

UNIVERSITY OF NATAL-DURBAN

**THE ROLE OF TRADITIONAL LEADERS IN
MUNICIPALITIES WITH PARTICULAR REFERENCE TO
PLANNING PROCESSES AND DEVELOPMENT:
A CASE STUDY OF NELSPRUIT TLC.**

BY:

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DEVELOPMENT:
A CASE STUDY OF NELSPRUIT TLC.**

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**Submitted in partial fulfilment for the requirement of the degree:
Masters in Town and Regional Planning,
Department of Town and Regional Planning
University of Natal-Durban
15 December 2000.**

DEDICATION

**THIS DISSERTATION IS DEDICATED TO MY WONDERFUL PARENTS:
OZIAS AND SELLINAH NTIMANE.
MY ACHIEVEMENTS ARE DUE TO YOUR VALUABLE SUPPORT. I AM
VERY FORTUNATE TO HAVE YOU IN MY LIFE.**

ACKNOWLEDGEMENTS

I would like to extend my sincere gratitude to the following people who gave me support and assistance during the process of writing this dissertation:

- ◆ Firstly God Almighty, the pillar of my strength who proved His word to me that through Him I can do all things.
- ◆ My supervisor Prof. Phil Harrison whose constructive criticism and support were of great value.
- ◆ To all the Town Planning Staff and my fellow classmates especially my dear sister and friend Thandi and Bheki-'Mkhaya'. I'll never forget you guys you were very supportive, you were always there when I needed you most.
- ◆ To all my friends especially Sizwe who used to phone and encourage me. Those phone calls kept me going.
- ◆ To all the people who participated during data collection which include: Nelspruit TLC officials, councillors, all the public and private sectors planners, traditional leaders and residents of Msogwaba tribal area and my friend Bongzi who sacrificed her time to make sure that I'm doing the right thing.
- ◆ To my dear parents who made this opportunity available to me. Mom thanks for your prayers and your encouragements; you are my source of inspiration. Daddy you sacrificed your time and supported me from the initiation stages, during data collection and until to the point where you proof read my document. I hope I have lived up to your expectations.
- ◆ To all my family members especially my dear brother Sotsha and my wonderful sister Sheila for their moral support. You always stood by my side. *'Ngiyabonga Bo Sbhong'esihle'*.
- ◆ To my beloved sister who passed away in 1994, she invested so much in my life and I'm sure she would be proud of what I am today.
- ◆ Lastly to my beloved Mdu, thanks for your love and support and above everything for believing in me.

TABLE OF CONTENTS

TOPIC	PAGE NO.
1. CHAPTER ONE: INTRODUCTORY CHAPTER.....	1
1.1 Introduction.....	1
1.2 Research Topic.....	2
1.3 Problem Statement.....	3
1.4 Research Question.....	3
1.5 Subsidiary Questions	4
1.6 Hypothesis.....	4
1.7 Working Definitions.....	5
1.1.7 Traditional leaders.....	5
1.7.2 Tribal Administration	6
1.7.3 Traditional Authority	6
1.7.4 Municipality	6
1.7.5 Development	7
1.7.6 Successful Local Government.....	7
1.8 Research Methodology	8
1.8.1 Introduction	8
1.8.2 Survey Approaches.....	8
1.8.3 Methods of Eliciting Data	9
1.8.3.1 Using Secondary Sources.....	9
1.8.3.2 Personal Observation.....	10
1.8.3.3 Using Primary Sources.....	11
Interviews from key informants	11
Interviewees	12
Interviews from local residents	13
1.8.4 Key Issues Addressed	14
1.8.5 Shortcomings Experienced During Data Collection	14
1.9 Chapter Outline	15

CHAPTER TWO: LOCAL GOVERNMENT AND GOOD GOVERNANCE	17
2.1 Introduction.....	17
2.2. The Concept of Local Government	17
2.3. History of Local Government in South Africa	21
2.4 The Post-Apartheid Local Government.....	23
2.4.1 The Local Government Transition Act (LGTA)	24
2.4.2 Local Government And The Constitution	26
2.4.3 The White Paper On Local Government	28
2.4.4 Municipal Demarcation Act	31
2.4.5 The Municipal Structures Act.....	31
2.5 Local Government Vs Good Governance	32
2.5.1 Debates on Good Governance	32
2.5.2 Criteria for Good Governance.....	37
2.5.2.1 The Level of Trust and Reciprocity.....	37
2.5.2.2 The Degree of Accountability and Authority	38
2.5.2.3 Relationship Between Different Spheres Of Government	39
2.5.2.4 Promotion of Participation and Democracy	40
2.5.2.5 Provision of Basic Services	41
2.5.2.6 Ability to Raise and Spend Funds	42
2.5.2.7 Building Appropriate Capacity in Stakeholders in the Community	42
2.5.2.8 Promotion of Economic Development and Integration	43
2.6 Instruments For Good Governance	44
2.6.1 Overview of Past Planning Processes.....	45
2.6.2 The New Planning Processes.....	46
2.7 Conclusion.....	47
3. CHAPTER THREE: TRADITIONAL LEADERSHIP.....	48
3.1 Introduction.....	48
3.2 Observation Of Traditional Leaders From African States.....	49
3.2.1 NAMIBIA	50
3.2.2 BOTSWANA	51
3.2.3 ZIMBABWE.....	52

3.2.4 GHANA	52
3.3 Historical Background Of Traditional Leadership In S.A.....	53
3.4 Traditional Leadership In The Post Apartheid Era	56
3.5 Traditional Leadership In A Democratic Local Government	58
3.6 Challenges Of Traditional Leaders In Unfolding Local Government Structures.....	61
3.7 The Current Debates On The Role Of Traditional Leaders	63
3.8 Conclusion.....	65

4. CHAPTER FOUR: RESEARCH FINDINGS AND ANALYTIC

SYNOPSIS.....	67
4.1 Introduction.....	67
4.2 Section One: Contextual Analysis Of Nelspruit TLC.....	67
4.2.1 Physical Location.....	67
4.2.2 Establishment of Nelspruit.....	68
4.2.3 Demographic Characteristics.....	70
4.2.4 Levels of Employment.....	71
4.3 The Incorporation Of Tribal Areas To Nelspruit TLC	72
4.4 Section Two: Findings From The Interviews	72
4.5 Section Three: Assessment Of Governance In Nelspruit.....	87
4.6 Conclusion.....	91

5. CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS.....92

5.1 Introduction.....	92
5.2 Conclusions.....	92
5.3 Recommendations.....	95

REFERENCES.....101

APPENDIX One: Interview Schedule For Councillors, Officials And Planners	104
APPENDIX Two: Interview Schedule For Traditional Leaders	110
APPENDIX Three: Interview Schedule For Residents	114

LIST OF TABLES

Table One	:	Population of the Greater Nelpruit Area.....	70
Table Two	:	Employment Rate.....	71
Table Three	:	Joint functions for traditional leaders and councillors....	97

MAPS

Map No. 1:	Locality Map.....	02
Map No.2:	Nelspruit Municipal Area.....	67

CHAPTER ONE

INTRODUCTORY CHAPTER

1.1 Introduction

In the past traditional leaders were confined to rural areas where they were responsible for certain functions (e.g. land allocation) within their areas of jurisdiction. During the local government transition in the mid-1980s the Regional Service Councils established to service black non-urban communities in South Africa, formed basis for democratic rural local government although their roles and resources remained limited. The boundaries of the Regional Service Councils were redrawn to incorporate rural areas under the jurisdiction of the former homelands and the Regional Service Councils thus co-existed with traditional authorities. South Africa's first local government elections held in November 1995 and June 1996 cemented the transition from apartheid to democratic local government. However, the establishment of this democratically elected local government aroused debates around the role and capacity of traditional leaders.

