quick to warn that full blown postmodernism, taken to its extreme, can leave planning in an impotent state leaving no basis for action in the public realm for the public good (Odendaal, 1999). Healey (1997) asserts that the tendency of postmodernism towards individualization is problematic in a sense that it asks questions about the very nature of planning as a method of intervention in the public realm. Excessive individualism can lead to situations where the most powerful groups in society can manipulate things to their favor. In the context of this study, such a scenario can result in the institution of traditional leadership not transforming in line with the principles of equity and democracy as enshrined in the Constitution and the Bill of Rights of the country.

Harrison (1998) goes on to say that, although this theory enriches our lives with a sense of variety of life, tolerance, appreciation and sensitivity of multiplicity of

values and so on, its orientation towards fragmentation is not desirable especially for South Africa. For instance, it is very difficult to envisage how a philosophy, which has no place for unity, might work for a racially, culturally and ethnically fragmented society such as South Africa. At its best such a philosophy can frustrate any attempts for collaborative and unity actions as envisaged by the principles of developmental local government.

Furthermore, Weeks cited in Harrison (1998) points out that the issue is not difference per se, but the absolutisation and elevation of difference to the position of a new dogma. A postmodernist perspective, for instance, would be unlikely to support the unicity arrangement whereby metropolitan areas will have a single administration for the whole area. Rather, it would encourage local diversity with much different institutional arrangement. In the context of this study, given the need to respond to the history of apartheid, the postmodernist view might not serve the cause of justice in a potentially fragmented society.

2.2.3 THE POST-DEVELOPMENT PARADIGM

Post-developmental theory arose from the circumstances surrounding the history and the tendencies of the history of economic development, in all its colonialist, socialist and capitalist forms. Its major concern is with the violent intervention by powerful societies and institutions over the smaller and weaker ones, which causes them to surrender their local initiatives at the expense of the new culture of development (Esteva and Prakish¹, 1997). Sheth (1997) asserts that the message of the powerful societies is that traditional societies have outdated structures which are not in a position to address the complexities of the modern world, and that the only way for them to re-emerge as dignified human beings is to adopt the culture of the powerful societies. This invasion of the smaller societies by the powerful ones through planning interventions, for example, is believed to undermine the local and indigenous initiatives of the smaller societies.

Sheth (1997) states that in some parts of the world there has been a growing action from the grassroots level by indigenous societies to protect themselves from the so called development projects which undermine local autonomy and resource bases. In countries like India, grassroots groups have openly challenged the belief that indigenous initiatives lack any economic and administrative capacity to drive development projects (Sheth, 1997). In many instances the grassroots movement have mobilized the people in a struggle against external initiatives. The theory postulates that in so doing, these local movements have re-discovered their own cultural specifics and alternative definition of a good life, using local initiatives and only appropriate external support feasible in their local space.

With regard to that, the Daily News (12 October 2000) asserts that the Japanese once asked themselves: "can we economically modernize without culturally Westernizing?" and after some serious deliberations, the Japanese confidently declared: " yes, we can economically modernize without culturally Westernizing. We just choose. We go the Western technique, and we shall retain the Japanese spirit." The central theme of this theory is that development in itself has been very destructive if not linked to local initiatives, local space and local customs. It then draws our attention to developments that are locally and traditionally based as well as to the recovery of the lost traditional survival strategies and systems of government, that is closer to the people.

The concept of African Renaissance augurs well for this theory. In fact, one of the tragic ironies in developing countries especially in Africa, is that of interpreting an African reality from a Western point of view. Fortunately, President Mbeki's exuberant and passionate advocacy of an African Renaissance has made it possible for African people to define their democracy, informed by their own peculiar experiences (Daily News, 12 October 2000). The African Renaissance, therefore, should serve as one of our frames of reference

as we tackle the contentious issue of how to involve traditional institutions in modern governance.

Relevance of this theory to the study

The most important implication of postmodernist theory to this study is its quest to re-assert local and customary initiatives and autonomy in modern governance. In the context of this study the theory will be used to show that the incorporation of tribal authorities into the metropolitan government should not necessarily mean that the traditional institutions should abandon their local initiatives and customs. Rather, it must enable the tribal areas to be integrated into the modern market economies in a way that would still give space to the traditional initiatives. For example, their integration into the market economies should be structured in such away that it provides them with the potential to sell indigenous knowledge to other people such as tourists. Traditional institutions should mix with modern institutions and should be in a position to modify themselves in relation to appropriate outside knowledge and intervention.

Post-developmental theory would also concern itself with ensuring that the local and customary systems adapt to change, rather than breaking down and losing their autonomy in the face of change. This is important because like any institution, the traditional leadership institution is not static and if it needs to survive, it needs to adapt to change and still maintain its indigenous knowledge. In fact, the traditional institutions should be in a position to form coalitions with other institutions, at regional, national and local levels that have similar objectives.

The case of KwaXimba can serve as a frame of reference as to how to use local and indigenous initiatives to bring about development projects. This however does not mean that the institution should remain unchanged, but rather that whatever change is brought about is effected smoothly with no significant disruptions to the indigenous way of life. This is important because the traditional

institution has so much to offer to society; and thus should be accorded the status it rightly deserves. In the case of South Africa even though the country is now a modern society, it still needs to be supported by a strong traditional leadership that will encourage the propagation of positive cultural values and a strong sense of communal belonging and identity. This is important because the country is to a certain extent made up of nation states (like the Zulu Kingdom), which in turn, are underpinned by strong traditional practices.

Critic of the Post-Developmental theory

This theory has potential flaws in the context of South Africa if followed to the book, as some tribal leaders can exploit it to consolidate their positions. For instance, a politically aligned chief can use his patronage to exclude those who are not of his political persuasion.

It is worth pointing out that not all-traditional or poor communities have valuable indigenous knowledge, which they need to protect by going back to local initiatives. Ignoring tradition is a problem but romanticizing it at the expense of innovations can be equally problematic, especially for developing communities. Romanticizing traditional systems can be problematic in circumstances whereby the system is oppressive and not flexible enough to accommodate changes.

Lastly, programs should also not rely on local knowledge only, but should also be receptive to appropriate imported and external technologies and practices. This is essential because we have to remain mindful of the fact that local initiatives and customs function within a changing environment.

2.2.4 COMMENT

As shown above, the choice of theoretical paradigm greatly affects the attitude one takes to traditional leadership. A modernist, for example, would be concerned about removing traditional leadership. Post-developmentalists would

be concerned with re-assert traditionalism. Whilst some postmodernist might use traditionalism together with elements of the modern in an eclectic combination.

The sensible approach is arguably to find ways to preserve the richness of traditions whilst also adapting to the realities of modern life. Traditional leaders for example have an important role to play in modern society. What is perhaps needed is for the political system to assign them a place and function that will make them of use for social development, rather than to simply allow the institution to stagnate and perish. However, this role should not lead to citizens being excluded from modern democratic governance.

The theoretical lens has identified various theories that can be used in a discussion of boundary demarcation. This framework leads to a number of questions that have to be posed in order to interrogate the information gathered during the primary research. Firstly, what theoretical framework does the boundary demarcation process in South Africa utilize? Secondly, what theoretical framework would yield the most suitable development strategy for the country, in view of the past historical and political dispensation? These questions will perhaps be answered in the course of the rest of this dissertation.

2.3 THE REVIEW OF THE RELATED CONCEPTS

This part of the study is aimed at engaging the readership in a discussion regarding the institutions of traditional leadership and democratic governance. The section begins by giving a brief overview of the institution of traditional leadership in terms of defining it and clarifying its role. It will then consider the role and debates around the institution of traditional leadership within a democratic government arrangement. Finally, it will consider the role of the institution of traditional leadership within a metropolitan context (where this study is located) and the rationale behind the process of linking urban areas with their rural hinterlands, thus making them part of the local municipality.

2.3.1 THE INSTITUTION OF TRADITIONAL LEADERSHIP

According to the Ministry of Provincial and Local Government (2000) traditional leadership is one of the oldest institutions of government, both in Africa and in the rest of the world. In the case of Africa this institution is said to predate colonialism and apartheid and embodies a system of discourses, which embody African's earlier forms of societal organization. The Department of Provincial and Local Government (2000) further states that the institution is a system that has served the people of Africa through wars, periods of slavery, famine, freedom struggle, economic and political restructuring.

Rutsch (1995) asserts that as an institution the system **was** and is still structured such that the decision-making circle includes all adults in **the** territory. In the case of KwaZulu-Natal where the study is located, at the highest level there is the king also known as the "Ingonyama" who rules over the **entire** Zulu nation and is the overseer of all the tribal authorities in his area of **jurisdiction**. The king acts under a system of collective decision making, being advised by his council. Then there are tribal chiefs, also known as "kings", who are in charge of the different tribal authorities and act as the Ingonyama's vassals. Ranking below the chiefs are the headmen known as "Izinduna" who are in charge of the different villages or "izigodi" in a particular tribal authority. Both the chief and the headmen act within their areas of jurisdiction, under a collective decision-making process involving their respective council. Below the headmen are the chief runners who help to convey messages and announcements to the community in each village, or "isigodi", and then there are "Izindoda" who work as tribal policemen to enforce the wishes of the chief. What is worth noting about the structure of traditional leadership is that the king's ascendance to power is always hereditary. With the chiefs and headmen is also hereditary in most cases, although there are situations where they have been appointed by order of a community or government. The community appoints the other tribal structures. In most tribal systems women do not attain the rank of chieftainship, although they may

sometimes act as regent where an heir is still a minor (Ismail et al. 1997). Such a state of affairs is a contested issue in the debate about the traditional leadership institution in a democratic society.

Rustch (1995) goes on to state that, in Africa, and in South Africa in particular, prior to the introduction of colonialism, social organization was characterized by a number of tribal regimes based on patriarchal and ascriptive norms. Each tribe, as is still the case today, had a traditional leader who was the central figure and was the highest authority in the territory. The traditional leader had various functions, which he exercised in collaboration with the tribal council that represented the people. According to the Ministry of Provincial and Local, Government (2000) the people saw the traditional leader not only as a link between them and the ancestors but also as a spiritual, cultural and judicial leader, and the custodian of the values of the community. The traditional leader was also seen as a co-ordinator of the various day today issues of the community ranging from conflict resolution to physical and economic development. Hence, the community considered his role as a bonding factor as he was responsible for the common good as both the father and son of his community. Even in contemporary society the role of tribal leaders still remains multi-faceted. At one level traditional leaders operate as they always have within the confines of the tribe, applying traditional customs and practices, at another level they operate as "officials" who ensure development in their area of jurisdiction (Rutsch: 1995). The latter function is by far the more important role today, and is perhaps the one that has seriously affected the function and role of traditional leadership and structures in a democratic government.

With the advent of colonialism, the African traditional government institution was systematically weakened, and the bond between traditional leaders and their subjects was gradually eroded. In most parts of Africa colonialism did not only deprive people of their land and property, but also their culture and ancient African societal systems which were the basis for their mutual co-operation. In

particular, the institution was used as an instrument in the implementation of colonial policies by providing for a form of indirect rule. In some African countries, like those under French and Portuguese rule, Africans were discouraged and sometimes prohibited from living their way of life. In fact, the French and Portuguese colonialists understood themselves as being entrusted with the task of “civilizing” the native Africans in the Western ways through the policy of direct rule (Ministry of Provincial and Local Government: 2000). In the so called Anglophone Africa, however, the idea was to use the traditional system to advance the colonialist interests through the policies of indirect rule, under which Africans were given limited leverage to govern themselves in accordance with their custom and tradition. In English speaking Africa, institutions such as the institution of traditional leadership were retained, but only after they were violently suppressed to remove the possibility of them being competitors to political power.

In the case of South Africa, the policies of successive colonial, apartheid and homeland government completely distorted the institution of traditional leadership, co-opted it and assigned to it roles which were alien to it (Ministry of Provincial and Local Government, 2000). Through a complex web of pieces of legislation, the institution was transformed into a tool through which the cultural differences of the African people were emphasized and used as a basis to balkanize the country. In the case of South Africa, the colonial and subsequently the apartheid authorities, were faced with the dilemma of what to do with the African people who also lived in the territory and who also believed that the land was theirs. In view of that, the reserve system was then devised and all Africans not needed on farms, in mines and industry were corralled into those areas, placing them under the control of the chiefs and traditional administrative and legal systems (Rutsch, 1995).

In the context of KwaZulu-Natal where this study is located, the legitimacy of the institution changed since the colonisation of Natal by the British. The traditional

leaders and the whole tribal system was subverted to serve the interest of the colonial masters, and assumed roles that differed significantly from those they played in traditional Zulu society. In KwaZulu-Natal, Theophilus Shepstone was made the Governor then Supreme Chief over all Africans, with the power to appoint, recognize and depose "Amakhosi" and the headmen (Rutsch, 1995). Rutsch (1995) goes on to say that Theophilus Shepstone also ruled that indigenous law would only apply if it did not offend the concepts of civilized behavior purporting to exist under Roman Dutch Law. As a result of this colonial arrangement, many tribal leaders who were not the hereditary chiefs were appointed by the Governor, and it became policy to appoint traditional leaders who would "toe the line " of government. In that way the institution of traditional leaders was stripped of the pride it enjoyed, both under the colonial and apartheid systems of governance. However, this does not mean that indigenous elements of the system were entirely removed.

Despite the coercive and persuasive methods of co-opting the institution of traditional leadership, the institution pioneered resistance and led numerous struggles against its suppression. In fact, there are areas where some traditional leaders not only rejected co-operation, but also took active steps to oppose the colonial and apartheid systems. Hlatshayo (1998) asserts that some countries chose to get rid of the institution and now they are re-inventing it, and that is proving to be a very costly exercise. Hlatshayo (1998) goes on to say that in countries like Uganda the institution was legally abolished, but even to date it still exists in the minds of the people, and that testifies to its resilience. In the case of South Africa, the resilience of the institution is borne out by the fact that it has survived manipulation and persecution by successive colonial and apartheid regimes. To this day the majority of South Africans especially (but not exclusively) in the rural areas, continue to owe allegiance to the institution of traditional leadership.

2.3.2 THE TRADITIONAL LEADERSHIP INSTITUTION IN A DEMOCRATIC GOVERNMENT

After independence, many of the African countries retained and maintained the institution of traditional leadership (Keulder: 1998). The only exception in this respect is Tanzania, which abolished the institution forever (Ministry of Provincial and Local Government, 2000). In most of the African countries, the introduction of democracy created the need for changes in the structure of the African society. In view of the needs of modernization, most of the changes that African countries had to grapple with ever since the advent of democracy were inescapable. According to the Ministry of Provincial and Local Government (2000), in South Africa, the institution has been criticized for violating some basic rights and freedom which forms the basis of a modern society. Specific examples of these ranges from the constitutional principles of succession to the throne (whereby according to customary law only males are generally favored). The institution's gender and age bias is believed to disregard the principles of equality.