The Constitution, (Act 108 of 1996) requires municipalities to be established for the whole territory of the country. This has required new council structures to be created, particularly in rural areas, where there has been limited or no previous experience of local government. The extension of democratic local government into rural areas has posed a further challenge to traditional authorities. Under the new dispensation, systems of traditional authority are expected to co-exist

within the new democratic municipalities. This is because the Constitution makes provision for traditional leaders to be part of local government, but many issues relating to their involvement were not properly resolved. The constitution recognizes the institutions, status and role of traditional leadership. However, it reserves for municipalities the pre-eminent role in land use planning, service provision and development activities. The ambiguity about the respective roles and responsibilities of traditional authorities and municipalities creates a degree of uncertainty that can be counterproductive to efforts to achieve local development. The Municipal Structures Act of 1998 introduces categories and types of municipalities for metro and other areas. It defines the role and function of metro, local and district municipalities. Above all it also requires a wall-to-wall local government, which include tribal authorities. It is therefore the aim of this dissertation to explore the implications of the role played by traditional leaders in local government particularly in Nelspruit TLC. For the purpose of the study the Msogwaba tribal area is used as an example, as it is one of the tribal areas that was incorporated into Nelspruit TLC.

1.2 Research Topic

The role of traditional leaders in municipalities with particular reference to planning processes and development: A case study of Nelspruit TLC.

1.3 Problem Statement

Over the past years the incorporation of tribal authorities into municipalities has been resisted because of power-related issues. There is an assumption that incorporation may have negative consequences because of the following:

- ◆ the imbalance that exists between more 'advanced' towns, and the rural areas;
- ◆ social conflict flowing from differences of interest between traditional authorities and municipalities;
- ◆ problems relating to powers, functions and relationships between the traditional leaders and municipalities;
- ◆ the tension that arises between traditional leaders and the elected councilors and the absence of a system that will provide for co-existence;
- ◆ the undefined traditional leadership role in fulfilling matters affecting the government; and,
- ◆ the contrast of traditional leadership versus modern type of type of government.

1.4 Research Question

What does the case of Nelspruit teach about the implications of involving traditional leaders in municipal government and in planning in particular?

1.5 Subsidiary Questions

NOTE: All the subsidiary questions are with particular reference to Nelspruit where traditional authorities have already been incorporated into the municipal boundaries.

1. What does legislation and policy say about the incorporation of traditional leaders in municipalities?
2. What functions do traditional leaders execute in municipalities?
3. Is there any co-operation between these leaders and municipalities, especially during meetings and debates?
4. What are the views of the traditional leaders about planning and development and where do their views differ from elected leaders?
5. Which are the stages in planning where traditional leaders get involved and why?
6. How effective has this participation been? Where are the areas of conflict and agreement been experienced?

1.6 Hypothesis

The incorporation of traditional leaders into Nelspruit TLC has not been successful to date; it needs to be reviewed because of the different backgrounds and methods of operation between elected councilors, officials and traditional leaders. If incorporation is a foregone conclusion then special arrangements are needed to ensure proper integration (e.g. training of traditional leaders about municipal administration) and effective planning process.

1.7 Working Definitions

The following are the working definitions that are going to be used to show how a term is understood and will be used for the purpose of this study.

1.7.1 Traditional Leaders

Keulder (1998) outlines that in defining traditional leaders two approaches can be taken: either a focus on the basis of their authority, that is, tradition; or on their functions, that is, the services they render to their communities. Those who prefer the first option would define a traditional leader simply as anybody who has been appointed to a position of power on the basis of custom or tradition. These leaders are individuals occupying communal political leadership positions sanctified by cultural morals and values, and enjoying the legitimacy of particular communities to direct their affairs. Their basis of legitimacy is therefore tradition, which includes: a whole range of customs and ways of life; a people's history; moral and social values; and, traditional institutions, which survive to serve those values. (Department of Provincial and Local Government (DPLG): 2000).

Traditional leaders are social leaders and systems rather than actual government institutions. Their primary function is to regulate and control relationships and social behavior within a traditional community. They are in essence people-oriented and not service-oriented as government structures are. Traditional leaders may also include traditional councilors, be they tribal leaders, headman or members of the council of a tribe, holding office under African customary law as applied by a given tribe in South Africa.

For the purpose of this study a traditional leader will be defined as a person who by virtue of his ancestry occupies the throne for an area or land who has been appointed to it in accordance with the customs and tradition of the area and has traditional authority over the people of that area, (or any other person appointed by instrument and order of the government to exercise traditional authority over an area or a tribe).

1.7.2 Tribal Administration

Non-elected administration under traditional hierarchy incorporating headmen, traditional councillors and chiefs. Nowadays you also find appointed staff like secretary, treasurer, tribal police and chief's driver.

1.7.3 Traditional Authority

It is a system of rule, which was in existence before the intrusion of colonialism into Africa. When the British came to Africa, they termed the type of rulers they found as 'native' administration or authorities. It is from this notion that the term 'traditional rule' used nowadays emerged. The traditional rulers were meant to have jurisdiction over matters relating to the indigenous people only, because they, so the colonists believed, would not easily accept or assimilate the legal technicalities introduced by the new colonial system. Traditional authority can therefore be referred to traditional power structures or customary administration in rural communities.

1.7.4 Municipality

In order to understand this term it is of great importance to know the structures or spheres of the Government of the Republic of South Africa. In the Republic, the government is constituted as national,

provincial and local spheres of government, which are distinctive, interdependent and interrelated. The local sphere of the government consists of municipalities, which must be established for the whole of the territory of the Republic.

Hence, a municipality is defined as a juristic entity or as a geographic area determined in terms of the Local Government Municipal Demarcation Act.

1.7.5 Development

This term will be used to define a progressive evolution of the society, which involves transferring of skills to people and giving them access to resources so that they may have greater control of their lives.

1.7.6 Successful Local Government

The word success on its own is a difficult concept to define, particularly when it has to be measured relative to objectives and circumstances that might vary considerably across and within countries.

Before defining a successful local government the researcher will give a definition of 'local government'. According to Cox (1994) local government is defined as that tier of government or decision making which operates specifically at 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.

A successful local authority is defined as the one that is able to mobilize substantial resources and provide reasonable level of services to communities.

1.8 Research Methodology

1.8.1 Introduction

The accuracy of any social survey largely depends on the methods of collecting the required data. The research methodology is aimed at solving four basic problems, namely

- ◆ What information to seek?
- ◆ From whom to collect the required data?
- ◆ What methods to use for collecting it? and
- ◆ How to process, analyze and interpret it? (Kodua-Agyekum: 1997).

1.8.2 Survey Approaches

The qualitative method of data gathering is the only approach used in this study. A total number of 45 interviews of different kinds were conducted but because of the diversity of interview and the use of snowballing, rather than random sampling, statistical presentation is not possible. The advantage of using the qualitative approach is that it provides one with behavioural information (e.g. individual perception, facial expression) that can not be easily captured when using the quantitative approach. Example of qualitative approach chosen was the interviews where key respondents were identified and appointments were set up for the interviews.

The word qualitative implies an emphasis on processes and meanings that are not rigorously examined, or measured, in terms of quantity, amount, intensity or frequency. Qualitative researchers stress the socially constructed nature of reality. In contrast, quantitative studies emphasize the measurement and analysis of causal relationships between variables (Kodua-Agyekum: 1997).

1.8.3 Methods of Eliciting Data

In this study a combination of three methods of eliciting data were used. The first one was through the consideration of existing secondary sources followed by the primary sources and the last method is through personal observation.

1.8.3.1 Using Secondary Sources

Some documentary evidence in the form of government reports, newspapers, books, thesis, journals articles, planning documents, policy documents, internet and other similar sources that deal with the subject were used to get the information about the study. These sources were accessed through libraries i.e. University of Natal libraries, Nelspruit Town Council, Government institutions archives and Private Consultant's libraries. Government departments and the Nelspruit Town Council were consulted for maps and some public documents. These documentary sources provided a valuable information that would have been difficult to secure through interviews, observation or a questionnaire.

The documentary sources were very useful in the initial chapters of this dissertation especially during literature review. However this does not mean these sources were not used in the latter chapters. The literature review drew together the key debates around traditional leadership and local government in South Africa and other countries. Archival materials (e.g. Nelspruit municipal records) provided an important source of information on the history of Nelspruit TLC and its incorporation to tribal areas. Historical information gathered through oral accounts was checked against those contained in records to make sure that the information is correct and appropriate for the study (i.e. facts and events are not exaggerated).

1.8.3.2 Personal Observation

Actual site observation was another method used for eliciting data. This method was used to acquire information dealing mainly with physical profiles of the study area (mainly Msogwaba). It was very important to trace such information because one could tell as to what degree development has been achieved in the area from general observation. Information regarding infrastructure (e.g. roads and water supply) was especially accessible through observation. The distinguishing feature of this method of data collection is that the information required is obtained directly rather than through reports, which may be unreliable. For example, reports may state that proper tarred roads were provided in Msogwaba after the incorporation but only to find that through observation none of them were tarred or may be only one main road passing through the village has been tarred and the rest are not tarred.

1.8.3.3 Using Primary Sources

Research method linked with primary sources includes interviews from the key informants and from local residents. This technique was used to access first hand information.

Interviews from key informants

This technique was used to get information that is attainable through speaking to key persons. Kodua-Agyekum (1997) states that personal interviewing provides greater depth of understanding relative to observation and questionnaires. The extent to which the respondents feel about the issues in question and the accuracy of their responses can be assessed from their facial expressions and gestures. The practices of questioning, listening and recording were used to obtain data in interviewing.

In-depth interviews were conducted with a wide range of individuals from state departments and private companies in Nelspruit and Msogwaba tribal area. There was no formal sampling method used to choose the key informants, however snowballing was in play. These key informants were drawn from the Department of Local Government and Housing, Office of the House of Traditional leaders in Nelspruit, Nelspruit TLC, Msogwaba Tribal Authority, etc. A total number of 30 different stakeholders listed below were interviewed together with 15 local residents from Msogwaba.

Interviewees

- ◆ Traditional Authorities 4
- ◆ Town Secretary 1
- ◆ Department of Land Affairs 3
- ◆ Nelspruit TLC Officials 4
- ◆ Private Consultants 4
- ◆ Rural Councillors 3
- ◆ Urban Councillors 3
- ◆ Department of Local Government and Housing 4
- ◆ Nelspruit House of Traditional leaders (Provincial and local) 4

The respondents were briefed about the purpose of the survey, the research topic, the problem and nature of interview in order to secure their co-operation. Appointments were made with each of the respondents with respect to dates, time and venue of the interview for the convenience of both the respondents and the researcher. The interview questions and the wording of **questions** were tailored to suit each particular interviewee's background. Prompts before the interviews were given where **necessary**. **The information** obtained from the informants was largely **qualitative**. It **represented** a wide range of opinions and sometimes dealt with controversies especially with regard to the issues relating to service delivery in Msogwaba. All those interviewed had some exposure to the discussions and issues around the incorporation of Msogwaba to Nelspruit TLC.

Interviews from local residents

Some 15 interviews were conducted with an intention of eliciting data about people's feelings, understanding and attitudes to the issue of incorporation of Msogwaba to the Nelspruit TLC. This was not a formal sample, and people were interviewed just to get a sense of what is happening. The questionnaire was limited to the essential questions since the length of a questionnaire affects the motivation levels of both the interviewers and the respondents and the quality of data.

Moser and Kalton (1971) argue that lengthy and rambling questionnaires are demoralizing and give little chance to create 'rapport' and secure full co-operation. Therefore the questions were sufficiently simple and straightforward in order to be easily understood. Questions requiring yes or no answers were used and respondents were given a chance to elaborate where necessary. Giving the respondents a chance to elaborate was however sometimes a problem particularly in relation to the pensioners because their responses were often completely irrelevant to the subject matter.

Questions were written in English but asked and answered in a language that could suit the respondent (mainly Swazi or Shangaan). Responses were recorded in English. The 15 community members interviewed were chosen in relation to gender, age and profession. They included men and women who are pensioners, teachers, youth and those who are unemployed.

The researcher had to get permission first from the chief before she could talk to the local people. The chief assigned the Induna to

organize some people to be interviewed. The Induna gave the researcher a chance to choose the type of people she would like to interview. The researcher was given the Sigijimi (Induna's messenger) to accompany her during the interviews so that people can easily talk to her and to avoid unnecessary suspicions from the local community. The use of traditional leaders to gain access to the community was unavoidable. It may however have been the cause of some bias in the interview process.

1.8.4 Key Issues Addressed

- ◆ The role-played by traditional leaders in local government.
- ◆ Different views and implications of the involvement of traditional leaders in local government.
- ◆ Issues of power relations between traditional leaders and officials.
- ◆ Co-operation of traditional leaders in planning processes and development of those areas that are incorporated.
- ◆ Co-operation, if any during, meetings and debates as well as areas of conflict and agreements.
- ◆ How successful the participation of traditional leaders was perceived to be in Nelspruit TLC.
- ◆ Governance in Nelspruit TLC.

1.8.5 Shortcomings Experienced During Data Collection

During the interviews, some key respondents, especially the councillors and officials did not honor the appointments and the researcher waited for hours for them to appear. They sometimes gave her a very limited time or kept on postponing the appointments. This

posed a problem because a very limited information could be received and the researcher's time frame to do the work was disturbed. Another problem was that some key informants, for example, the Chairperson of House of Traditional leaders in Nelspruit was out of the country. As a result the researcher had to wait for him to come back because it was said he was the relevant person concerning the study.

The fact that the research was conducted during the time where South Africa is heading towards municipal elections made some respondents feel that the topic is too sensitive and political. Some respondents thought that the researcher was campaigning for the up coming elections and this made them not to cooperate. Some officials were simply unwilling to cooperate and they said that they were too busy.

Although the researcher was accompanied by the Sigijimi during the interviews of local residents, some thought that the researcher is a journalist and if they cooperated their names were going to be published in newspapers. As a result the researcher had to produce a student card as a proof of her identity. Lastly, finance was a major constraint during the research because of different appointments in different places and at different times involving a lot of travelling.

1.9 Chapter Outline

This chapter sets out a brief introduction to the study, explains the topic, research problem, questions and the hypothesis. It further presents the working definitions, key issues and the methods that have been used to collect data and the chapter outline of the dissertation itself.

Chapter Two serves to provide a conceptual framework within which the study is being undertaken. It explores the concept of local government and debates on good governance. It also provides the legislative framework related to the study.

Chapter Three examines the institution of traditional leadership. The chapter takes the focus to the South African and African debates on the role of traditional leaders in local government.

Chapter Four provides a contextual analysis of the study area viz. Nelspruit TLC. It offers an overview of the locality, background of the TLC and also the history of the incorporation of traditional leaders in the TLC. It further presents the findings and data analysis of the study.

Chapter Five draws some conclusions and provides some recommendations about the study. Its main purpose is to draw together the arguments and conclusions of the dissertation as a whole.

CHAPTER TWO

LOCAL GOVERNMENT AND GOOD GOVERNANCE

2.1 Introduction

The chapter seeks to present a theoretical and conceptual framework for the study. It achieves this by exploring the concept of local government and setting out the debates around the issue of 'good governance'. The issue of good governance becomes the focus of the theoretical framework and it also serves as the basis behind the analysis of the study.

2.2. The Concept of Local Government

Local government in South Africa was created to provide services in a defined jurisdiction, mainly because of the impossibility of central government to attend to all the needs at a community level. It takes a wide variety of forms therefore it can not be adequately defined. However an attempt to define what local government is assists in the approach that will be adopted for the study. Bekker and Jeffrey cited in Singh (1995) outlined three methods that can be used to define local government. The writers argued that the role of local government is to provide a mechanism for the promotion of three fundamental values i.e. liberty, participation and efficiency. Regarding the liberty, local government is a vehicle for dispersing political power and catering for local variation. Also it aims at extending choice and individual involvement in the democratic process, which means that as many as

residents and other stakeholders such as traditional leaders as possible partaking in or influencing local government decisions pertaining to a particular local area. Lastly local government with its greater sensitivity to local conditions, it enables the matching of services to the needs and wishes of local communities. This would mean that the efficient supply of goods, and services, which are beneficial to the well being of the local community.