As in other parts of Africa, the institution of traditional leadership in South Africa had to undergo changes with the advent of democracy in 1994, in order to make it more relevant to the developing circumstances. In fact, most of these changes were necessary in order to make the institution compatible with the principles of democracy. Some of these changes may clash with long held values and notions "sanctified" by history and other cultural factors.

2.3.3 THE DEBATE AROUND THE INSTITUTION OF TRADITIONAL LEADERSHIP IN A DEMOCRATIC GOVERNMENT

The subject of traditional leaders in a democratic government has been confronted by some debate. At the core of these debate is the future role of the institution in modern system of governance. In attempting to define a suitable role for the institution in the context of our own constitutional democracy, it is important to draw some lessons from selected African experiences. This part of the dissertation will examine the interplay between elected and traditional structures at a local level in some African countries namely: Namibia, Botswana, Zimbabwe and Nigeria. The rational for choosing these countries is because each one of them is required, constitutionally, to develop a system of democratic government and to adopt the indigenous system parallel to it (Hlatswayo, 1998).

In each of these countries there are elected local government structures tasked with the control or management of resources including land and the provision of services to the local communities. In fact, the elected local government councillors have a constitutional responsibility to create conditions for delivery of services of good quality and for sustainable socio-economic development. While at the same time each of these countries have traditional institutions operating at the local level as well, with almost similar functions to those carried out by elected local councils. In each of these countries there have recently been calls for, or policy changes aimed at, defining the roles of traditional institutions in local government. The developments in those countries are of particular relevance to this study, in view of the debate currently taking place around the issue of the role and functions of traditional leaders in a democratic government.

Namibia

In the case of Namibia all communal land vests in the state, however, traditional leaders continued to administer and allocate land in the traditional manner (Hlatshwayo, 1998). Such a state of affairs brought about some confusion and tensions between the elected and traditional structures of government. Some sections of the Namibian policy makers viewed the traditional leadership institution as outdated, with no place in the modern state, and wanted to exclude it from government debates (Keulder, 1998). Furthermore, some members of the ruling party made it clear that they were not willing to include traditional leaders in the new political configuration of modern Namibia, because the institution was an agent of the colonial system and its policy of indirect rule (Keulder, 1998).

In view of that the country embarked on a very painful process of trying to find a suitable place for the institution in its local government structures. The country then went through some legislation changes to look at matters relating to chiefs, headmen and other traditional or tribal leaders. In that way the issue of traditional leaders, their role and functions in local government, became part of the public debate, as is currently the case in South Africa. Namibia then enacted the Traditional Authorities Act, 17, which defined the functions, duties and power of traditional leaders in general, and specifically in relation to local government (Hlatshwayo, 1998).

The current Namibian constitution provides that traditional leaders must pay allegiance and accept the authority of modern state. It also provides for a Council of Traditional Leaders whose responsibility is to advise the president on the control and utilization of communal land, and on all other such matters as may be referred to by the President for advice (Ministry of Provincial and Local Government, 2000). The constitution also provides that traditional institutions should give support to the policies of the (central) government, regional and local authority council in the performance of their duties and functions. Where their powers conflict with the powers of either central, regional or local councils, then

the powers of the central government should prevail (Ministry of Provincial and Local Government, 2000).

Botswana

Botswana is one country, which is regarded as a “success story” in terms of political stability and economic growth. The country has been presented as a model for democracy for many of its neighboring countries. However, even in the case of Botswana the issue of traditional leaders and their role in modern government structures has been confronted with some debate. According to Keulder (1998) at the time of independence in 1968, traditional authorities were established as role players in all aspects of rural life in the country. In fact, the tribal institution seems to have adjusted well to the European influence which has ensured its survival and legitimacy (Keulder, 1998). But, then at the time of independence, the strengths of this institution posed some conflicts with the newly elected government structures. The traditional governance is said to have refused to surrender their power and influence to the newly elected structures, and the relationship between the two remained conflictual.

The new elite in the country had little faith in the traditional institution’s ability to promote modern development programs, while on the other hand, they recognized the importance of this institution in achieving successful institutionalization (Keulder, 1998). In present Botswana there has been a review of functions, responsibilities and structure of elected and traditional institutions. The ministry directing local government recommended that tribal administration should be an autonomous department with control over its own-budget (Hlatswayo, 1998). The Government accepted those recommendations, and tribal administration became a local level institution, on par with the elected district councils, with its own complement local staff and police force (Hlatswayo, 1998).

In Botswana, the constitution provides for a House of Chiefs, which is an advisory body to the National Assembly and the Executive. The house of Chiefs does not have legislative powers but must be consulted on certain specific Bills (Ministry of Provincial and Local Government, 2000).

Zimbabwe

In Zimbabwe like in Namibia traditional leaders were used by the colonialists to maintain control over the African people, and to implement unpopular policies (Keulder, 1998). Keulder goes on to say that over time the traditional institution was stripped of its legitimacy and popularity among the people, such that rural local government was almost completely destroyed by the time of independence. So by the time of independence the traditional leadership institution was very weak and to a larger extent, was discredited by the guerilla movement, which sought to replace them. The traditional leadership institution was also weakened because the newly elected government wanted to maintain much political and social control over the peasants (Keulder, 1998).

The state then sought to replace traditional leaders with elected officials or with government appointed leaders. However, the state was very weak at local level and in supplying survival strategies to the peasants. The state then compensated for this by giving back some districts to traditional leaders (Keulder, 1998). From the 1990s there has been a move in the country to integrate the two systems into the local administration system not only because the state supports the institution per se, but also because it has recognized the institution as an effective way to enhance the states capacity at local level. To some extent therefore there has been a partial return to traditional leadership.

In Zimbabwe today, the Constitution provides for National and Provincial House of Chiefs. The National Council of Chiefs is also entitled to have 10 of its members form part of the 150 member National Assembly. Traditional leaders in Zimbabwe are also represented in Rural District Councils and they qualify to

stand elections in party political tickets (Ministry of Provincial and Local Government, 2000).

Nigeria

Nigeria was faced with political turmoil for most of its postcolonial existence. Traditional leaders who happened to be closest to the people were stripped of most of their powers by colonial and postcolonial governments. What is worth pointing out is that, in that country, the power of traditional leaders was geographically differentiated. That is to say in areas like the north, the institution of traditional leaders remained politically and administrative influential as compared to the other parts (Keulder, 1998).

The institution of traditional leadership in the country remained however somewhat paradoxical. On one hand, it was recognized as legitimate and on the other hand it was seen as a hindrance in the process of nation building of a new society. Keulder (1998) also point out that in the case of Nigeria, traditional leaders played a patron-client relationship by entering into the political sphere, and that enabled them to retain their influence, while on the other hand, this relationship compromised the institution. But, because of the greater risk involved in defying the federal state, Keulder observed that traditional leaders in that country will continue to participate in the patron-client relationship, despite the cost of losing support among their subjects.

2.3.4 Comment

The developments in the above-mentioned selected African states, offers experiences worthy of note in attempting to understand the interplay between the traditional and elected systems of government. The experiences gathered from these African states points to the fact that some countries tried to exclude this institution from the local government arrangements. However, later on, these countries began to re-invent the institution and that exercise proved to be very

costly. For those countries, which successfully re-invented the institution, the exercise has proved to be worthwhile. In a sense that, it has been used to enhance the institution of local government capacity to collect revenues, facilitate development, and to bring law and order in areas under the jurisdiction of the traditional leaders. Increasingly, in those countries, the institution is viewed as a good agent for local governance because of its social control over the rural subjects. There is however a continued ambivalence towards traditional leadership, and relationships are generally complex.

2.3.5 THE DEBATE ON THE TRADITIONAL LEADERSHIP INSTITUTIONS AND LOCAL GOVERNMENT IN SOUTH AFRICA

The South African debate on the position of traditional leadership in local government is a recent one. It emanated from the political changes that started in 1992 and the subsequent elections as well as the process of writing the democratic constitution. Like in many of the African countries, at the core of the debate is the role and functions of the traditional leadership institution in the new political dispensation, which will determine the relationship the institution will share with the formally elected government structures.

In the broader debate on the issue of traditional leadership structures in local government in South Africa, two schools of thought have emerged. One is located within the modernist paradigm, which focuses on the need to transform the institution of traditional leadership to meet the requirements of a modern non-sexist and non-discriminatory democracy (Mokrogo, 1994). Keulder, (1998) asserts that this orientation is associated with both the feminist, civic and liberal thinkers, who are primarily concerned with gender equality and democratizing traditional societies. For instance, the fact that the institution is by definition hereditary, male centered and age biased is believed not to be in accordance with the precepts of democracy (Ismail et al, 1997). The other school of thought

is located within the traditionalist perception. This school of thought believe that the institution of traditional leadership is at the heart of rural local governance and is better positioned for policy implementation than newly established structures that do not have deep historical roots (Keulder, 1998). The traditionalist thinkers view the system of traditional leadership as being compatible with modern democratic governance. The modernists and the traditionalists seem to agree that local government structures should evolve with the changing needs of the people and must constantly adjust to the challenges of the future. They however, disagree on the nature and scope of the perceived changes.

The most critical dimension of the debate is largely located within the quest for political and social control of the rural communities, by both the informal and the formal systems of governance.

The political control

According to Keulder (1998) there is an open contest between the traditional leaders and the "civics" over the control of rural constituencies. The civic organization is mostly found in urban areas and they are elected structures (in theory at least) representing different constituencies on a variety of local government issues. On the other hand the traditional leaders are based in rural areas, and they assume leadership positions in most cases by virtue of heredity or appointment. The civic groups do not take the traditional structures seriously and they often refer to the informal management systems as "archaic" (feudalist) institutions that need to be abolished (Keulder, 1998). The struggle for power and the right to represent the rural interest is the focus, hence, the political nature of the struggle. Keulder (1998) points out that, most civic groups are politically affiliated and because they are elected through what is perceived to be "democratic" structures, they claim to be the only legitimate community representatives. They then desire to extend their supremacy to the outlying rural areas, which are under the jurisdiction of the chiefs, hence the conflict.

In the context of KwaZulu-Natal where this study is located there are also elements of political tensions between the African National Congress (ANC) and the Inkatha Freedom Party (IFP). In fact, the demarcation process preceding the 1996 local government elections provided a perfect window of assessing the dynamic interplay of party politics in KwaZulu-Natal, particularly the IFP and ANC (Cameron, 1999). The tensions by and large relate to the desire and effort by each of these political parties to broaden and consolidate their support base in the province and in the locality of the Durban Functional Region.

The restructuring system of local government which extends municipal authority to cover outlying rural areas, is believed not only to subvert the traditional leaders, but also the power base of the IFP which is dominant in the rural areas (Mail and Guardian, 20-26 October 2000). This has even raised concern that strained relationships between the IFP and the ANC over this matter could lead to large-scale renewed violence in the province. Some commentators view the whole issue of boundary demarcation to cover outlying rural areas as a strategy by the ruling party (ANC) to break new grounds. On the other hand, the resistance by the IFP is viewed as a strategy to hide behind tradition to protect a privileged power base.

This scenario confirms the assertion by Cameron (1999) pointed out in the first chapter that boundaries are not artificial constructs, instead they ultimately determine the political power base of an area. With some parties or organizations standing to lose power and others standing to gain power, boundary demarcation will remain a profoundly political process.

Social control

Social control deals essentially with mobilizing social energy for development purposes and regulating and directing social behavior. The interaction between the traditional leadership and the more recent formal system of government is to

a certain extent shaped by the quest for social control. The formal structures seek to replace all existing agents of social control, while on the other hand, the traditional institution struggle to retain it, in their areas of jurisdiction, hence, the conflict (Keulder, 1998).

Sometimes social control is used to get energy. This is when some mechanisms and structures are put into place to extract some resources from the society. This means that, if tribal authorities were successfully incorporated as part of local government, it would enhance the resources base of the local authority. Empirical evidence has shown that traditional leaders are very effective in collecting revenues in a form of taxes as well in mobilizing community labor .The extracted resources do not only accrue to the state, but they also help to ensure individual survival strategies. The element of ensuring individual survival strategies is very essential because it facilitates the support of the catered for communities. So local government structures that are able to strengthen their relationship with traditional leaders are likely to be in a better position to supply alternative survival strategies to those localities. Failing which, some other variety of social actors, will supply those survival strategies and win the support of the rural communities.

Another essential element of social control is that of dictating social behavior. In this context, the traditional institution remains the very important agent of regulating rural peoples' behavior patterns for the benefit of or to detriment of the state (Keulder, 1998). It is through the institution of customary law that traditional leaders are able to exercise social control. Customary law is more "user friendly" for traditional oriented people because it is more accessible, less costly and less complicated than the modern legal system. If traditional leadership structures are successfully incorporated as part of the modern system of local government, it helps to enforce some policies with less difficulty in the rural areas.

The state's ability to coerce, incorporate, distribute and extract resources from the tribal area depends on its interaction with the traditional system of governance. The importance of the traditional institution in the whole debate on local government is best stated by Mokrogo (1994: 13) who asserts that,

“Traditional leaders play the simultaneous role of development facilitator, executive and judiciary since its current functions include: the allocation of land, the preservation of law and order, the provision and administration of services at local government level and social welfare administration within their communities.”

2.3.6 COMMENT

What has emerged from this discussion is that the institution of traditional leadership's political and administrative roles has been substantially transformed and tampered with since independence in most African countries. At this time traditional leaders' positions and functions in the modern administrative and development process have not (yet) been resolved in many African states. In South Africa, in particular, the debate has just started but is complicated by its politicized nature. The interaction between the two institutions their roles, functions and inputs are constantly being contested and renegotiated.

Different sections of the society of the South African population have voiced their views concerning the issue of the institution of traditional leadership in a democratic society. On the one hand, the traditionalists believe that leaders are born and not elected. That a leader is a person with royal blood and their adherence to a chieftancy is not only normative, but also functional (Sowetan, 1 November 2000). These people view the modern system as a less reliable form of government to cater for their welfare, in a sense that, elected leaders would not feel a similar sense of obligation as a chief, to provide for people's needs (Sowetan, 1 November 2000). In view of that, the traditionalists believe that the institution should be maintained with little or no any transformation in the rural areas.

Botha (1994: 45) showed the magnitude of the traditional leadership institution by saying that:

“ Indications are that some 18 million people in South Africa live within the traditional jurisdiction of some 8000 ruling traditional leaders. Taking cognizance that these leaders do not rule alone, but are often supported by more than 10 subordinate leaders, it becomes clear that the wider network of traditional leadership could extend to some 10, 000 individuals. Add to this that between 35 and 50 percent of the rural population falls within the areas of jurisdiction of various traditional leaders. Furthermore, indications are that some 17 million hectares of land fall under the jurisdiction of traditional leaders, and the magnitude of the impact becomes clear.”

In the case of Kwa-Zulu Natal where the study is located, there are currently nearly 300 traditional leaders recognized by the law, and this again clearly shows how important the institution of traditional leadership is, in terms of magnitude and influence. In view of that, it is imperative that the state deals properly with the powers and functions of traditional leaders in local government arrangements.

On the contrary, there are those who view the institution of traditional leadership as subject to severe limitations and open to corruption. This section of the population also feels that the institution is ill-equipped to serve as the primary tier of government in rural areas, since it can not live up to the task of being agents of developmental rural areas. They would wish to remove or substantially reduce the powers of traditional leaders (Sowetan, 1 November 2000). The third position however is that democratic local government and traditional leadership can co-exist. It is asserted that a model should be put to place to be inclusive of both chiefs and elected leaders in the rural areas. They believe that the elected leadership will bring accountability and efficiency into the institution of governance, and the chiefs will increase its legitimacy, resulting in participation and responsiveness from the people (Sowetan, 1 November 2000).

The stalemate has, however, risen over who should form the majority in that body and over whether or not that body would be a municipal or simply a tribal authority. Chiefs on the one side hold that tribal authorities should be the primary tier of government, but inclusive of elected leaders. On the other hand, government holds that chiefs should be drawn into urban-biased councils in which elected leaders would assume the upper hand in development issues. That has been one of the major debates around the linking of urban areas with their rural hinterlands, and it has become a contested claim between modernity and tradition.

The plan to integrate indigenous and modern structures and processes of governance has proved to be a difficult one for African countries, and South Africa in particular. In the context of this study, the scale of the matter is further deepened by the fact that it's not only linking outlying rural areas with small towns, but also with metropolitan government. The following part of this section will therefore consider the issue of traditional leadership institution in a metropolitan context.

2.3.7 METROPOLITAN GOVERNMENT

The definition of a metropolitan area is a difficult one to unpack. In most cases the definition is used to conform to the settlement patterns of a particular territory (Cameron, 1999). For the purposes of this dissertation the definition will by and large be that used for the purposes of demarcation. Cloete (1995:2) described a metropolitan area as a region "which comprise of multiple local governments, densely populated with intense movement of people, goods and services in the area, is extensively developed or urbanized and has more than one central business district, industrial areas, and employment concentration and forms an economically functional unit with smaller interdependent sub-units in respect of economics and services."

The idea of metropolitan government grew from the recognition that individual local authorities in a fragmented system were unable to cope with metropolitan conditions such as water supply, sewerage, public transport and, in more recent times, planning and municipal finance (Barlow, 1991 cited in Cameron, 1999). Metropolitan government therefore involves the amalgamation of smaller local authorities to form a large metropolitan government or a two-tier local government.

In this study it is critical to pay attention to the concept of metropolitan government because the study area is situated in the Durban Metropolitan Area. This is critical in a sense that its not just being incorporated in an urban area, but to a larger extent, a metropolitan area with a much wider territorial coverage and governmental operations.

According to Cameron (1999) a study that deals with metropolitan organizational reform has to consider the density of population, the existence of multiple, overlapping externalities, and the need to coordinate services over areas while simultaneously ensuring proximity between rulers and the ruled. Moreover, Cameron (1999) asserts that, another important factor is that of the scale of the metropolitan government since they often represent powerful financial bodies, which are responsible for large-scale service delivery. The argument behind this is that, for a metropolis to effectively function, there should be a strong governmental control over a territory base and population resources. A move toward strong governmental control has however resulted in fights for political power, precisely because the stakes are often too high. Perhaps, that is the reason why the political temperatures have reached fever pitch in South Africa, around the issue of metropolitan boundaries to include rural areas.

Implications for the metropolitan government

The development and reform of metropolitan government is crucial to this study as it suggests the various implications that a metropolitan government can have on an incorporated area.

Proponents of the plan to link metropolitan areas with their rural hinterlands, argue that ordinary people would benefit materially from consolidation, because their local government will be stronger and more efficient, more capable of providing and redistributing services and resources from the richer to the poor parts, and would be in a better position to stimulate and regulate the local economy since its economic base is powerful (Mail and Guardian, 20-26 October 2000). The essence is that geographical inequalities in terms of access to basic amenities will be reduced, because the metropolitan government would be responsible for the development of the entire functional community. The main argument is that democracy is better served in larger jurisdictions because they have more resources and are responsible for a wider and more important range of services, but this is certainly not conclusive.

Proponents of metropolitan government in general have put forward a number of technical elements in favor of it, which collectively represent a saving in local government revenues. Such elements are believed to be also critical for the incorporation of outlying areas into the metropolitan government. They include:

- economies of scale in service provision can be achieved;
- larger and stronger local authorities can increase local autonomy and public interests;
- fragmentation and duplication of services can be overcome; and,
- administrative efficiency (Heymans and Totemeyer, 1988 cited in Moonsammy, 1991).

On the other hand, the rationalization of the existing municipalities into a single structure has also been leveled with some criticisms. For instance, the fact that if

areas covered by the metropolitan areas are too large and diverse, this can result in development being impeded by lack of co-ordination between the various areas. Moreover, the fact that, simple and uncomplicated structures would be more accessible to the people, and would ensure a level of accountability to the public as opposed to the large and complicated structures. However, there is no comprehensive data proving that smaller local governments are more democratic than larger ones.

In the context of this study, most traditional leaders have expressed their views against development in rural areas taking place within the ambit of urban-based municipal government, since that will reduce their participation and challenge their authority. The reason for resistance to rationalization includes concerns about the loss of local and tribal autonomy. The metropolitan structure and the proposed unicity arrangement in the case of the DMA (where the case study is located) is even worse in a sense that in such structures power and functions are highly centralized (Khuzwayo, pers. Comm. 2000). In fact, more often than not, the culture of complex structures like the metropolitan and unicity government is top down, technocratic and does not allow for extensive participation since it is geared towards efficiency. This is quite true in view of the fact that, modern modes of expressing representation may be misplaced in rural culture, much as rural modes of representation may be displaced in modern ways.

2.4 CONCLUSION

The major thrust of this chapter was to present the conceptual framework utilized for this dissertation. The chapter began with considering a wide array of theoretical positions underpinning the objectives of this study. The discussion of the fundamental elements of the theoretical paradigms proved useful in understanding how the choice of each theory affects the position one takes to traditional leadership in the context of boundary demarcation.

This chapter also examined the different specific concepts critical in understanding the functions of (democratic and hereditary structures) in the context of local government reorganization, The discussion of these concepts proved valuable in an attempt to understand the whole debate around the issue of traditional leadership in a democratic context.

The chapter then moved on to discuss the concept of metropolitan government. This was essential in a sense that the study of this dissertation concentrates on a metropolitan area, with different and large scale of operations. The following chapter will look at the context of the study.

CHAPTER THREE

CONTEXT

3.1 INTRODUCTION

The first part of this chapter is a brief discussion of the concept of local government. The bulk of the chapter is an analysis of the evolution of South Africa's local government. This entails examining the history of local government in the country, exploring the local government boundary demarcation process and considering the legislative framework underpinning the democratization process in South Africa. The final section of this chapter deals with the location of the study area, starting with the broader Durban Metropolitan Area and then the specific KwaXimba Tribal Authority.

3.2. THE CONCEPT OF LOCAL GOVERNMENT

Local government takes a variety of forms that cannot be adequately defined. However, there are a number of elements of local government that make it quite unique and they are useful in giving some form to the concept. The definitions that follow pick some of these elements.

Local government is traditionally regarded as the third tier of government, with regional, provincial or sub-national government forming the second or intermediate tier, and the central or national level of government, the first (Cameron, 1999). Much of the literature on local government points to the fact that local government should in fact be classified as the first tier of government because it is the oldest form of government and affects the populace most directly.

Scruton (1982:274) cited in Hadingham (2000) picks up the element of devolution of central state power when he defines local government as:

“a public organization authorized to decide and administer a limited of public policies pertaining to a particular territory within a large and sovereign jurisdiction.”

Cox (1994:1) also cited in Hadingham (2000) picks up the element of reciprocity in her definition and states that:

“local government is that tier of government or decision making which operates specifically at a local level dealing with grassroots and tangible issues which affect people in their everyday lives, such as rates and taxes, Water provision, all services to properties and representation of local issues and communities at regional and national level.”

Whilst there seems to be many versions of the issue of local government the essence is that, in its broader context, local government can be said to be a component of the state system that derives its authority from the state, and operates at a local level, and is directly answerable to the local community. There also appears to be substantial evidence from literature that local government was created to provide services in a defined jurisdiction, mainly because of the impossibility of the central government to attend to all the places at a community level.

At a very basic level local government have these main purposes: participation and service provision (Heymans and Totemeyer, 1988). With regard to participation this would mean that as many residents as possible partake in or influencing local government direction pertaining to a particular area. In terms of services this would mean the efficient supply of goods which are beneficial to the well being of the local community.

In the case of Africa, the most significant periods of local government have been those of colonialism and post-colonialism (Heymans and Totemeyer, 1988). If one looks at various African Experiences, local government has historically been premised on adaptation of models from the colonizing nations, for example, Britain and France. These forms of colonial local government set the basis in which future local governments were premised and continued to be developed (Heymans and Totemeyer, 1988). In order to understand some of the systems of local governments, we need to relate it to colonial times. So Modern local government in South Africa is to a larger extent influenced by the colonial and apartheid municipal arrangements.

3.3 THE BRIEF HISTORY OF LOCAL GOVERNMENT IN SOUTH AFRICA

The evolution of local government in South Africa is a complex yet un-linear process that has taken place with a concomitant suppression of indigenous sub-systems (Ismail et al, 1997). Local government is believed to have its origin in early tribal villages and primitive communities, where it was established long before the concept of nation states evolved (Ismail et al, 1997). Cloete (1996) points out that local government in countries like South Africa became an urban story due to the supremacy of the urban areas over traditional or rural places. The most significant years in the history of local government in South Africa are from the 1970's onwards, in terms of local government in non-white areas (Hadingham, 2000). Prior to 1971, local government in the country essentially took two forms.

Firstly, a limited system of local government was established in the TBVC States with the traditional leaders being given the responsibility for management of the rural areas. Small rural towns were established in the bantustans, which were known, as R293 town after the legislation that provided for their establishment

(Department of Constitutional Development, 1998). These small towns and the rural areas received insufficient administrative and resource capacity to administer over their areas of jurisdiction. Furthermore, these areas had limited resource base because there were no major commercial and industrial developments in their territory, and the fact that housing stock which could have given some revenue, was largely state owned.

The other form of local government was the white authority. These authorities were responsible for a full range of municipal functions, and were also responsible for areas designated as “colored,” “Indians” and “Black” areas, under the Group Areas Act. What is noteworthy is that the racial division of areas, authorities and legislation that informed local government, was initiated as early as 1923, long before the arrival of the Nationalist Government.

The National Party Government accession to power in 1948 was followed by a lengthy process of consolidating the apartheid policies of racial segregation and separate development. Cloete (1996) states that it was at local level that the apartheid value system manifested itself most forcefully. This was in fact where laws geared towards racial segregation were ushered in so to ultimately affect every sphere of life of the African people. The most distinctive feature of South African local government during this period has been the existence of racial division of powers.

In 1971 responsibility for the administration of the “black” townships was removed from the white local authority with the promulgation of the Bantu Affairs Act (Department of Constitutional Development, 1998). Blacks living in urban areas increasingly came to be seen as permanent residents, leading to the extension of some rights to participate in local government. According to Cameron (1999) to partially compensate for their exclusion from the Tricamel System, urban blacks were given local authority (BLAs) with fairly extensive

powers. Even though these rights were relatively limited and token in nature, they nonetheless served as a basis from which the accumulation of more meaningful political rights could be acquired (Christianson et al, 1994).

However, no extra sources were provided for the financing of these new black local governments. The state was not prepared to subsidize the BLAs, thus to finance township services. BLAs were forced to increase rent and service charges (Cameron, 1999). This then led to protests against rent increases and that escalated into violence in many areas, often in a form of physical attack to black councilors. Popular resistance led to the resignation of many of the black councilors and the collapse of many of the BLAs (Cameron, 1999).

Many of the campaigns against the BLAs were led by organizations known as civics, which had been active since the early seventies. The civics became more organized and became one of the focal point of national resistance. Most national actions by the civic organization manifested themselves at the local level, and made townships ungovernable. The culture of non-payment put the black local authorities under immense pressure in as far as sustainability of their financial position was concerned. Consequently they had to rely on intergovernmental transfers for their continued operation.

In view of the increasing financial failure of black local authorities, a government institution, the Regional Service Councils, was introduced, in 1995 to compensate for the lack of a tax base in black local authorities (Hadingham, 2000). The Regional Service Council, apart from providing financial resources also provided bulk service infrastructure in the townships. Although the establishment of the Regional Service Councils did not usher in a radically new concept of local government, it nonetheless indicated a shift in the way national government thought and acknowledged township residents as citizens of the wider city, entitled to benefit from municipal services and decision making (Christinson et al, 1994).

The local government of white local authorities and the Regional Service Councils operated until 1993 when the Local Government Transition Act (LGTA) (Act 209 of 1993) was promulgated. This transition phase provided a framework for negotiations and brought together representatives from statutory and non-statutory bodies (Pycroft, 1998). Such forums negotiated pre-interim structures, which were to perform local government functions during the Pre-interim phase. The Pre-interim phase commenced with the passing of the LGTA in February 1994 and was operative until the first local government elections held in November 1995 (except in the Western Cape and KwaZulu Natal who held theirs in June 1996). The Interim phase started with the local government elections and ended with the implementation of the final constitutional model at local level. The Final phase commenced with the implementation of the final constitutional model at the local level, which was drawn by the Constitutional Assembly (Pycroft, 1998 and Cameron, 1999). The launching of the White Paper on Local Government published in March 1998, then marked the final stage in the transformation of local governments in South Africa (Pycroft, 1999).

Chapter five of the final Constitution provides the corner stone for local government transformation in South Africa. Section 151 (1) states that, in this new dispensation, the local sphere of government consists of municipalities which must be established for the whole of the country. According to Cameron (1999) local government is now the generic term for all third-sphere bodies, while the individual structures are called municipalities (replacing the commonly used term of local authorities). Particularly important are Sections 151 (3) and (4). Section 151 (3) states that a municipality has the right to power, on its own initiative, the local government affairs of community, subject to national and provincial legislation as provided for in the constitution. Section 151 (4) says that national or provincial government may not compromise or impede the municipality's right or ability to exercise its powers or perform its function. These clauses indicate a fundamental shift away from the system of provincial control of

local government, which had characterized South Africa's intergovernmental systems since 1910 (Cameron, 1999).

Section 156 (6) further gives municipalities executive authority and the right to administer the local government matters listed in Part B of Schedule 4 and part B of Schedule 5, and any matters assigned to them by the national or provincial legislation. What this means is that local government has constitutionally guaranteed functions, and although it may be regulated by the national and provincial government, this must be done in a way that does not compromise its ability or right to govern (Cameron, 1999).