To start with, local government can be defined as a component of a state system that derives its authority from the state, and operates at a local level. Ola (1984) cited in Ismail et al (1997) define local government as a political subdivision of a nation or state which is constituted by law and has substantial control of local affairs, including the powers to impose taxes or to exact labour for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected.

According to Vosloo et al (1974) local government is defined as the term that is used to refer to the following:

'A decentralized, representative institution with general and specific powers devolved upon it and delegated to it by the central or regional government (now known as national and provincial government), in respect of a restricted geographical area within a nation or state'.

Singh (1995) states that the concept of decentralization has come to be accepted as being fundamental to the debate on local government worldwide. The central importance of the debate evolves around the level of autonomy or local control. Decentralization and autonomy are

functionally related, meaning that the more powers that are decentralized to local government, the more autonomous is the local government.

Decentralization can mean devolving responsibility and authority for services and development projects to local government. The centralization of power has characterized most of the developing world. The powers devolved to local government structures were used to serve the needs of the colonial regime. Because these local government structures operated from the top and therefore far removed from the local context, they largely remained undemocratic and unresponsive to the needs at local level. It is argued that centralized planning has hampered development efforts. It produced programmes that appear impressive, but unlikely to meet effectively the felt needs of the people. The need for effective, decentralized local government, as a vehicle for development is imperative. Local government created deliberately to bring government to the grassroots, giving people a sense of involvement in the processes controlling their lives. Decentralizing governance improves the efficiency or responsiveness of local level planning through involvement of local knowledge and choice, thus called a successful local government.

There are terms that can not be divorced from local government, which are: local governance and local authorities:

'Local governance' according to Ismail et al (1997) is the shift in emphasis from government (the power to govern) to governance (the act of governing) linked to the global acknowledgement that organs of

civil society need to be empowered to share the responsibility for governance.

'Local authority' is an organization comprising of elected and appointed officials, which operates within a specific geographical area to provide service for its local community. This type of authority has a relatively well-defined area of jurisdiction and local populace. It has a right to govern on its own initiative, but is subject to constitutional provisions as well as central and provincial legislation (Ismail et al: 1997).

Reddy (1999) states that a significant basic characteristic of local authority is its specific locality, municipal area, in which communal services are provided. The following characteristics of local government can therefore be identified:

- ◆ *Locality*: smallness is implied and sense of community consciousness or even solidarity. Local government will have relevance for a particular geographical area.
- ◆ *Legal personality*: the local government system owes its existence to law. Powers should be clearly defined in laws based on the relevant clause of the country's constitution.
- ◆ *Autonomy*: the ability to make binding decision and policy choices within a legally stipulated framework and to allocate resources and provide services other than those of the central government.
- ◆ *Governmental power*: the authority to carry out formal governmental functions, notably coercive revenue raising, staff decisions, implementation of binding bylaws and allocation of resources.
- ◆ *Participation and representation*: these would be promoted by local government because those making decisions or directing its affairs

are either elected or appointed from the community it serves. The local citizenry have a better chance of participating in local government than in central government institutions.

2.3. History of Local Government in South Africa

The history of local government in South Africa is influenced by segregation and apartheid, although apartheid was not the beginning of geographic institutional and social separation at the local level. By the time apartheid was introduced in 1948 segregation was already a policy. The Group Areas Act was the key piece of apartheid legislation instituted strict residential segregation and compulsory removal of black people to 'own group' areas. The Group Areas Act restricted the permanent presence of Africans in urban areas through the pass system and reserved a viable municipal revenue base for white areas by separating townships and industrial and commercial development. Apartheid limited the extent to which affluent white municipalities would bear the financial burden for servicing disadvantaged black areas (Department of Constitutional Development (DCD): 1998).

Various attempts were made under apartheid to introduce own management structures for black residents at the local residents. In Bantustans, limited local government was established. Small rural townships called the R293 towns were given their own administrations but lacked real powers. Traditional leaders were given powers over land allocation and development matters in areas with communally owned land. In 1960s, Coloured and Indian management committees were established as advisory bodies to white municipalities. These committees had no real power and strictly performed an advisory role.

In 1971, Administration Boards were established through the provision made by Bantu Affairs Administration Act of 1971. It was during this time when the responsibility for the administration of the black township areas was removed from white municipalities. These Administration Boards were bodies appointed by the national government and were headed up by a white township manager. In 1977, Community Councils were introduced. These were elected bodies, but had no meaningful powers and few resources (DCD: 1998).

In 1982 Black Local Authorities replaced Community Councils. Through all the local government changes that have taken place, some things remained fairly constant. Firstly local governments in South Africa have been constrained in terms of powers and spending ability. This has led to strong central control over local authorities especially in African areas. A second point is the disproportionate resources available to black and white local authorities. Black local authorities have had insufficient administrative and resource capacity to administer over their areas of jurisdiction (Bennington and Hartley: 1994).

It was recognized at national level that transfer to black local authorities could not continue indefinitely. In response to the increasing financial failure of black local authorities a quasi-government institution called Regional Service Councils (RSCs), were introduced in 1985. Regional Service Councils were intended to compensate for the lack of tax base in black local authorities and served two basic functions, the provision of bulk service infrastructure and the redistribution of financial resources. However, these

interventions were said to be late. By the late 1980s most townships and many homeland rural areas were effectively ungoverned. It was clear that the Black Local Authorities would never be viable. This was due mainly to the non-payment of rent and service fees and continuing resignation of remaining local council members from previous dispensation.

The crisis in local government was a major force leading to the national reform process, which began in 1990; this debate took place in the Local Government Negotiation Forum on 22 March 1993. The Local Government Negotiation Forum (LGNF) framed the Agreement on Finance and Service writing off arrears to Black Local Authorities. It also negotiated the Local Government Transitional Act of 1993, which simply sketched a process for change. The local government system of white local authorities, black local authorities and regional service council operated until 1993 when the LGTA was promulgated. This transition phase marked the end of the apartheid local government era.

2.4 The Post-Apartheid Local Government

Local government in South Africa is undergoing a process of fundamental transformation. This resulted from the deepening crisis of legitimization, which faced the apartheid state. This transition process which has had as its major objective; the deracialisation and democratization of existing local government structures, and the establishment of democratically elected local government structures in those parts of South Africa not previously governed by local government, has occurred under Local Government Transitional Act,

209 of 1993. Significant political transformations and administrative reforms have taken place in South Africa since 1994. Moreover, the strategies and paradigm shifts occurring in the sphere of governance have impacted very strongly on local government. The evolution of local governments since 1995 was ushered in by the main pieces of legislation and policy that have been put in place to manage the transition from apartheid government, and to give direction to the reform of local government structures.

2.4.1 The Local Government Transition Act (LGTA)

The LGTA of 1993 (Act 209 of 1993) was made known after the negotiations at the LGNF. This Act introduced transition in local government. It introduced important bridging provision for local government, particularly in relation to accounting and responsibility. The transition brought by the LGTA is characterized by normalization of the existing historical system of local government, notably: integrated areas of jurisdiction, democratically elected non-rural councils and single budget based on 'one municipality-one tax base'.

The LGTA mapped out three phases of transition. The first was the pre-interim phase, which prescribed the establishment of local forums to negotiate the appointment of temporary Councils, which would govern until municipal election. These forums involved representation of both black and white local authorities as well as political parties active in the area. These forums were not democratic entities but rather interim bodies tasked to ensure that services continued to be delivered to the local community. These forums had to lay the foundation for the system of local government that would be put in

place after a multi-racial local government election. The Act also allowed the premier after the national elections in 1994 to act if local authorities failed to establish local negotiating forums or undertake any required tasks. This was done to prevent former white local authorities from picking areas of their choice, which would not impact on the standard of service delivery, because they had to be incorporated with disadvantaged areas. (Hadingham: 2000).

The interim phase started on 2 November 1995, the day after elections were held for members of local government transitional councils (which replaced the local negotiating forums). It ended with the election of members for the central, provincial and local governments in June 1999. It became necessary in 1995 to amend the Act in order to deal with some outcomes of the transition. The Local Government Transition Act Second Amendment (Act 89 of 1995) outlines the nature and functions of rural local government. It is worth mentioning that the rural local government was referred to in the LGTA of 1993 but it was not explicitly discussed. It was the aim of this act to reconceptualise the role of local government by bringing together advantaged and disadvantaged areas together and requiring that the disadvantaged areas be developed (Hadingham: 2000). The final phase started after the elections that took place on 2 June 1999. The LGTA does not refer to this phase.

The LGTA 1993 only dealt with the transition process and did not address the substance or content of a new system of local government. A final system has been developed through the following process:

- ◆ New Constitution
- ◆ White Paper
- ◆ Comprehensive legislation

2.4.2 Local Government And The Constitution

The Constitution of the Republic of South Africa Act (Act 108 of 1996) was drafted in terms of chapter five of the then Constitution of the Republic of South Africa (Act 200 of 1993). The criteria for democratic governance are highlighted in section 195 of the constitution, which introduces the basic values and principles governing public administration, and they permeate the entire local government chapter. The constitution sets the broad framework in which local government has to operate. The institution of local government is considered to be an important component of the governance system. The constitution states that local government is 'a sphere of government which has the right to govern, on its own initiatives, the local government affairs of its community, subject to national and provincial legislation, as provided for in the constitution'. This clearly enables local government to a strong in respect to its role in the broader system of governance. (Constitution of the Republic of South Africa 1996: section 151).

The constitution is based on the principle of cooperative government which seeks to establish new ways in which the institutions and structures of government at all tiers of government deal with, and relate to, one another and to the citizen they serve. Each level has its separate functions. The constitution thus requires that the national and provincial 'support and strengthen the capacity of municipalities to

manage their own affairs, exercise their powers and perform their functions through legislative and other means (Constitution of the Republic of S.A: section 54). In turn, the constitution requires local government to structure and manage its administration, and budgeting and planning processes to give priority to the basic needs of the community. It gives local government the responsibility for providing democratic and accountable government, ensuring the sustainable provision of services, promoting social and economic development and the promotion of safe and healthy environment. Thus a developmental role of local government.

- ◆ Status of municipalities

Section 151 of the Act provides for the establishment of the municipalities, with the legislative authority vested in its municipal councils. Municipalities have the right to govern, on their own initiative, the local government affairs of the community, subject to national and provincial legislation. National or provincial government may not compromise or impede a municipality's ability or right to exercise its powers or perform its function.

There are three categories of municipality outlined in section 155 of the Constitution:

- ◆ Category A: A municipality that has exclusive municipal executive and legislative authorities in its area.
- ◆ Category B: A municipality that shares municipal executive and legislative authority in its area with a category C municipality within whose area it falls.

- ◆ Category C: A municipality that has municipal executive and legislative authority in an area that includes more than one municipality.

2.4.3 The White Paper On Local Government

The White Paper on local government can be regarded as a mini-constitution for local government. It was published in March 1998 aimed at spelling out the framework and programme that would move beyond the transition phase and focus on transformation of local government. The White Paper establishes the basis for a new developmental local government, which is committed to working with citizen groups, communities to create sustainable human settlements, which provide for a decent quality of life and meet the social, economic and material needs of communities in a holistic way.

A historical review of local government during the apartheid era outlined the origins of many problems currently faced by local government in South Africa. These include poor financial resources in municipalities, duplication of duties and functions between spheres of government and lack of capacity in local government. The White Paper presents three fundamental concepts that are said to be critical to the transformation of local government. These are developmental local government, co-operative government and the institutional system. Developmental local government is defined as the local government that is committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives. The following are the four characteristics of developmental local government viz.

- ◆ Exercising municipal powers and functions in a manner, which maximizes their impact on social development and economic growth.
- ◆ Playing an integrating and co-ordinating role to ensure alignment between public and private investment within the municipal area.
- ◆ Democratizing development, redistribution and empowering marginalised and excluded groups within the community.
- ◆ Leading and learning, (DCD: 1998)

Local government's powers and functions should be exercised in a way that there is maximum impact on the social development of communities, that is, meeting basic needs of the poor by providing basic services and ensuring the growth of local economy. The White Paper identifies a need to integrate and co-ordinate with many different agencies that can contribute to development in a local area. This includes national and provincial department, parastals, trade unions, community groups, private sector institutions and service providers.

One of the most important methods for achieving co-ordination and integration suggested in the White Paper is integrated development planning. Integrated development plans (IDPs) provide powerful tools for municipalities to facilitate integrated and co-ordinated delivery within their locality. The apartheid local government denied access to the involvement and participation of citizens particularly blacks in local government. The White Paper postulates the role that the municipal council should play in promoting local democracy. It should promote

the involvement of citizens and community groups in the design and delivery of municipal programmes.

Lastly, to create a developmental local government, the local government should create conditions for local solutions to development and to find a way to make their settlements more sustainable. This according to the White Paper requires trust between individuals and open and accommodating relationships between stakeholders. Local government has a key role to play in building this kind of social capital (DCD: 1998).

The second concept presented in the White Paper is that of co-operative governance. It proposes an alternative model of inter-governmental relations i.e. local, provincial and national government. It recognizes that these three spheres are distinctive, interdependent and interrelated. Local government is a sphere of government in its own right; it is no longer subservient to national or provincial government. It is an integral component of democratic state.

The third concept explored in the White Paper is the institutional systems within the local government. It discusses the municipal institutions, including metropolitan government systems, district government and local municipality in non-metropolitan areas. It also addresses the relationship of traditional leadership and rural local government, which is going to be discussed in the next chapter. The local government has recently introduced legislation that seeks to achieve the vision for local government as detailed in the White Paper. This is discussed below:

2.4.4 Municipal Demarcation Act

The Municipal Demarcation Act (Act 27 of 1998) was promulgated in the Government Gazette dated 3 July 1998. The object of the Act is to establish criteria and procedures for the determination of municipal boundaries by the municipal demarcation board as required by the constitution. This Act is aimed at rationalizing the number of municipalities so that fewer more efficient district and local municipalities are established in redemarcated areas that will support socially, economically and financially viable local government institution and areas. Newly demarcated areas must enable municipalities to fulfill their constitutional obligations. This will ensure that the public has the opportunity to participate in the demarcation process.

2.4.5 The Municipal Structures Act

The Municipal Structures Act of 1998 introduces categories and types of municipalities for metro and other areas. It introduces functionaries such as executive mayors and speakers, defines the role and function of metro, local and district municipalities and their respective councils. It calls for a wall-to-wall local government, which means that every area should be under the local authority. The White Paper on Local Government is given effect to in terms of the Municipal Structures Act (1998). Section 81 of the Act provides for the participation of traditional leaders in municipal councils. It gives authority to the MEC to identify the traditional leaders who may participate in the proceedings of a municipal council. It also states that before a municipal council takes a decision on any matters affecting the area of

a traditional authority, the council must give the leader of that authority the opportunity to express a view on that matter.

When exploring the definition of local government given in the beginning of the chapter, it can therefore be argued that apartheid local government was never truly a local government. The apartheid regime made an attempt to use local government structures to extend control over the lives of citizens in South Africa. The emphasis during that time was on 'government' (the power to govern) not to 'governance' (the act of governing). Issues of democracy, transparency, integration, development were introduced during the post apartheid local government. A successful local government is determined by its governance- the act of governing. The following discussion attempts to present the concept of 'good governance' in local government.