This then marked the end to distinct features of local government based on racial lines. This also effectively brought down the curtain on the municipal apartheid with an urban bias. As it has already been alluded to in chapter 1, one of the most important features of the formal local government democratization process has been boundary demarcation. The following section will therefore briefly unravel the concept of local government demarcation in South Africa within the new local government dispensation.

3.4 LOCAL GOVERNMENT BOUNDARY DEMARCATION

3.4.1 A brief general overview

From their inception during the period of industrialization urban areas shared a mutual relationship with the rural areas. Over time clan and kinship boundaries in the urban areas began to melt away, community group boundaries lost legitimacy and then a system of local government was put into place to reign in the modern city (Watterson, Daily News 28 /01/ 2000). The system of local government came into being as a means to regulate urban living when the villages became too large and the demands of the population too great to be handled by a group of village elders (ibid.). This scenario brought into play the elected council system with power to raise money on property, to make decisions on the local needs and

to provide facilities to the ratepayers (ibid.). To achieve this, it was necessary to set out the boundaries of the local authority to ensure that purely agricultural areas would be excluded, as it was deemed impossible to incorporate them as part of the developing city (ibid.). This then resulted in the development of distinct boundaries between the city and its rural hinterlands.

Over the years the urban -rural divide continued. However, around the 1960's there has been a move to link the urban areas with their rural hinterlands. In some parts of the world, especially in Africa, there has been a growing realization of the role played by traditional institutions in local government structures. That has resulted in a series of local government demarcation processes linking urban areas with their rural hinterlands, abroad and in some parts of Africa.

According to Cameron (1999) the issue of urban/rural community distinction has been a very important consideration within the realm of boundary demarcation in many countries. The main issue is whether urban and rural communities should be governed together or separately. Some commentators believe that cities can be governed in a different way from rural areas (as in Fiji and India where responsibility for urban and rural local government lies with different ministries, at both state and federal level) (Cameron, 1999). Other commentators believe that rural areas could be governed together as unified city region (as in most of Latin America) (Allen, 1990 cited in Cameron, 1999).

Supporters of the urban-rural distinction argue that people's characters, value systems, living patterns and interests differ substantially between the two and there should accordingly be different patterns of local government. Furthermore, Leemans (1970) cited in Cameron (1999) states that the two areas have different work patterns since urban areas are oriented towards industry and commerce, while rural areas are mainly agrarian. Also, there is the belief that the interests of sparsely populated rural areas would be subsumed if they were demarcated in

the same structures as those of more populous urban areas (Bennett, 1989 cited in Cameron, 1999). Therefore the feeling is that if there is amalgamation, it should be between homogenous communities. This line of argument is also evident in the demarcation debate in South Africa and is associated with the traditionalists.

On the other hand, those who argue in favor of merging rural and urban areas believe that such an exercise will create stronger local governments. They also argue that the differences between the interests of the town and the surrounding communes would make their merger attractive (Cameron, 1999). Moreover, the thinking behind the merger is that small communes can benefit from the public services provided by the urban area, a scenario that can undo the conflict in attitudes and living patterns between the urban and rural areas. Furthermore, they argue that there is a growing economic and social interdependence between the two areas, and the fact that the city requires new territory for expansion, which rural areas can provide (Cameron, 1999). This argument of merging the urban and rural areas has won the day in South Africa and has led to the demarcation process, based on the functional boundary concept.

Some international experiences show there has been a gradual move towards incorporating rural areas into metropolitan boundaries. The Danish Commission argue that the changes in rural and urban communities had made them socially and economically more and more alike (Cameron, 1999). This is believed to have led to the establishment of new local governments to include both rural and urban communities. In England it was argued in the 1960s and 1970s that planning could be effectively and efficiently undertaken only if the jurisdiction covered the whole city and its rural hinterlands, since in planning terms service center and hinterland are interdependent (Sharp, 1988 cited in Cameron, 1999).

Wang (1997) used the case of the Shenyang-Dalian region of China to show how over the years there has been evident disappearance of the urban-rural

boundaries due to the process of convergence. In the case of China and some Asian countries, the distinction between urban-rural divide was increasingly blurred as metropolitan regions extended to incorporate rural hinterlands. Such a process has been viewed as a great challenge to the conventional notion that urban and rural environments are separate entities with distinct social, economical and institutional arrangements. This process has also been acclaimed as having some positive socio-economic benefits on the rural hinterlands (Wang, 997).

Douglas (1998) used the case of Indonesia to show how a regional network strategy incorporating rural and urban linkages and interdependencies is posed to overcome the continuing urban-rural divide in development theory and planning. The purpose of Douglas' study was to sketch the outlines of a regional planning framework, which incorporates rural-urban linkages, and one, which could be adjusted to a variety of local situations. Indonesia was then used as a reference. The study among other things revealed that development could be best pursued by linking rural and urban development at local level, and that has emerged as the most crucial issues of planning in Asia (Douglas, 1998).

3.4.2 The case of South Africa

In the context of South Africa, demarcation of boundaries can be located within the broader context of local government reorganization. Local government reorganization can broadly be divided into six categories namely:

- the structural reform, which deals with territorial division and organization and this include all changes in a number of units, whether they represent amalgamation of existing units or the creation of new units;
- the functional reform, which deals with reallocation of tasks between various levels of government;
- the financial reform, which looks at the modification of the local taxation systems and changes in the grant system;

- the organizational reform, which deals, inter alia, with the reshaping of local administrative structures and new forms of city management;
- the decision-making reform, which include corporate planning and long-term budgeting; and
- the one that deals with autonomous action by local authorities in modifying the financing of local services (Cameron, 1999).

This study, like most studies on demarcation, is primarily concerned with the first type of reorganisation, namely the structural or institutional reform. Structures are obviously an important starting point and have major implications for the governance of local government areas. This, of course, does not imply that the other five categories are less important or are going to be totally ignored in this dissertation. For instance, the implication of boundary changes will definitely affect local government financial viability and its capacity to perform functions (Cameron, 1999).

It needs to be pointed out that structural reform in most cases has led to intense local government boundary debates. The major reason is perhaps the fact that boundaries are not neutral lines since they determine the contours of political power (Cameron, 1999). Boundary also changes by definition, redistribute power, with some parties, and organizations standing to lose power and others standing to gain power, hence, the intensity of the debates.

Furthermore, as it has already been pointed out, boundaries also influence citizen's access to local government services and utilities. So incorporation into a richer or well resourced local authority is widely believed to lead to better standards of services, conversely, inclusion within a poor or ill resourced local authority is believed to lead to a lower standard of services (Cameron, 1999). Another area of debate is that of financial implications of belonging within a certain boundary. Some communities will vigorously oppose being incorporated into some territories because of the high taxes.

In South Africa like in many African countries, the boundary demarcation debate is more complex because of the question of traditional culture. In fact, most of the rural people practice traditional culture and these values are far removed from the modernized values of the urban elite. Most of the traditional authorities with strong legitimate support vehemently oppose demarcation into urban areas (or non-traditional rural authorities) because they fear that they will lose many of their traditional powers to formal authorities. Experience has shown even when traditional leaders have been shorn of formal powers, they continue to exercise significant informal powers (Cameron, 1999).

With regard to that the process of democratization in South Africa is bound to be highly contested since it touches on structural boundary reforms, which is likely to shape intensively the political conjunction of power at local level. There is therefore, a dire need to usher such an arrangement through a carefully thought out legislative framework. The following part of this dissertation will explore the different legislative framework that deals with the institution of traditional leadership within the new local government dispensation.

3.5 THE BROAD LEGISLATIVE FRAMEWORK

At national level, there has been a plethora of legislation since 1994 that seeks to shape and give direction to the post-apartheid local government. The main intention of the post 1994 legislation was to realign local government delivery structures with the development of a society characterized by access for all citizens to basic services. However, the provision of such basic services to rural areas by municipalities has been a major concern for the rural leadership. There are some pieces of legislation, which needs to be explored that deals with the issue of traditional leadership institution within the broader local government framework. This section of the dissertation therefore explore those different legislation both at provincial and national level.

The Constitution

The current South African Constitution that came into operation on the 4th of February 1997, recognizes the institution, role and status of traditional leadership to customary law, but subjects it to the Constitution. Chapter twelve of the Constitution specifically provides for the reorganization of the institution of traditional leadership. This chapter states that, the status and role of traditional leaders according to customary law, are recognized, subject to the Constitution (section 211), and that national legislation may provide the role of traditional leadership at local government level (section 212). It also states that national and provincial legislation may establish a National House or Provincial Houses of Traditional Leaders in order to deal with matters relating traditional communities and the customary law (Department of Provincial and Local Government, 2000). As a result of that provision, currently, traditional leaders are represented in the House of Traditional Leaders and that enables them to participate in making the laws that affect them.

At the same time, Section 151 (1) of the Constitution states that the local sphere of government should establish municipalities in all areas of South Africa, including those occupied by the traditional communities. It further provides that local government is to be democratic and be accountable to local communities, to ensure the sustainable provision of services to all communities and to involve them in matters of local government (Department Provincial and Local Government, 2000). According to the minister of Provincial and Local Government, such an arrangement would enable councilors to fulfil their Constitutional responsibility to create conditions for delivery of services and general development throughout South Africa (Daily News, 9 June 2000).

Furthermore, the minister states that, through such an arrangement the Constitution envisages a model whereby there shall be municipal governance throughout the country, and a cooperative relationship between the formal and

the informal systems of government (Daily News, 9 June 2000). Such an institutional arrangement has been viewed by some, as the best measure to pool together all available leadership resources towards the building of a prosperous society. On the other hand, others have criticized this move as a measure to usurp the authority of the traditional leaders in the rural areas.

The Constitution also states that national legislation must establish criteria and procedures for the determination of municipal boundaries by an independent authority, section 155 (3) (b). Cameron (1999) points out that it is the national government's intention to have further re-demarcation of boundaries for the 2000 municipal elections. The argument behind this is that many boundaries were created for the elections in the interim period only. The concern of the Ministry of Provincial and Local Government is that the country has too many municipalities, many of which are not viable. For instance, in 1994, there were 1300 municipalities throughout the country; the new transitional local government system of deracialisation resulted in the creation of 800 municipalities, following the 1995/96 municipal elections, then with the new demarcation process they will be scaled down to 301 following the 2000 municipal election. (Mail and Guardian, January 2000).

However, the Constitution falls short of providing for specific roles which the institution of traditional leadership should play in the context of the current democratic arrangement. The Constitution merely states that the status and role of traditional leadership according to customary law, are recognized, subject to the Constitution chapter 12 (section 211), and that national legislation may provide for the role of traditional leadership at local government level (section 212), Republic of South Africa, 1998).

At the same time as it has already been pointed out, the Constitution provides for the establishment of municipalities in all areas of South Africa, including those occupied by traditional communities. It further provides that local government is

to be democratic and accountable to local communities, so to ensure the sustainable provision of services to communities (Ministry of Provincial and Local Government, 2000).

This lack of consistency in policies dealing with traditional leadership and the new local government arrangement has largely contributed to the current state of confusion and have made the traditional leaders cautious about the proposals for elected local government. The government reacted by launching the White Paper process on traditional leadership, through which all questions regarding the role, status and future functions of the institution will be dealt with in a comprehensive manner. The draft document of this legislation have been criticized by the traditional leaders since it also does not spell out clearly the functions and powers of the institution in the new municipal arrangement. In view of that the traditional leaders then called for the amendment of legislation including the Constitution (Mail and Guardian, 20-26 October 2000). The government then embarked on a series of legislative amendments so to provide sufficient reassurance to the traditional leaders to avoid a political train smash in the short term, while the chief's longer-term future was being sorted out. At the center of the legislative amendment, has been the Bill to amend the Municipal Structures Act, so to clearly define the roles and functions of the traditional leadership institution in the new municipal dispensation.

Apart from the constitution there are some pieces of legislation that deal with the extension of local governments into outlying tribal areas, and these pieces of legislation also acknowledge the role of traditional institutions in the new municipal arrangement.

The White Paper on Local Government

This is a blue print for the transformation of the existing municipal structures. According to the White Paper the functions of traditional leaders include amongst others the following:

- presiding over customary law;
- assisting members of the community in their dealing with the state;
- being a symbol of unity in the community;
- being custodians and protectors of the community's customs and general welfare;
- protecting cultural values and instilling a sense of community in their areas;
- advising government on traditional affairs through the house of traditional leaders; and,
- being custodians and protectors of the community's custom and general welfare.

The White Paper also proposes a co-operative model of local government in accordance with the Constitution. It states that elected local government in areas falling under traditional leadership be constituted in such a manner that traditional leaders will be represented and have a role to play in the co-operative local government arrangement. Furthermore, the White Paper also talks about the role and relationship between traditional and elected local government structures in a democratic government. It proposes that in addition to the representation and participation, is the right to vote. This right, however, has both advantages and disadvantages for traditional leaders. The advantages lies in the opportunity that the right to vote offers for them to influence the process of development and administration; the disadvantage on the other hand, relates to the possibility of them being seen as part and parcel of an inefficient council, by virtue of which they may face removal (Ministry of Provincial and Local Government, 2000). This particular issue has been a highly contested one ahead of the 2000 local government, as traditional leaders had expressed their wish not only to be present in the elected council, but also to have a right to vote there.

The White Paper also concedes that the role of traditional leaders belong to category B municipality, for instance, a municipality responsible for reticulation services directly to residents and not bulk service provision as district council are. However, there may be exception to this model. The White Paper also provides that both the district and local municipality council must inform and consult traditional leaders regarding municipal projects or programs within the traditional leader's area. There is also a provision that the role of traditional leaders is not limited to local government as provision is made for them to approach and lobby other agencies and spheres of government, at both provincial and national levels through the houses of traditional leadership.

However, the White Paper does not say much about demarcation. It just states that many municipalities divided settlements irrationally, and in so doing disempowered municipalities that sought to plan and provide for the needs of communities within the integrated social and economic area of settlement (Cameron, 1999). It goes on to say that in order for municipalities to operate effectively, it was necessary to define most appropriate geographical areas within which a municipality should exercise its particular powers and functions (Cameron, 1999).

The White Paper also suggests that, as far as possible, municipal boundaries should surround the functional settlements. Meaning that metropolitan areas should not be fragmented into separate municipalities and those informal areas on the periphery should not be excluded from the municipal jurisdiction. However, the White Paper does not give a clear direction of how the traditional leadership institution will function within the proposed municipal arrangement. In addition to that, it does not come out clearly on the relationship between the traditional institution and the elected local government councilors in the proposed cooperation model.

The Municipal Trinity

The White Paper on Local Government is the basis on which the future system of local government is to be developed. To this end the models and systems proposed by the White Paper have been translated in the "Municipal Trinity", as a set of three Acts of Parliament that will govern the way in which local government is established and operates.

The Trinity consists of three acts. The first of the acts to be passed was the Local Government :Municipal Demarcation Act (Act 27 of 1998). This act allows for the establishment of an independent custodian that will be responsible for the demarcation of the boundary of category (A), category (B) and category (C) of municipalities. The act also lays out a set of criteria and procedures for the demarcation of municipal boundaries as well as rural areas (Republic of South Africa,1998).

The second act that was passed is the Local Government Municipal Structures Act (Act 117 of 1998). This act sets out criteria for the determination of category (A), category (B) and category(C) municipalities (Republic of South Africa,1998). The act also gives effect to the White Paper on Local Government. Section 81 provides for the participation of traditional leaders in municipal councils. In terms of the Municipal Structures Act, traditional leaders will have a maximum of 10% of seats in local councils that falls within their tribal areas. However, President Mbeki agreed to increase this quota to 20% after representations from traditional leaders (The Mercury, 20 September 2000). This system was a departure from the current system, which allowed for all traditional leaders to serve as ex-officio members on the councils in their areas. Provincial ministers of local government, after consultation with the Houses of Traditional Leaders, must identify the traditional leaders who are to serve as members of the councils (The Mercury, 20 September 2000).

The third Act to be passed was the Local Government: Municipal Systems Act. This act outlines principles, mechanisms and processes that are necessary to facilitate the establishment of developmental systems of local government that can implement social upliftment policies and ensure the broader access to services.

Ingonyama Trust Act

Apart from the national pieces of legislation there is an Act which is of particular importance to KwaZulu-Natal where the study is located, and that is the Ingonyama Trust Act (Act 3 of 1994). In KwaZulu-Natal vast tracts of land are held in trust by the king under KwaZulu Ingonyama Trust and will continue to be under the jurisdiction of chiefs. Most of the land vested in the Ingonyama Trust is rural in character and is to the jurisdiction of traditional leaders and structure as provided by the KwaZulu Amakhosi and Iziphakanyiswa Act of 1990 (Urban-Econ Team, 2000). In the overwhelming majority of cases, beneficiaries like KwaXimba, occupy and use the land in accordance with the indigenous law and practice, which, whilst not formally recorded in any Deeds Registry, is nevertheless, presented by traditional institution governing day to day administration of the land (Urban-Econ Team, 2000). In ideal circumstances, such protection is as effective as registration in Deeds Registry.

In addition to the indigenous tenure, another form of tenure not generally available elsewhere is the Permission To Occupy (PTO). This right is issued by the Minister of Land Affairs in terms of the KwaZulu Land Affairs Act 11 of 1992, and the regulations made under the Act (Urban-Econ Team, 2000). The Minister has delegated power to allocate those rights to the KwaZulu-Natal Minister of Traditional and Local Government Affairs. The Ingonyama Trust Board has delegated power to consent to the issue of PTOs on its land to the same Minister without the need to refer to the board where the extent of land to be allocated is less than 5 hectare or where the value of the development on the land is less than R500 000,00 (Urban-Econ Team, 2000). In all these cases, the consent of

the Board is required. And in all cases, the consent of the tribal authority in whose area land is situated is also required.

The new demarcation of the DMA made in terms of section 2 of the Local Government: Municipal Demarcation Act (Act 27 of 1998), will significantly increase the area of land to be incorporated under metropolitan government (see map 1), and that is land under the jurisdiction of traditional authorities. The implication for this is significant, and some considerations of the interrelationship between the functions of the traditional leaders and the local authorities will need to be carefully dealt with. This once again put into test the issue of power and functions of the tribal institutions having jurisdiction over such land.

3.6 THE DURBAN FUNCTIONAL REGION

The Durban Functional Region (DFR) is located in the eastern seaboard of South Africa within the Province of KwaZulu-Natal. The DFR has often been regarded as a metropolitan region with a distinct character. The spatial form of the city of Durban has been consolidated under severe topographic constraints on the sea, river gorges, and a hilly, broken inland area and a range of former segregation policies (Pillay, 1999).

The cities spatial structure is marked by striking imbalances and is often characterized as a divided city. Its fragmentation and inefficient spatial form works well for those who have access to facilities and opportunities in its urban core, but it does not meet the needs and aspirations of the poor majority of residents, mostly black people who live on the fringe and functional tribal authorities, who comprise close to 70% of the metropolitan total population of 3.2 million (Pillay, 1999).

In order to confront and address the marked disparities in the spatial distribution of the resources; high transport costs which the inefficient spatial structure imposed, especially upon the lower-income; geographically marginalised majority; the rapid rate of urbanization; and the general inversion of density gradient patterns, democratizing appropriate boundaries to configure the jurisdiction of the DMA was a task that required urgent attention (Pillay, 1999). Even though the process of demarcating and delimiting new metropolitan boundaries cannot address all spatial disparities caused by the apartheid based urban planning, the process is believed to provide unique opportunities for addressing an inherently inefficient system (Pillay, 1999). This was therefore, one of the precise intentions of the demarcation process that preceded the 1996 local government election held in South Africa.

The DMA demarcation process that preceded the 1996 municipal elections was not without problems, as it was contested by stakeholders from all over the political spectrum, the business community as well as academics of all persuasions (Pillay, 1999). This was the context, then, in which the reform of local government was to take place. This first phase of the demarcation process resulted in the incorporation of vast areas under the jurisdiction of the former KwaZulu government, including KwaXimba , the case study in this dissertation.

Durban is one of the six cities within the country to be proclaimed category (A) municipality (in terms of the constitution of the RSA), which means that it is established as a metropolitan area in keeping with the Municipal Structures Act, 1998. The present DMA comprises six local councils.

The second demarcation process was proposed ahead of the 2000 municipal elections. This demarcation process has once again been a site of intense struggle, this time waged by the traditional leaders. This perhaps is indicative to the fact that getting boundaries right in any metropolitan area is not an easy task. However, irrespective of the power struggle the Demarcation Board went ahead

with determining the physical boundary to be observed when the municipal election finally takes place. Once again Durban has been chosen as one of the six unicity-type councils for South Africa. Under the unicity arrangement all administrative entities will be amalgamated into one unicity council after the 2000 municipal election. In preparation for the establishment of a unicity metropolitan Durban, the existing metropolitan council and the six councils have entered into a formal agreement to establish a joint committee which is mandated to prepare for the unicity Durban on a coordinated and united basis (Unicity committee, 1999). This unicity committee (unicom) has the backing of all the political and stakeholders within the DMA.

This unicity arrangement is important because it marks the final phase of rational, systematic local government based on a redistribute principle (The Mercury, 20 September 2000). More significantly, for the person on the street, the unicity arrangement, is guided by a series of recently passed local government legislation, which is hoped that for the first time will set the scene for a financial, stable, and sustainable council operating as a viable tier of government on its own. While service delivery remains, a new framework will give room to municipalities to take on a more developmental role in the metropolitan areas and to create a holistic plan for regular economic and social upliftment (The Mercury, 20 September 2000).

The expanded Durban unicity will incorporate large chunks of under developed and poorly serviced rural land currently managed the by the Ilembe, Ugu and Indlovu Regional Councils (see map 1). The project of bringing more tribal areas into the DMA is of particular importance to this dissertation. That is essential in view of the fact that they are being brought into a single, centralized council with a streamlined administrative and political structures, replacing the various institutions currently in place. As the process unfolds, it becomes more critical to see how the process of incorporation has unfolded in KwaXimba

3.7 KWAXIMBA TRIBAL AUTHORITY (THE CASE STUDY)

3.7.1 KWAXIMBA IN CONTEXT

The K T A is located to the north of N3 highway, almost halfway between Durban and Pietermaritzburg, in the vicinity of the industrial area of Harrison Flats and the towns and settlement of Cato Ridge, Inchanga, Fredville and Nagle Dam. In 1996 during the restructuring of regional boundaries the area's authorities chose to be incorporated into the DMA, namely, the Outer West substructure of the greater DMA (Chief Mlaba, pers. Comm.). The entire study area currently falls within the jurisdiction of the Outer West local authority (see map 2).

Although the area is located close to one of the most important national transport routes in the country, the area has generally had little economic development and infrastructure development as opposed to its neighboring centers such as Cato Ridge and Inchanga which historically have enjoyed some growth due to their location (Urban-Econ Team, 2000). The area of Fredville needs special reference due to its impact on the greater KwaXimba sub-region. Fredville although physically located immediately to the south of KwaXimba, is inaccessible from KwaXimba due to the severe topography of the area. Due to the presence of Fredville in the area which has tended to trap most people, KwaXimba has managed to escape the impact of population in-migration and other social instabilities which many other rural areas on the urban fringe, similar to KwaXimba, have experienced (Urban-Econ Team, 2000).

KwaXimba forms part of the urban fringe of the metropolitan area not only because of its location on the metropolitan boundary, but also because it reflects the typical fragmentation and transition character of the urban fringe. A number of recent development initiatives in KwaXimba and surrounding areas have, however, renewed interest in the area, opening up new development opportunities. The area along the N3 rout between Durban and Pietermaritzburg has been investigated and planned as a development corridor and now falls on

the fringe of the Pietermaritzburg-Umsunduzi Spatial Development Initiative (SDI). Furthermore, the area between the OWLC and PMB has been identified as part of the Thousand Hill's Tourism Development Corridor, and KwaXimba has been incorporated as part of those spatial and economic frameworks (Urban-Econ Team, 2000).

Although the KwaXimba Tribal Authority area falls within the jurisdiction of the OWLC, the institutional linkages of the tribal authority are stronger with the Durban Metropolitan Council more than with the Local Council. This unusual situation is believed to be a result of personal relationships and the fact that the mayor of the metropolitan council is chairperson of the AmaXimba Development Trust (ADT).

The KwaXimba tribal authority area

Approximately 25000 people live in the KwaXimba area in thirteen settlements namely (Esikhelekehleni; Sithumba; Mvini; Ebhobhonono; Nonoto; Umsunduzi; Denge; Esiweni; Nconcosi; Berea; Entukusweni Otheba and Emngceni). The KwaXimba area is ward B11 and is made up of 5 sub-wards. The KwaXimba ward is about 64-km. sq. in extent and covers a reasonable space of the OWLC. The settlements are located in a linear pattern along a circle of route running through the tribal area.

The largest concentration of people is in the vicinity of Umsunduzi node, which is located in the northwest part of the tribal area at a point where the main road crosses the Msunduzi River on its way to the Nagle Dam. It is in the Umsunduzi node where most of the significant facilities and services such as the tribal court, clinic, police station and sports field are concentrated. The Urban-Econ Team (2000) has estimated that, about two thirds of the population of KwaXimba are located within (5km) easy distance from the Umsunduzi node. The remaining of the population lives further to the east, and their commuting orientation tends to be away from the Umsunduzi node.

The two main land-uses in the area are traditional settlement areas and undeveloped commonage land. The settlement areas are relatively formally structured due to the influence of Betterment Planning of the past (Chief Mlaba, pers. Comm.). Betterment Planning was a major form of rural development planning, which was applied in the area in the 1970's (Chief Mlaba, 2000 pers. Comm.). The semi-formal layout of the settlements makes provision of services in the area more cost effective as a result most of the basic infrastructure services such as water, electricity and roads are already provided to homesteads (Gilmore, 2000 pers. Comm.).

Socio-economic profile of the area

KwaXimba appears to consist of many extended nuclear units with a preponderance of older women, or younger, unemployed people. There is an argument that there has been a steady improvement in the standard of education over the years and this is attributed to the influence of the missionaries in the Thousand Hill's Valley Area (Airey, 1998). The nature of the economy, and consequently the socio-economic trends in the area, is different from the metropolitan area. Employment opportunities in the area are severely limited such that the economically active people have to commute to distant employment centers such as Hillcrest and Pinetown (Urban-Econ Team, 2000). It is reported that unemployment levels are as high as 70% and the majority of breadwinners are low-income or unskilled labor. Disposable income therefore remains a major problem for a larger percentage of the community. Monthly income in the area is estimated at R300 per household per month, and this becomes skewed to about R500 a month for the prominent figures in the area (Ngubane, 2000 pers. Comm.). The traditional agricultural practice in the area adds little economic value to the households income levels, as a result most households are dependent on pension payouts and wage income earned in the urban areas (Airey, 1998).

Many homesteads in KwaXimba are practicing some form of traditional agriculture on the relatively steep slopes that adjoin the homesteads. The dry land crops consist predominantly of maize, beans and roots as well as surface vegetables which are cultivated for their own consumption. The households also keep heads of cattle and goats and grazing land is a common resource available to all households. Over the years, stock number deteriorated due to drought and diseases, such that stock ownership is concentrated in the hands of relatively few households (Urban-Econ Team, 2000).

Some agricultural projects have recently been proposed for the area. However, the steep topography of the commonage areas has restricted most commercial agricultural projects such as ranching and crop production. Portions of land that adjoin the river have been identified for irrigated agricultural production, and the Department of Agriculture has developed two areas.

3.7.2 THE ADMINISTRATIVE AND DEVELOPMENT STRUCTURES

There are three administrative and development structures in the area, namely, the tribal authority, the AmaXimba Development Trust (ADT) and the AmaXimba Development Forum (ADF). In terms of magnitude the tribal authority is at the top of the structure, followed by the ADT and then the ADF (chief Mlaba, 2000 pers. Comm.). All these structures relates with the OWLC to a certain extent and in varying degrees

The KwaXimba Tribal Authority.

The area is under the jurisdiction of the Mlaba clan and the current leader of the tribal authority is Chief Zibuse Mlaba. Chief Mlaba is also a Member of Parliament in KwaZulu-Natal legislative Assembly, the chairperson of the CONTRALESA in KwaZulu-Natal, and a brother to the current mayor of the Durban Metropolitan Area, councilor Obed Mlaba. The chief rules with the Tribal Council, which is made out of the headman who are in charge of the 13 settlements and representatives of all organizations in the area. Then there are

chief runners found in each of the 13 settlements as well as chief's police in each settlement within the KwaXimba community.

The KwaXimba tribal structure performs various functions ranging from: regulating and supporting development projects; assisting in the issuing of trading licenses; presiding over the tribal courts; allocating land for households and for development projects and ensuring peace and stability in the area (chief Mlaba, 2000 pers. Comm.). As the head of the tribal authority, chief Mlaba coordinates activities regarding the performance of such functions and then the headman carries them out in their respective settlements. All decisions concerning these functions are taken at the council level.

Other functions performed by the chief in his capacity as the leader of the KwaXimba tribal authority include being an ex-officio member in the OWLC meetings. Then there are the other duties, which relate to parliament and CONTRALESA activities already alluded to. Chief Mlaba runs a tight schedule moving between Ulundi for parliamentary sessions, Inchanga where he has offices as a member of both parliament and CONTRALESA for the sub-region and KwaXimba where he has offices as the local chief (Chief Mlaba, 2000 pers. Comm.). It is claimed that the way people in the area relate to the traditional leadership structure, is one of the main reasons why the area is more stable and peaceful than the surrounding urban areas (Urban-Econ Team, 2000).