2.5 Local Government Vs Good Governance

2.5.1 Debates on Good Governance

Under apartheid, South Africa was able to develop one of the most highly centralized and fragmented political and administrative systems in the Western World. Kendali cited in Ismail et al (1997: 45) thus describes this centralization trend which was inherently control oriented:

There has been an exclusively top-down relationship between the levels of government. Parliament decided on the powers of the provincial councils and provincial ordinances created local authorities and defined their rights and powers. Furthermore, the

doctrine of ultra vires applied, which is to say that local authorities could make laws only if they were specifically authorized to do so by a higher tier of government.

According to Swilling (1997) the concept of governance is attempting to capture the shift in thinking that is taking place across the globe regarding the nature of the state and its relationship with society. It was the World Bank's 1989 report on Sub-Saharan Africa that forced the word governance into the mainstream debate. More specifically, the Bank refers to such phenomena as the extensive personalization of power, the denial of fundamental human rights, widespread corruption, and the prevalence of unelected and unaccountable government. Implicit, if not explicit, in this perspective, is a call for liberalization and democratization. Development will take place only if political leaders abandon their authoritarian practices (Hyden and Bratton: 1992).

Although World Bank institutions resisted dealing with Africa's governance problems for many years, in the World Bank's Post Cold War view, the problems of Africa were at root problems of poor governance. The solutions if followed, lay in program aimed at 'good governance'. The term good governance is defined as the strengthening of public management, increased accountability of politicians and officials, effective and independent judiciary, autonomy of the press, independence of civil society formation and transparency in financial reporting (Swilling: 1997).

Ismail et al (1997) states that both the utilitarian and civic considerations are necessary ingredients for good governance at local

level. The utilitarian consideration entails the efficient and effective rendering of services. Local authorities exist because they provide services to citizens. The utilitarian consideration has a bias for the recipients, namely the citizens. But it also recognizes the fact that citizens, in turn, have an obligation to pay for those services. The service-rendering functions are largely dependent on the ability of local residents to pay for those services, which they receive.

Secondly the civic consideration deals with values of participation, representation, local autonomy, responsiveness and fairness. The civic consideration emphasizes the notion of democratic process such as elections, and the governing side of local government. Local authorities must have regular, free and democratic elections. Since openness and transparency are central to the political consideration, the implication is therefore that local authorities must promote openness in their daily business and policy-making (Ismail et al: 1997).

Governance according to Swilling (1997) refers to the founding values and constitutional metapolicies that constitute the nature of governing institutions which guide their actions and shape the complex relations between them and society. Hyden and Bratton (1992) defined governance as the conscious management of regime structures with a view to enhancing the legitimacy of the public realm. In this definition regime and governance structure is the same, both are rule-based. Legitimacy is the dependent variable produced by effective governance, which is also translated as those that keep people motivated in actively contributing to public causes.

Swilling (1997) outlines that Governance is defined in a number of different ways in the literature and in African political discourse. Four basic positions exist. The first is the crude prescriptive position of many international development agencies that equate good governance with the classic liberal democratic model. This means the separation of powers, Bill of Rights, federal intergovernmental arrangements, independent judiciary, limited role for the state, neutral and effective public service and political pluralism.

The second approach is not concerned with the nature of the state and government, but is focussed on state-society relations. This view argues that governance paradigm refers to the relationship between civil society and the state. It is argued that once the focus shifts to this relationship, then democratic governance is about empowerment of civil society formations so that they can participate in decision-making and policy formulation.

The third approach views governance as an ideological device that post-Cold War Western Governments have chosen to use to mask the imposition of capitalist market policies on highly unequal societies with the consent of increasingly disempowered state systems that no longer represent the real interest of the poor majority. A formula that will lead to increased political conflict and return to authoritarianism rather than democratic governance (Leftwich cited in Swilling: 1997). Leftwich's main contribution to the debate is to note how the governance paradigm has turned the development debate on its head in the context of the new world order.

In the 1960s conventional wisdom rested on the assumption that socio-economic modernization was a precondition for political democracy, in the 1990s it is being asserted that political democracy is a precondition for successful development. Leftwich acknowledges, however, that the rise of pro-democracy movements has also played a role in forcing democratization onto the agenda.

The fourth approach goes beyond the normative and critical approaches referred to what Hyden (1992) called 'governance realm'. The primary concern for Hyden (1992) is the dynamic of what he calls the 'civic public realm' in Africa. This is the sphere of public and political life that is not reducible to the state because it cannot be maintained that the state is the only player when it comes to the formulation and setting of public policy. His assumption is that the nature, health and texture of the civic public realm are dependent on the substantial content of governance relations.

The definition of governance as adopted for the purpose of this study is by Swilling and Wooldridge (1997:491) which is defined as follows: Governance refers to working with and listening to citizens in order to manage the public resources and respond to the needs and expectations of citizens as individuals, interest groups and society as whole. It involves co-operative and on-going engagement in the process of policy formulation and implementation between politicians, senior management, front-line workers and citizens. Such engagement serves to ensure that institutional structures involve the public to exercise a meaningful say that the workforce responds to citizens needs.

2.5.2 Criteria for Good Governance

The following will be the criteria for good governance drawn from different authors. It is worth mentioning that the more of them that are present, the stronger the probability of good governance, the less of them, the stronger the possibility of local government collapsing. These are:

- ◆ the level of trust and reciprocity;
- ◆ the degree of accountability and authority;
- ◆ relationship between different spheres of government;
- ◆ promotion of participation and democracy;
- ◆ provision of basic services;
- ◆ ability to raise and spend funds;
- ◆ providing appropriate capacity in stakeholders in the community;
and,
- ◆ promotion of economic development and integration.

2.5.2.1 The Level of Trust and Reciprocity

Trust and reciprocity are essential elements that form good governance. According to Hyden and Bratton (1992) trust refers to a normative consensus on the limits of action present in a political community. It is the trust that exist between classes, clans and political elites about the nature, purpose and rules of socio-political interaction and practices that cut across basic divisions such as ethnicity, race, religion and class. Without trust, individuals and organized interest will see no reason to actively engage themselves in public life or development because they will have no faith in the possibility that social action will yield tangible results. Where trust

exists, multi-stakeholder strategic alliances across the public-private community divides and voluntary associations within civil society that are multi-class and multi-ethnic tend to form.

On the other hand reciprocity refers to the quality of the social interaction among members of a political community. It exists if associations and parties are allowed to form, defend and promote stakeholder interests within the public realm via political competition, pressure, negotiations and conflict resolution. Reciprocity will be unlikely if trust does not exist, but trust without reciprocity will soon dissolve into cynicism.

2.5.2.2 The Degree of Accountability and Authority

Accountability refers to the extent of whether the governors can be held accountable by the governed via institutionalized procedures and processes (such as elections, public oversight and referenda). Trust and reciprocity within civil society cannot be sustained over time without the eventual implementation of structures of accountability, nor can formal accountability mechanism attain real meaning without trust and reciprocity across society. In other words, while trust and reciprocity typically generate the conditions in which rules of accountability get accepted, these rules take on a role of their own by filling a vacuum that neither of the other two variables fills.

Indicators of accountability consist of various forms of holding elected and appointed officials responsible for their decisions and actions. Authority is largely facilitated by the presence of the other variables, but it goes beyond these in stressing the significance of effective

political leadership. The nature of authority, that is, how political leaders make policies and implement them in a way that resolves the problems of ordinary citizens and promotes the legitimacy of the public realm-what many in Southern Africa refer to as the capacity to govern (Hyden and Bratton: 1992).

2.5.2.3 Relationship Between Different Spheres Of Government

In order to establish an analysis of good governance in local government the identification of locus of governance that runs from the central state through to decentralized levels (provincial and local) of the state and beyond the state to non-state formation in civil society should be considered. This needs to be accompanied by an analysis of the degree of trust and reciprocity within civil society. It must also analyze the extent of accountability and governing capacities of organizations, in both the state system and civil society, to meet the governing needs of the society in general. Cutting across all of this is the question of the internal organizational management of institutions, associations and organizations in all sectors. Also governance cannot be seen as merely the sum of these different elements, but rather it is about the quality of the inter-relationships between the parts. This, in turn, is what determines the nature, health and strength of local governance and therefore produces good governance (Swilling: 1997).