The AmaXimba Development Trust

The ADT was formed by the Mlaba family in response to the need for funding to initiate development projects in the area (Montgomery, 1995). The Trust has been in operation since the 1950's although the Trust Deed was registered (Reg. No. 2250/95) in 1995 with the master of the Supreme Court's office in PMB, in terms of the Trust Property Act 1988 (Montgomery, 1995). The Trust consist of:

- Chief Mlaba

- Councilor Obed Mlaba mayor of the DMA (chairperson of the Trust).
- Councilor Meyiwa mayor of the OWLC
- Councilor Ngubane ward councilor
- Senior headman, and
- Trustees made out of business people of the KwaXimba sub-region

The Trust is said to look at issues affecting the greater KwaXimba sub-region not only the tribal area.

There are however, perceptions among the residents that the Trust is family controlled and that it is not fully representative of the members of the community. The ADT acts as an umbrella body for all development projects that goes into the area, such that any projects relying on community support whether by the ADF or by the OWLC need to go through the Trust's approval (Ngubane, 2000 pers. Comm.). The Trust also organizes funds from different local and foreign agencies for the implementation of projects in the area. The Trust has also over the years raised funds for the Heritage Day, which is an annual event of traditional festivities exclusively handled by the local people, in October.

The philosophy behind the ADT's activities is that development must be for the local people's benefit, so as to create a culture of self-sufficient and long-term sustainable development (Chief Mlaba, 2000 pers. Comm.). The ADT has over the years embarked on a policy of determining projects congruent with environmental principles as well as accepted land-use (Montgomery, 1995). Such initiatives have resulted in the identification of potential agricultural, industrial, educational, residential, commercial and tourism developments. Some projects associated with the Trust in the KwaXimba area are the sport field, the Sthumba cultural village, the community gardens and the proposed tourism corridor (Urban-Econ Team, 2000). It is however, not clear whether such projects would have been successfully implemented without the financial backing of the OWLC.

The Trust meets on a monthly basis to disseminate information, but work continues on a daily basis. An NGO body, called Khuphuka, acts as a coordinator and secretariat for the Trust and this has aided the professionalism of the Trust (Montgomery, 1995). Khuphuka also trains the local people on various production procedures before projects are initiated.

AmaXimba Development Forum

Before the area became part of the DMA, there was a development structure in the area made out of representatives from the various political parties and organization. When the area became part of the OWLC the old structure was phased out, and then the AmaXimba Development Forum was put into place by the OWLC to drive and manage development initiatives in the area (Sbisi, 2000 pers. Comm.).

The ADF is made out of the following members who hold office for a two years tenure:

- The chief who sits as an ex-officio member
- The ward councilor who also sits as an ex-officio member
- Ten members from the council which include some headman
- One member representing each committee in the area
- Two extra headman who might not have made it as part of the council electorates

The composition of the ADF is considered to be fully representative in terms of gender and social status or belonging.

The ADF meets once a month to discuss development issues such as coordinating the community needs. Once the Forum has identified and prioritizes the needs of the community, it then sends them to the OWLC Development Committee through the ward councilors, for funding (Sbisi, 2000 pers. Comm.).

The Forum also liaises and work with other bodies and authorities at both provincial and national level to solicit some funds.

3.8 CONCLUSION

This chapter was an attempt to place the study into a contextual framework. First of all a brief history of the concept of local government was provided. Then brief history of local government in South Africa was undertaken in order to place the study in a meaningful context. This section revealed that the evolution of local government in South Africa has been a complex and yet unlinear process. This chapter went on to discuss the issue of local government boundary demarcation. What emerged from this discussion is that reorganization of boundaries is always linked to specific objectives of local government, which in the case of South Africa, was to bring down the curtain on apartheid municipal arrangement.

An analysis of the legislation and policy governing the post apartheid local government was explored. This analysis revealed that while the different legislature acknowledged the existence and the importance of the traditional leadership institution within the new local government dispensation, the functions and roles of the institution were not clearly clarified, as well as their relationship with the elected structures.

This chapter concluded by giving the reader a sense of place as well as the circumstances leading to the incorporation of KwaXimba tribal area into the DMA. This section started with the broader locale (DMA) and then moved on to the most specific one (KTA). The following chapter will present and analyze the findings of this study.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

4.1 INTRODUCTION

This chapter provides the findings of the study and it includes an analysis of data gathered through a survey that came from a variety of sources and methods as explained in chapter one. The presentation and analysis of the data is in two folds. The first part deals with some general finding relating to demographic information. The second part present some specific findings relating to the following themes:

- perceptions around the issue of incorporation and the way in which it has manifested itself in the study area;
- perceptions regarding the relationships between the formal and the informal management structures as well as the roles played by each in the demarcation arrangement;
- the current state of development in the area and projects associated with the Outer West Local Council; and,
- the way in which planning processes and other planning mechanisms have translated themselves in the area.

4.2 GENERAL FINDINGS

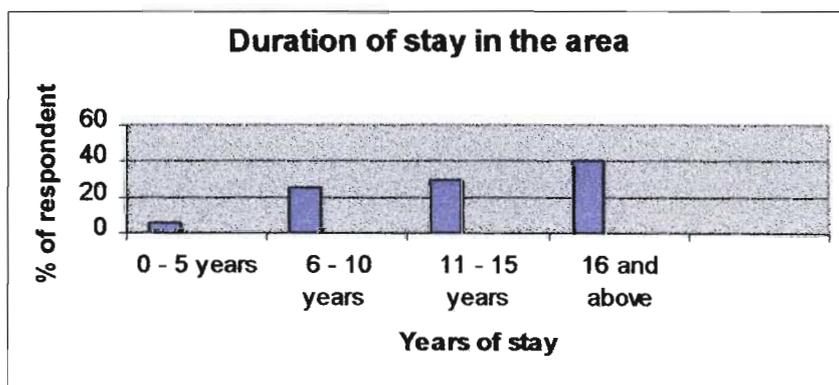
The 40 households which were surveyed were asked some general questions concerning; gender; age group; duration of stay in the area; as well as household source of income. These items formed part of the demographic profile of the respondents.

Table 2 Gender background by age

Categories	Male	Female	Total
20-25	0	2	2
26-30	2	4	6
31-35	4	7	11
36-40	8	5	13
40 upwards	4	4	8
Total	18	22	40

The gender background by age indicated a greater female participation due to the fact that most of their male counterparts worked in far away areas and only came back in the evenings. In terms of age group most of the respondents were in the category of 26 years upwards which reflected a sample of more mature respondents (at least in terms of age).

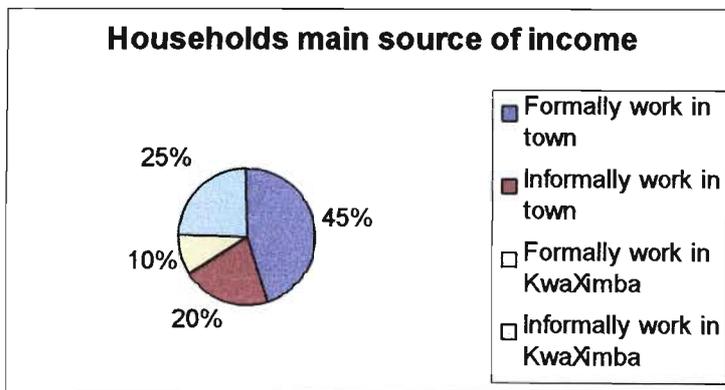
Table 3 Duration of stay in the area



The duration of stay was in this study used, as a variable to test out the respondent's knowledge of the development s projects that took place in the area from the period before and after the area became part of the DMC. The item was also used to test out the notion that communities tend to stay in one area if that

area satisfies their basic needs, otherwise they change locations. This assumption however, does not apply much to rural areas because people in those settlements tend to stay in one area because of traditional factors such as a strong connection between the premise and the family members and the ancestral spirits. The study indicated that about 95% of the surveyed households had stayed in the area for more than 5 years, which indicates that they had experienced both the periods before and after the incorporation. It was interesting to note that all the households indicated some desire to stay in the area permanently.

Table 4 Households main source of income



The study revealed that most of the surveyed households had one or more of the family members working in the towns in the DMA, in a formal or informal sector. This item was important because it was used to check out the extent to which the area was functionally linked to the DMA in terms of employment activities, to justify its incorporation using the functionality concept. As can be seen, 65% of households derived their main income from work within the DMA, outside of KwaXimba.

4.3 SPECIFIC FINDINGS

4.3.1 THE PERCEPTIONS AROUND BOUNDARY DEMARCATION

All the households surveyed indicated that they were aware of the project of incorporating tribal areas into metropolitan government. They also indicated that they were aware that their area fell under the Durban Metropolitan Council. However, they revealed that before the area was incorporated they were never taken on board on that issue, except that they were informed in community meetings that their area was now part of the DMA.

The tribal leadership of the area reiterated that the circumstances that led to their incorporation were politically driven such that there was no time for proper consultation of the community. What transpired is that during the time of the incorporation in 1996, most of the surrounding tribal authorities that were IFP oriented did not want to be part of the DMA and they opted to remain under the Regional Councils. KwaXimba, which is pro ANC, made a request to become under the DMA since they did not want to be left alone in a midst of pro IFP Tribal Authorities. Moreover, the fact that the area depended on the DMA in terms of leisure, trade and employment influenced the decision to become part of the DMA (Chief Mlaba, pers. Comm.). Chief Mlaba went on to state that the move to be under the DMA was a tactical and political step meant to benefit the entire community and not the leadership of the area, as it is widely believed.

All the households surveyed expressed their satisfaction with regard to being under the Durban Metropolitan Area because the process had improved the quality of their lives in terms of urban services and infrastructure. Ngubane (pers. Comm) argued that KwaXimba was a disadvantaged rural area lying within the edge of the metropolitan boundary. Incorporating the area into the DMA helped the area to receive priority services, which they were not likely to have received as a tribal authority among other tribal area (Mlaba, pers. Comm.).

The households, were however worried about some of the demands and land-use regulations that came with being under the metropolitan area (especially with the new unicity arrangement). For instance, they felt that the issue of rates according to the size of the property, the issue of reducing cultivation and grazing lands, and the issue of using communal burial places would disturb their rural lifestyle. This was particularly interesting in view of the fact that the unicity committee speculated that in 3 /4 years, all residents in the unicity would come under a common rating system in terms of Property Rating Bill (The Mercury, 20 September 2000).

The general satisfaction with incorporation, on behalf of both the traditional leaders and the local citizens, contrasted sharply with reports of discontent with the demarcation process in other tribal areas.

Chief Mlaba who at the time of this research was conducting some workshops helping other tribal areas which were to be incorporated ahead of the 2000 municipal elections, was quick to point out that the whole process needed a good base of understanding. Mlaba said that for the process to work well there was a need to educate the local people and the tribal structures about their roles and responsibilities in the new metropolitan arrangement. That was critical because in the short or long term the process came with new demands for the rural people, like the payment of services, and planning as well as development standards.

From the officials point of view the process was good for the incorporated tribal authorities since the process came with some basic amenities and urban infrastructure, as it were in the case of KwaXimba (Ramduny, pers. Comm.). But then, on their side, it had uneasy administrative implications since a whole range of institutional arrangement had to be put into place to accommodate the newly incorporated tribal areas. Moreover, the metropolitan council was expected to spread its resources over a larger un-serviced or under-serviced tribal lands and

that was believed to be taxing, in a sense that it would increase the backlog delivery of the council as well as the time frame (Khuzwayo, pers. Comm.).

The officials also expressed their concern regarding the participation of the tribal authorities in the new unicity arrangement with one metropolitan council. The assertion was that it was much easier for the tribal authorities to participate and influence decisions with the old local council structure, which was physically and institutionally closer to them. But with the new unicity arrangement, the institutional and physical distance might not allow for maximum participation of the tribal authorities, except for those under the leadership of prominent chiefs (Khuzwayo, pers. Comm.).

In summary then, there was a general positive response concerning the incorporation. Local people were mainly concerned about some of the additional demands that came with being under the metropolitan government. Officials on the other hand were concerned about technical difficulties and additional administrative bulk.

4.3.2 THE PERCEPTIONS REGARDING POWER RELATIONS

There was a need to establish the respondent's perceptions of power relations in KwaXimba between the formal and informal management systems. On the issue of working relationships between the formal and informal systems, all respondents alluded to the fact that there were no visible elements of a power struggle because in every development project involving outside people the chief was always available or else sent a representative to relevant meetings. The respondents also revealed that the headman in charge of each of the settlements within KwaXimba always took part in development projects taking place in their settlements.

On the issue of who drives development programs in the area, they had different views. 70% of the households believed that the local people drove it because the local people in their respective forum or community meetings initiate most development projects in the area and then the outside people came in as implementation agencies. However, 30% perceived it as being driven by outside people or individual organizations with funds. On this note the tribal leaders indicated that the community initiated projects as per their needs and then the local authority came in and put things into place. Then the community structures facilitated and monitored those development projects. In that way most development projects in the area were driven by the local people.

When the respondents were asked to comment on the respect given by the local people to the different management structures working in the area, they all indicated that it was towards the tribal structure. This response contrasted with the general notion that formal structure stripped of the informal structure of powers and respect. Chief Mlaba confirmed this and said that since his area became part of the DMA, his standing has been elevated, with whites and Indians alike respecting him from areas far as Kloof and Hammarsdale. This also transpired from the survey as most of the households mutually referred to Chief Mlaba as a very clever and development oriented leader, who puts the interests of his people first.

On the issue of power relations the local chief alluded to the fact that there were no fundamental differences between the formal and the informal structures. He attributed that to the high level of consultation on any development or initiative that was to take place in the area. He also stated that the local council understood very well the nature and obligations of working in a tribal area, like KwaXimba, and were very cooperative in many issues that required tribal solutions. The chief also attributed the smooth working relationships to the fact the parties involved clearly understood their roles and jurisdiction in each arrangement. On the same note, the Outer West Local Council officials indicated

that they did not encounter any major problems with working in the tribal area mainly because the authorities of the area accepted them. There were indications that in the initial stages the relations were uneasy especially with the headman. However, with some workshops conducted by the OWLC on capacity building and conflict resolutions the tensions were relieved (Ncgobo, pers. Comm.).

The study also revealed that the available committees in the area were a source of both progress and conflict. For instance the Outer West Local Council enjoyed a very good working relationship with the AmaXimba Development Forum. It however, had an uneasy relationship with AmaXimba Development Trust due to the manner in which the latter featured in development issues. In fact this study gathered that in most cases the ADT by-passed the local council and initiated things on its own, without their consent or involvement (Gilmore, 2000 pers. Comm.). For instance, the ADT initiated a tourism initiative in the area without the input of the local council. The research also established that at one point there was a controversy between the OWLC and the ADT over the responsibility for a sports stadium. The ADT initiated the project and the OWLC funded it. But then a rift developed as to who should assume its responsibility. The OWLC maintained that that the ADT should be responsible, while the ADT maintained that they were merely facilitators, not administrators, and that the government agency should be responsible (Airey, 1998). Sibisi (2000, pers. Comm.) speculated that the rift between the OWLC and the ADT was likely to continue for a long time due to the high profile representation of the Trust which made it very difficult to challenge. Sibisi further stated that even the ADF had some problems with the Trust in development issues, because the Trust would decide certain things on its own and then order the Forum to carry out its mandate without any consultation.