Hadingham (2000) states that the strength of local government can be measured by considering the role that it plays in the broader governmental system. It is for this reason that the relationship between local government and other spheres of government is

important. Although the issue of the devolution of powers and functions often characterizes good governance, it is not the number of devolved powers and functions that is critical. Hadingham (2000) argues that it is the level of autonomy that local government has in performing those functions. The more that local government is able to operate in relative autonomy from other spheres of government, the stronger it can be considered to be. The strength of local government is reflected in the influence it has in developing the national framework of governance in which it has to operate.

2.5.2.4 Promotion of Participation and Democracy

Good governance should be accompanied by a process of administrative reform through the promotion of democracy by decentralization of decision-making. The community members should play a vital role in the delivery of services or any other issues that concern the public. This therefore means that public service will be called upon to participate more directly in policy formulation and decision making, which will require greater consultation with clients and other stakeholders, both in developing proposals and in administering programmes.

Zulu (1999) reaffirmed that by mentioning that the socio-political history of South Africa makes the need for community participation in decision-making on issues that will determine their destiny, an absolute necessity. Participation constitutes a radical departure from the past system in which most aspects of the public administration system were conducted 'behind closed doors' (Latib: 1997). Local government that promotes the inclusion of community is said to be

democratic. Christianson (1994) pointed out that local government is a key element of a broad-based participatory democracy and a source of ideas and pressures for the development of policy. The proximity of local government to local community gives it the potential to be responsive to the need articulated by those grouping. Local government needs to be transparent and involve their communities even in their financial processes, where possible. Ismail et al (1997) argued that if communities are involved in finances, they would be aware of all major financial decisions taken by the council and this might eliminate the conflicts of rates and service charges. Therefore local government should strive for community participation and democracy.

2.5.2.5 Provision of Basic Services

Good governance is characterized by the developmental local government where the basic needs of the community are met. In South Africa the delivery of services is placed within a broader political imperative of the redistribution of resources to previously deprived areas and communities. Local government is responsible for the provision of household infrastructure and services, as an essential component of social and economic development. This includes services such as water, sanitation, local roads, refuse collection, etc. The White Paper on local government outlines that good basic services apart from being a constitutional right are essential to enable people to support family life, find employment and develop people's skills.

2.5.2.6 Ability to Raise and Spend Funds

Local government has a responsibility to provide basic services to the community as outlined above, therefore it needs money and resources. In order to achieve this objective it must be able raise funds. Without sound financial management systems, local government will be forced to discontinue their operations. A successful local government is determined by its ability to spend its locally raised revenue at the local level. Hadingham (2000) highlighted that local government is often prevented from deriving income from any source other than property taxes and profit on the supply of engineering services. However its strength can also be judged in terms of its ability to spend local revenue at the local level in a manner that is responsive to locally articulated needs.

2.5.2.7 Building Appropriate Capacity in Stakeholders in the Community

A strong local government depends on high levels of technical and administrative capacity within the institution. The level of capacity has a great impact on the strength of local government. Capacity defines the potential for development and it takes the form of education, training, knowledge, networks, values, etc. Eade (1997) outlines that capacity-building is not 'doing development' on the cheap, or against the clock, nor is it risk-free, but it implies a long-term investment in people and a commitment to various process through which they can better shape the forces that affect their lives. Hadingham (2000) states that the low capacity in local government puts pressure on the ability to deliver basic services and also the establishment and

extension of economic activity. If local government fails to fulfil its desired mandate it can end up requiring assistance to consultants or other spheres of government which can jeopardize the powers that local government have.

2.5.2.8 Promotion of Economic Development and Integration

An effective and developmental local government promotes economic development and integration. These two factors create a livable environment both in urban and rural areas. Planning is an essential feature in promoting economic development and integration. In terms of the statutory obligation, local authorities are required to prepare integrated development plans. The IDPs must promote social and economic development and integration within its area of jurisdiction (Ismail et al: 1997). Apartheid planning has left deep scars on the spatial structure of areas in South Africa. Spatial integration should be aimed at addressing the locational disadvantages which apartheid imposed on black population. In rural areas the challenge of building liveable environment ranges from securing access to land and services for the rural poor. Many of these settlements are far from town and the distance between home and work not only impose high transport costs, but also imposes harsh social and personal costs

FitzGerald et al (1997) states that though the battle for good, non-corrupt governance is beginning to be waged, it is very far from being won. The challenges of building appropriate capacity in state and public service structures, combined with purposeful progress towards representativeness in terms of race and gender, are omnipresent and formidable. The reason is that this entire debate and contestation is

playing out within the complex perspective of various and competing challenges to create a functioning multi cultural society, to achieve quantifiable results in terms of service delivery to communities and constituencies. However he argues that good governance is necessary, strategically fitted into an environment of developmental needs and priorities and every local government should strive to attain it.

2.6 Instruments For Good Governance

Planning processes are instruments or vehicles for good governance, because planning is the discipline which manages and regulates land use in the built and natural environment by coordinating and integrating social, economic and physical factors in order to further human development and environmental sustainability. The type of planning process that the study will focus on is the Integrated Development Planning (IDP). This type of planning has been chosen because it involves integration and coordination, which are said to be elements of good governance. The White Paper on Local Government reaffirms that integration and coordination can be achieved through IDP.

Planning systems and processes in South Africa have been changing over time. The previous dispensation had its own type of planning and today IDPs are promoted in South Africa. The following will be a short overview of the previous planning systems, which were applied in an apartheid era where the elements of coordination and integration were not applied.

2.6.1 Overview of Past Planning Processes

The planning system known to date has been based on spatial planning which was done on different levels ranging from governmental level to provincial and local governmental levels as well as on individual basis, where private sector developers proposed new townships. It is worth noting that over time more powers were given to government institutions until government became a competitor to the private sector in land development and eventually private sector land development was completely ruled out. During the late fifties and particularly the sixties, with the promulgation of the Physical Planning Act, physical planning became one of the major instruments to implement apartheid, Development Plans and Structure Plans were prepared by government department for planning regions, which were not necessarily related or connected. Local Governments and Governments Departments prepared Structure Plans and Metropolitan Plans for the areas of jurisdiction of a group of local authorities.

Zoning Plans have been, and still are prepared for areas incorporated into a municipality or transitional local authority, where township layout are proclaimed as new areas for settlement and incorporated into the area of jurisdiction of a local authority. Rezoning, Subdivision and Consolidation Plans are usually prepared for particular sites, or farms where smaller or larger portions of land are required. These plans seldom share boundaries or indicate the actual need for land portions in a particular area (Van Rensburg: 2000).

2.6.2 The New Planning Processes

According to Van Rensburg (2000) the new IDP planning process is therefore more holistic in approach by including a more comprehensive set of planning elements such as time frames, budgetary aspects, monitoring and review as well as coordinating and integrating public and private sector objectives into a single vision with policies and strategies to achieve the vision. This is done through public participation, which provides the opportunity to have a bottom up approach and actually address the needs of communities at grassroots level.

The IDP process is aimed to foster a clear facilitation and managerial role for Local Authorities. In this process the coordination function of local government and other authorities, traditional leaders in particular, become a significant way of coordinating the planning and implementation of development initiatives. Development can now be planned, and implemented within a shared vision from national level to community level. It is hoped that this will therefore democratize development and local government budgeting by opening it up to the public to participate in the process. It is also a process through which a municipality can establish a development plan for the short, medium and long term.

The main steps in producing an IDP are:

- ◆ An assessment of the current social, economic and environmental reality in the municipal area.
- ◆ A determination of community needs through close consultation.
- ◆ Developing a vision for development in the area.

- ◆ An audit of available resources, skills and capacities.
- ◆ A prioritization of these needs in order of urgency and long-term importance.
- ◆ The development of integrated framework and goals to meet needs.
- ◆ The formulation of strategies to achieve the goals within specific time frames.
- ◆ The implementation of projects and programmes to achieve key goals.
- ◆ The use of monitoring tools to measure impact and performance.