In summary, human interaction is usually a complex process and has subtle nuances at a variety of levels. The power relations in the case of KwaXimba

between the formal and the informal administrative structures have proved that the two structures can co-exist irrespective of the different cultures and orientations. The prerequisite is the need to come out with a detailed plan to guide and define the proper roles and functions of each structure. This is very important because at the end of the day power relations, rather than technical considerations, will ultimately influence boundary issues.

4.3.3 SERVICES AND INFRASTRUCTURE DELIVERY

One of the focal point of boundary demarcation is to facilitate sustainable service delivery. In this regard, emphasis is placed on the provision of services in an economical, functional and financially viable way. It was therefore important for the research to solicit the respondent's views regarding services provision in the area.

All the surveyed households indicated that they were generally satisfied with the current state of service delivery in the area. Among services they had in their individual households, ranging from one family to another, were services such as water stand pipes, electricity and telephones. According to the service providers (Telkom, Durban Electricity and Durban Metro Water), households in KwaXimba area with electricity were about 75%, those with water were about 75% and those with telephones were about 45%. (Figure showing this breakdown)

In addition they also had some public facilities and infrastructure such as a tarred main road and some tarred access roads, community halls, postal services, educational, service, health and recreational facilities. The households surveyed were asked to indicate the period around which most of these mentioned services were introduced or upgraded in their area. This item was meant establish to whether most of these already mentioned services and infrastructure facilities were introduced or upgraded before or after the area came under the jurisdiction of the OWLC. This was important to establish because there was a general

assertion that KwaXimba Tribal Authority had a variety of services up and running even before the area became part of the DMA. This notion challenged the version that linking urban areas with their rural hinterlands made them socially and economically look more and more alike.

Table 5 showing the period around which services were introduced

Categories of services	1970 1984	1985 1989	1990 1995	1996 onwards	Number of respondents
Water	0	0	12	28	40
Electricity	0	0	12	28	40
Telephone	0	0	8	32	40
Postal services	0	0	0	0	40
Tarred roads	0	0	0	40	40
Health services	0	0	10	30	40
Recreational	0	0	0	40	40
Police services	0	0	0	40	40
Creches	0	0	14	26	40
Comm. Halls	0	0	10	30	40

Table 4 shows the households responses with regard to the period in which most of the services found in the area were introduced or upgraded. The responses clearly show that most of the services were introduced from 1996, which corresponds with the period when the area became part of the OWLC. Even the interviews with the Outer West Local Council officials, the service providers and the tribal leaders revealed that most of the services in the area were introduced and others upgraded after the area was incorporated into the DMA.

It was however indicated that some services such as water and electricity were already in place before the area became part of the Durban metro, but they were at a very basic level. Sibisi (pers. Comm.) stated that when the area became part of the local council, a needs assessment study was conducted and then the local council was approached for funding. The OWLC then provided some funds for

new services as well as funds to upgrade or extent the already available services. According to Forbes (pers. Comm.) the local council developed the area using funds obtained from a variety of sources. For instance, for the upgrading of the roads they used the Consolidated Municipal Infrastructure Program (CMIP) and for the others services they used the local authority funds.

Most of the commercial, administrative and public services by the local council are situated in the Umsunduzi settlement which has been identified and developed into a node servicing not only KwaXimba, but the sub-region as well. Since the area became under the Outer West Local Council's jurisdiction the council has funded the construction and upgrading of 5 community halls, 5 creches, 7 postal services, 1 sub-region health center, 1 sub-region police service center, 3 sports grounds, and an administration center where there is a variety of activities. In addition to that, the council has tarred the main road, which links KwaXimba with its neighboring urban and rural areas as well as some local access roads.

(Plate 1, 2, 3, 4, 5 and 6 show some public facilities and projects in the area, which were funded by the Outer West Local Council).

Plate 1: Showing the sub-regional health center located in KwaXimba Tribal Authority which was funded by the Outer West Local Council.



Plate 2: Showing the sub-regional Police service center found in KwaXimba Tribal Authority which was funded by the Outer West Local Council.

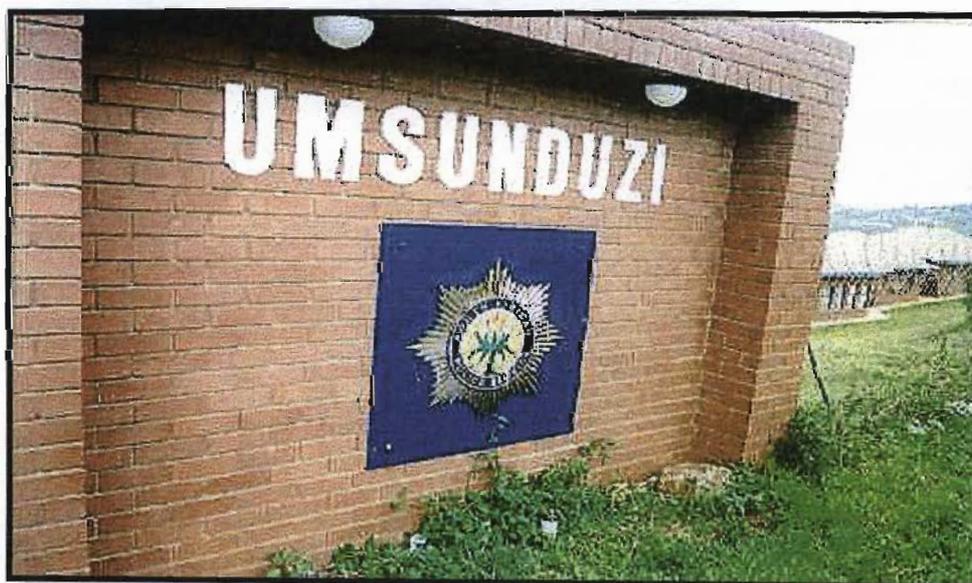


Plate 3: Showing the local access roads in the KwaXimba area constructed by the Outer West Local Council Engineering department.



Plate 4: Showing one of the postal service centers found in KwaXimba area, which was funded by the Outer West Local Council.



Plate 5: Showing the sub-region sports ground in the KwaXimba area, which was funded by the Outer West Local Council.



Plate 6: Showing one of the creches in the KwaXimba area, which was funded by the Outer West Local Council.



Whilst there was a general feeling of satisfaction with regard to service provision in the area, the respondents indicated that there were other services they would like to see introduced in the area. Among those they cited the need for more recreational facilities of different code, educational centers like libraries and skills centers, streetlights, bus/taxi rank with shelter and investment in job creation opportunities. The tribal leaders of the area indicated that there was still need for the extension of water and electricity services to reach the remaining 15-20% located on the fringe of the tribal area.

On the other hand, the informal interviews with the two Tribal Authorities that were not part of the metropolitan area showed that the level of services and infrastructure provision in their areas was relatively poor compared to that offered at KwaXimba. The residents of Mkhizwana and Nyavu indicated that they depended on KwaXimba for some services such as: police, health and recreational facilities.

In summary then, there was a general satisfaction about the level of service provision in the area. What was interesting note was the fact that the local citizens attributed the level of service provision in the area to the working relationship between the Tribal Authority and the Outer West Local Council

4.3.1 The planning processes

Another set of items sought to find out what was happening on the actual ground in terms of formalized land-use planning and management systems, and mechanisms to ensure integration and sustainable development. The study showed that there was little in the way of framework plans and statutory plans dealing with spatial lay out and management systems in the study area (at least from the part of the Outer West Local Council). Most delivery in the area had by and large been about project planning, around the provision of public facilities and infrastructure (Gilmore, peers. Comm.). Planners would argue that

framework plans and statutory plans dealing with spatial layout would result in coordinated land-use planning needed for the entire area to realize social and economic development. In view of the lack of formalized land-use planning, my observation was that while the area benefited from the incorporation, it however, remained considerable from the metropolitan areas to the south and east. Rather it had greater similarities with the tribal authorities to the north and west. So since the physical layout of the area is not formal, no amount of development can remove the rural attributes of the area.

The study also revealed that, while the Outer West Local Council had an Integrated Development Plan (IDP), KwaXimba was the only area under the jurisdiction of the OWLC that was sparsely covered in the IDP framework. Gilmore (pers. Comm.) established that the local council's IDP had proposed some projects that were to be implemented in the KwaXimba area, but during the time of this study such processes were still at a very basic stage. These projects identified in the OWLC' IDP include among other things:

- the KwaXimba development project aimed at strengthening the area as a corridor that links with other areas in the sub-region;
- the KwaXimba tribal area upgrade project which aimed at integrating the AmaXimba tourism project by means of improving the available public facilities such as, the bus and taxi routes, establishing shelters for the informal traders and to link most tourism initiatives with the cultural and tourism node at Sthumba settlement, and,
- the KwaXimba service center project, aimed at reinforcing the social service node and to establish the Umsunduzi area as a major node in the sub-region to provide a range of utilities.

In addition to the IDP, there is mention of KwaXimba in the DMA Spatial Framework Plan but that has only remained at that broad level. The study also revealed that some land reform project was initiated by the Urban Strategy Department and was sponsored by the Department of Land Affairs. The main

objective of this project was to investigate the possibilities of opening up access to land for direct public and private investment. The whole project was about identification of a point of high accessibility and an activity node that would act as a spatial restructuring mechanism to facilitate integration and development within the urban fringe of the DMA (Subban, pers. Comm.).

Montgomery (1995) asserts that in 1995 the ADT organized a consultant to prepare a strategic overview of the KwaXimba sub-region as an attempt to ensure that modern urban planning strategies formed the base of Ximba's development. That was before the area became under the Outer West Local Council. When the OWLC assumed authority over the area, they also inherited that project. However, the review plan already in progress is believed to have caused some tensions between the local council and the AmaXimba Development Trust (Montgomery, 1995). The study has further gathered that the ADT has continued to hire some consultants to prepare reports and feasibility studies on the area, without the knowledge or input of the OWLC, even though the area is now under its jurisdiction (Gilmore, pers. Comm.). For instance, in very recent times, the Trust has hired consultants to prepare a Development Framework Plan, Development Opportunities Framework Plan and a Local Economic Development Plan for the area, again without the input or knowledge of the Outer West Local Council. Even though such plans were never completed they were initiated without the directive of the local council under whose jurisdiction the area falls.

Furthermore, some current tourism development initiatives, initiated by the Trust, is continuing without planning permission, as this is not regarded as a prerequisite (Airey, 1998). The argument is that permission was obtained from the local chief, funds have been raised, the project team has been identified, and then the project plans had to commence (Airey, 2000). From a planning perspective this is a very unhealthy and costly exercise. The danger is that once the processes have been entrenched, reversing them to allow for proper land-

use and environmental management systems will be difficult. This will then result in the area becoming an area of dissension, rather than change within the Outer West Local Council. This raises significant questions about accountability between development trusts and elected local government structures.

With regard to the housing scheme, the claim is that there has not been a call for that, since there are no high densities in the area. There were indications that the need for housing in KwaXimba is limited to the upgrading of services and housing, rather than the building on new houses (Forbes and Mlaba, pers. Comm.). Another view was that the urban type of housing being provided in the townships was not appropriate for a rural area.

The housing program is also believed to render some difficulties in a land tenure system such as KwaXimba, since its communal land rather than under the title deed tenure system. Some people in the area are believed to be using Permission To Occupy (PTO) in order to obtain some funds from financial institutions (especially Ithala Bank which acknowledges such an arrangement), towards the construction of their houses. The study however gathered that the authorities of KwaXimba had identified some piece of land outside the boundaries of the tribal area, which was going to be used for future housing projects (Chief Mlaba, pers. Comm.).

CONCLUSION

The data gathered revealed that the local citizens of KwaXimba were generally satisfied with the process of incorporation as well as the benefits accrued with the process. While the KwaXimba community was worried about some of the demands and challenges that came with the incorporation, they however, indicated some happiness with the level of service provision in the area.

With regard to planning processes, it was evident that most of the planning in KwaXimba had been project oriented with very little initiatives to implement some

planning processes such as framework plans. From a planning perspective this is problematic in a sense that framework and statutory plans are there to ensure continuous and sustainable development and service delivery, as well as to give guidance to land-use types, especially in ecologically sensitive areas.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

The introduction of the municipal council is a new concept to many rural areas that for years have been ruled by traditional authorities. This measure has generated a lot of opposition from the traditional leaders, and they view the whole process as a mechanism to erode their control and function over the rural areas, as well as a means to steal their credit regarding delivery of basic services to rural communities. As the process draws to an end ahead of the proposed 2000 municipal elections in KwaZulu-Natal (as elsewhere in South Africa), it is crucial to take stock and see how the process has translated itself in some tribal areas which were incorporated as a result of the 1995 demarcation process, like KwaXimba tribal authority, the case study in this dissertation. In this study the whole process of linking urban area with their rural hinterlands has been viewed as part of the process of local government democratization in South Africa.

For the sake of logic and continuity, this chapter will first of all look at a summary of findings by responding to the hypothesis. It will then mesh the findings with the theoretical lens underpinning this dissertation, to do more than tell a story, but to explore the intellectual angles contained therein. It will then conclude with recommendations for future planning practices within the realm of the demarcation framework.

5.2 SUMMARY OF FINDINGS

KwaXimba Tribal authority provides a fascinating case study for investigating the system of local government restructuring. The hypothesis set out in this study that the process of incorporating tribal areas into metropolitan government provides a major instrument in bridging the urban-rural divide has been confirmed in the case of KwaXimba tribal authority. In fact what has emerged from the case study is that the area has benefited much from linking with the Outer West Local Council, especially in terms of community and public facilities. While it is true that the area even before the incorporation had some services in place, the study has revealed that those were very basic. More services provision and upgrading only took place after the area was incorporated as part of the DMA. In the light of that the case of KwaXimba Tribal Authority confirms the notion that merging rural and urban areas enables the rural areas to access facilities that they would otherwise not access.

The experience of KwaXimba also revealed that much of the planning in the area has by and large focussed on land-use planning. This has taken place through the provision of community projects and public facilities. Other elements of development planning and frameworks as well as statutory planning have had a very peripheral treatment. This perhaps can be attributed to the fact that most planning initiatives in tribal land are more often than not oriented towards the provision of services and infrastructure, since the communities rely on voluntarily self-managed systems to acquire their services or to enable government to deliver services effectively.

From the local council's perspective the incorporation of tribal areas into their jurisdiction was problematic in terms of both administrative and financial implications. But they also acknowledged the benefits that the incorporation brought to the KwaXimba area in terms of service delivery.

It is difficult to avoid the conclusion that the incorporation was very much to the benefit of the local community. While it is true that even before the incorporation into the DMA KwaXimba had some basic services such as electricity and water (which were provided by the former KwaZulu Government), the study has revealed that, the incorporation enabled a more efficient provision of basic amenities and other urban infrastructure. It is also true that KwaXimba had a special position within the Durban Metropolitan Area because of the energy, intelligence and political linkages of its chief, but its success is surely a lesson for the other tribal areas.

5.3 THEORETICAL CONSIDERATIONS

The notion of incorporating tribal authorities to become part of metropolitan areas has to a larger extent been posed in terms of the modernist versus the traditional perspective. As a modernist project the entire process of local government restructuring and democratization can be viewed as a measure to ensure that institutional arrangements for managing facilities and resources are in line with the principles of democratic governance. Whereas, the traditional perspective view it as an imposition upon the traditional system of governance of the values and culture of the urban ways of governance.

The case of KwaXimba has indicated that it is possible for a tribal authority to survive and even be strengthened within a modern context. It is significant, for example that the KwaXimba Tribal Authority is probably now more respected and secured than ever before. Key to the survival and strengthening of the tribal authority was its willingness to play a progressive role in relation to other developmental agents. The first important step was the acceptance of incorporation in 1995. The positive non-conflict role of KwaXimba shows that it is possible for traditional and modern leadership structures to co-exist. Theoretically then, a progressive postmodernism, which allows for the linkages of the modern

and the traditional in new combinations is most useful in understanding the project of linking urban areas with their rural hinterlands.

5.4 RECOMMENDATIONS

While the experience of KwaXimba Tribal Authority does not offer us blue print for development elsewhere, it does offer us some lessons that may be successfully adapted and transplanted to other places. Two important reasons however constrain the replicability of KwaXimba experience in some tribal areas;

- the peculiar and special relationship that the area share with the DMA might have influenced the incorporation of the area; and,
- the fact that the area underwent the betterment-planning scheme long before it was incorporated, is likely to have contributed to the relatively high level of service provision as opposed to a tribal area characterized by dispersed settlements.

While this dissertation does acknowledge the strengths and weaknesses of boundary demarcation in the context of local government restructuring, it however, does not lend itself to many specific recommendations. The most important broad recommendation is that traditional authorities should avoid a knee-jerk reaction to the incorporation into urban areas. KwaXimba has shown that incorporation can bring substantial positive benefits and that it need not mean that the tribal authority has reduced power.

For the urban authorities, the main recommendation is that they should avoid conflictual relations with tribal authorities and that they should recognize the extent to which constructive engagement with tribal authorities can strengthen local governance. Such transformation and democratization can be done through the democratic election of councilors, including women and the youth to sit on the authority together with traditional leaders.

As a parting shot, because demarcation is an ongoing process, it will be necessary for the Demarcation Board to continue interacting with traditional leaders and communities to re-arrange these municipal boundaries taking into account their concerns. This would ensure that rural communities enjoy the benefits of indigenous leadership and those of the modern style of leadership. This would bring about marriage between the two systems of governance.

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APPENDIX ONE

General information

1. What is the respondents' gender?

Male	
Female	

2. What is the respondents' age group?

20-25	
26-30	
31-35	
36-40	
Above 40	

3. How long have you lived in this area?

0-5 years	
6-10 years	
11-15 years	
Above 15 years	

4. How long are you prepared to stay in this area?

Permanent	
Temporary	

5. What is your household main source of income?

Formally employed in the metro	
Informally employed in the metro	
Formally employed in the area	
Informally employed in the area	

Services and infrastructure information

6.1 What are the advantages (in terms of services and infrastructure) of living in this area?

Explain.....

6.2 What are the disadvantages (in terms of services and infrastructure) of living in this area?

Explain.....

7.1 Which of the following services and infrastructure do you have in your area?

Piped water	
Electricity	
Telephones	
Community halls	
Hospital /clinic	
Educational facilities	
Refuse collection	
Postal services	
Tarred roads	
Recreational facilities	
Library	
Police service	
Street lighting	
Housing provision	

7.2 In relation to the above (mentioned services and infrastructure) which ones are better or worse than those provided in your neighboring rural areas?

.....

8. Around which years were most of these services you indicated in (question 7) first introduced in your area?

Before 1970	
1970-1984	
1985-1989	
1990-1995	
1996 onwards	

9. Are you satisfied with the level of service provision in your area?

Yes	
No	

Elaborate.....

10. Do you pay any rates or levies for your property and the services rendered? (not rent)

Yes	
No	

If yes please elaborate.....

11. Which three new services would you like to see being introduced in your area?.....

.....

Management information

12. Who owns the land that you live in?

.....
.....
.....

13. Do you attend community meetings at the tribal court?

Yes	
No	

14. When did you last meet the Inkosi in a community meeting?

Last three months	
Last four to seven months	
Last eight to eleven months	
More than a year	

15. Name any three groups of outside people that are involved in development projects in your area.

.....
.....
.....
.....

16. How would you define the working relationship of these outside groups with the local traditional leaders and structures?

.....
.....
.....
.....

17. Which group of people among the following is given more respect by the people in your area?

The service providers	
The mayor	
The traditional leaders	
The municipal councilors	

Perception information

18. Do you know about the process of incorporating tribal areas under metropolitan government?

Yes	
No	

19.1 If yes, what are your general impressions about the process?

.....

.....

.....

.....

19.2 If no, what is your comment about the whole process?

.....

.....

.....

.....

20.1 Are you aware that your area falls under the Durban metropolitan area and governance?

Yes	
No	

20.2 If yes where did you get that information?

.....
.....
.....

21. Have you seen any improvement or deterioration in the quality of life in your community since it became under the Durban metro?

Improvement	
Deterioration	
Unchanged	

22. Please specify the most important improvement or deterioration.

22.1 Improvement.....

22.2 Deterioration.....

23. What are your three most serious day to day problems with living in a tribal authority that falls under the metro?

a.
.....

b.
.....

c.
.....

24. Given a chance, in which of the following places would you prefer to stay in future?

City center	
Township	
Informal settlement	
Farm owned by another person	
Tribal authority under the metro	
Tribal authority not under the metro	

Give reasons for your answer

.....

.....

.....

.....

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.....

.....

.....

LIST OF ABBREVIATIONS

DMA..... Durban Metropolitan Area

DMC..... Durban Metropolitan Council

DFR..... Durban Functional Region

OWLC..... Outer West Local Council

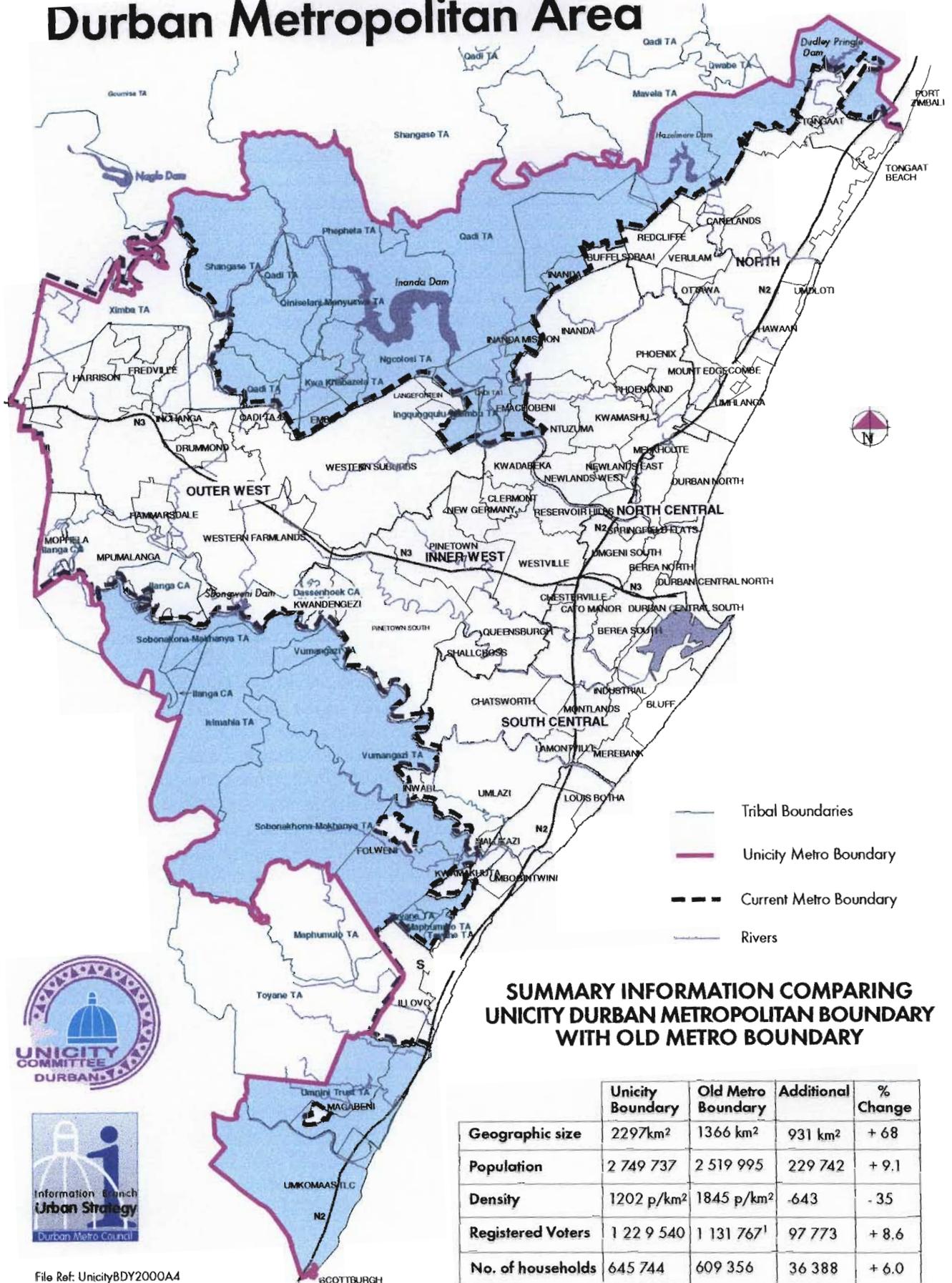
KTA.....KwaXimba Tribal Authority

Pers. Comm.Personal communication

ADF.....AmaXimba Development Forum

ADT..... AmaXimba Development Trust

Durban Metropolitan Area



- Tribal Boundaries
- Unicity Metro Boundary
- Current Metro Boundary
- Rivers

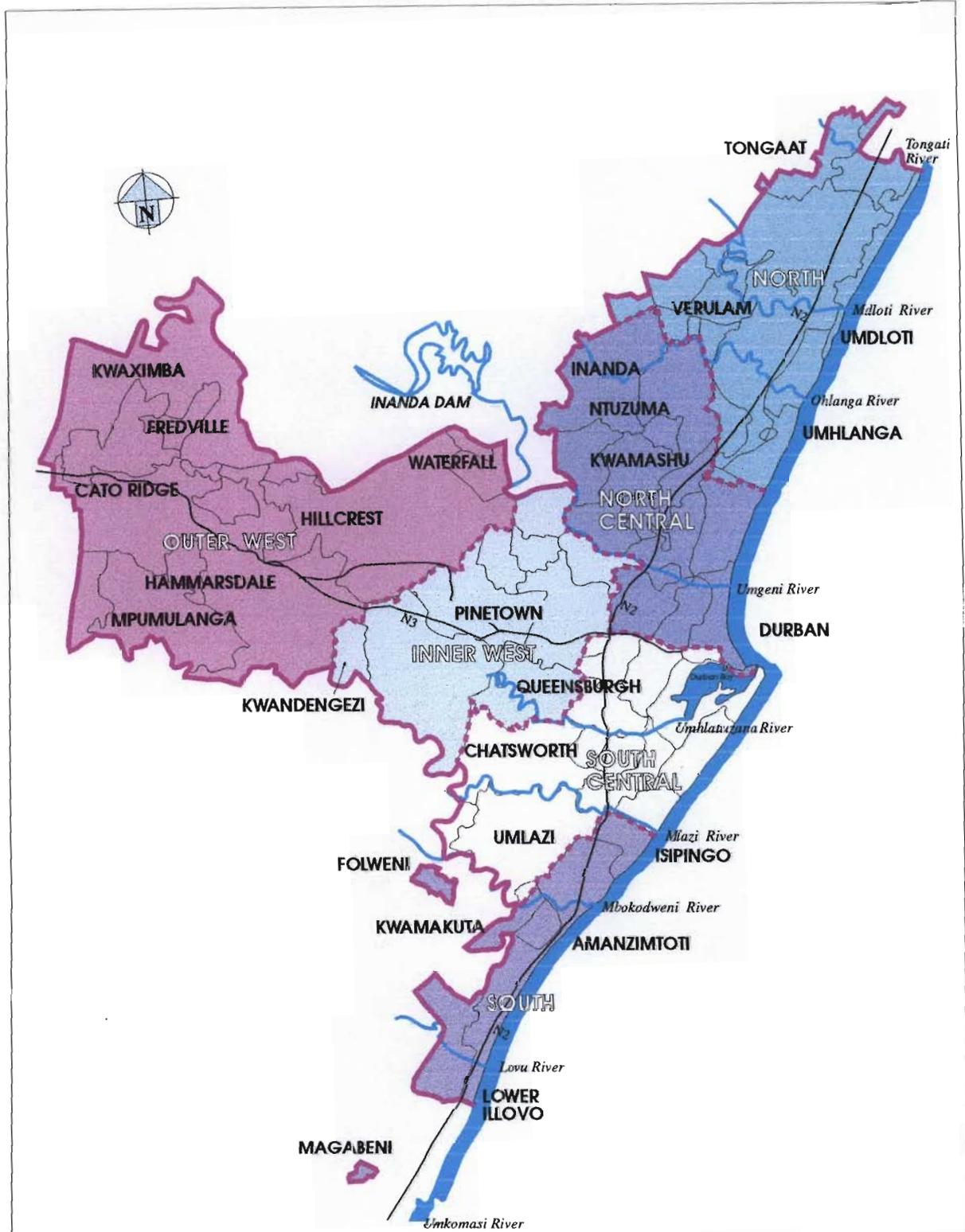
SUMMARY INFORMATION COMPARING UNICITY DURBAN METROPOLITAN BOUNDARY WITH OLD METRO BOUNDARY

	Unicity Boundary	Old Metro Boundary	Additional	% Change
Geographic size	2297km ²	1366 km ²	931 km ²	+ 68
Population	2 749 737	2 519 995	229 742	+ 9.1
Density	1202 p/km ²	1845 p/km ²	-643	- 35
Registered Voters	1 229 540	1 131 767 ¹	97 773	+ 8.6
No. of households	645 744	609 356	36 388	+ 6.0



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Map not to scale

- Metropolitan Boundary (January 1996)
- - - Metropolitan Transitional Substructure Boundary (January 1996)
- Community Boundary
- Roads

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**DURBAN
 METROPOLITAN
 AREA**