All these steps listed above lead to the formulation of an Integrated Development Plan.

2.7 Conclusion

The chapter has presented the conceptual framework directing the study. The main focus was on local government and good governance. It has been discovered that local government under the apartheid-state was focussed on political control. The LGTA of 1993 ushered South Africa to a first phase of democratic transition. It paved a way for the advent of the new constitution and other related legislation. The concept of good governance has been developed looking at views from different authors, therefore the criteria for good governance was set up drawn from the arguments. Chapter four will look at the governance in Nelspruit TLC in relation to the criteria set in this chapter. Lastly, it was the discussion Integrated Development Planning, which has been identified as an instrument for good governance. The following chapter will present the institution of traditional leadership as a form of governance that has been incorporated into the local government.

CHAPTER THREE

TRADITIONAL LEADERSHIP

"The traditional style of leadership of people is the result of many minds in many ages. It is not simple, no superficial thing, nor to be estimated by superficial understanding" (Edmund Burke: 1959:309)

3.1 Introduction

Traditional leadership is an institution that has developed over many hundreds of years in both Africa and the rest of the world. It is rooted in the soil of Africa, as well as the hearts and minds of all ordinary Africans who still take pride in their history, culture, origin and identity. It predates colonialism and apartheid, i.e. it has served the people of Africa through wars, periods of slavery, famine, freedom struggles, economic and political restructuring, and during colonial and apartheid periods.

In pre-colonial times the inhabitants of the African landscape had a system of government, which catered fully for the needs of all communities. Central to this system of government was the institution of traditional leadership. Originally traditional leaders emerged from within communities by way of recognition of their leadership abilities and qualities. In this sense, traditional leaders were not imposed on people, and if they were, they were either impeached, removed or people moved away from the rule of an undesirable chief or king. People had a say in the structure of their government. However, with the advent of colonialism, chieftancy was transformed through

successive politics into institutions complementing formal western governance.

Today, the new South Africa is faced with the challenge of building one nation by integrating modern and traditional elements. The task of accommodating traditional leaders in a democratic society goes hand in hand with reconstruction of local government, as traditional leadership is a recognized form of governance in Southern Africa.

This chapter aims at addressing the institution of traditional leadership mainly in South Africa. This will be achieved by providing the historical background of traditional leaders and also traditional leaders in a democratic local government. A few examples of traditional leadership in African countries will be provided, with the aim of giving an understanding of how the institution of traditional leadership could be dealt with in South Africa.

3.2 Observation Of Traditional Leaders From African States

Most African countries have undergone profound changes after independence and the decolonisation process. The introduction of western democracy created the need for changes in the structure of African society. Given the needs of modernization, most of the changes that Africa has been grappling with ever since the advent of democracy has been inescapable. The institution of traditional leadership has not been entirely impervious to this process of change. Like any other parts of Africa, the institution of traditional leadership in South Africa will have to undergo changes in order to make it more relevant to developing circumstances.

It is worth mentioning that the main obstacle towards change in Africa has come from the customary society and from the institution of traditional leadership in particular. The tension between tradition and modernity is bound to become more apparent as the process of change slowly occurs. Colonialism contributed to the damage of customary African society. During the period of colonialism and apartheid the institution was grossly abused. It was done with a view to advance colonial and apartheid interests. (DPLG: 2000)

After independence, many African countries retained and maintained the institution of traditional leadership. The only exception is Tanzania, which abolished the institution of traditional leadership altogether. Many modern states in post-independent Africa did not really know what to do with the institution of traditional leadership (DPLG: 2000). The following are the selected examples of the African experience.

3.2.1 NAMIBIA

The issue of traditional leaders and their role in the governance of Namibia became part of the public debate with the introduction of Traditional Authorities Bill early in 1995. The focus of the debate was on the past and not the future. The debates were loaded with emotions as members of the ruling party made it clear that they were not willing to forgive traditional leaders their colonial past and would, therefore, do their best to keep them out of the political configuration of modern Namibia. Their institutions were viewed as outdated with no place in a modern state and its politics. (Keulder: 1998). It is for this reason that the Namibian Constitution provides that traditional leaders

must pay allegiance to and accept the authority of the 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.

The Constitution also provides that traditional institutions should give support to the policies of the central government, regional and local authority councils in the performance of their duties and functions. Where their powers conflict with the powers of either central government, regional or local authority councils then the powers of the central government should prevail. (DPLG: 2000)

3.2.2 BOTSWANA

Botswana has accordingly been presented as a model to many of its neighbours. Keulder (1998) outlines that traditional authorities and tribal structures were fully incorporated into newly created local district government structures after independence. It is argued that the state achieved its dominant position by incorporating the institution of traditional leaders completely into the modern administrative structures. In the process, traditional leaders have been turned into fully-fledged civil servants, representing the state. The presence of traditional leaders in state structures has brought much-needed legitimacy to these structures and, hence, effectively linked the population to them and to the central state (DPLG: 2000).

3.2.3 ZIMBABWE

According to Keulder (1998) the role of traditional leaders was traced back from the pre-colonial period. During the early stages of colonial rule traditional leaders were less important. Their main function then was to assist the administration in implementing its policies. But after the 1950s, this perception changed as the colonial administration faced increasing popular resistance. Its response was to increase the powers of the traditional leaders, whose role in supporting colonial rule was then politicized. After independence traditional leaders lost almost all powers they had received from the colonial rulers. Traditional leaders were stripped off their judicial functions and made to remain explicitly as symbolic cultural figureheads. This was reversed in 1993 and today the constitution provides for National and Provincial Houses of Chiefs. The National Council of Chiefs is also entitled to have 10 of its members forming part of the 150 member National Assembly. Traditional leaders are also represented in Rural District Councils. They also qualify to stand elections on party political organizations.

3.2.4 GHANA

The first involvement of traditional leaders in Ghana was in the 1949 Coussey Committee on Constitutional Reform, which had strong representation from traditional elements. The National Liberation Movement, among other things, fought for the protection of traditional interest. As a result of its input a House of Chiefs was established on independence. Traditional leaders have a role to play in issues of development although they are forbidden from active participation in party politics.

3.3 Historical Background Of Traditional Leadership In S.A.

The historical background of traditional leadership dates back to precolonial days. This study provides the history since the nineteenth century, the interval between the Act of Union and the apartheid era.

In the nineteenth century, African political arrangements in South Africa were rarely despotic. Chiefs ruled over specific territories or locations. Their control over the lives of the inhabitants of the location was limited. Chiefs governed through consultation. This was institutionalized in two ways. Chiefs would appoint a body of councilors not just kinsmen but also people selected on the basis of particular qualities. The chief and his council would both have judicial and administrative functions though these tasks would normally be undertaken separately. In the case of really significant issues, a more general assembly would be called (imbizo), attended by all heads of households. Ideally chiefly government worked through consensus.

There are important issues to be considered during the nineteenth century. This was a period of dynamic political change. What is often understood as traditional or customary was in fact fluid and undergoing alteration. This was an era of state building and inevitably as political units became larger they became more authoritarian and less consensual. One should not confuse consensus with democracy. Consultation by rulers excluded all women and at most included the heads of households rather than all the male adults living with them. It must also be stated that there was very little institutional separation of different kinds of government functions: legislative, judicial, administrative and spiritual direction was combined in the same office

of the Chieftaincy. This combination becomes quite difficult to sustain when the scale of politics becomes larger and government becomes more bureaucratic (Commission on Provincial Government: 1995).

In the first half of the twentieth century chieftainship power was sharply reduced. An effort was made to institute a hierarchy of elected advisory councils alongside the colonial bureaucracy of magistrates and civil servants. In the 1930s and 1940s the Department of Native Affairs attempted to tightly regulate land use, imposing series of regulations intended to check overstocking and consequent erosion. In general, although they were deprived of importance administrative functions chiefs kept much of their moral authority (Commission on Provincial Government: 1995). From an increasingly impoverished population, chiefs continued to exact tribute and payments to supplement the stipends they receive from the government.

In the countryside their political leadership was recognized by modern political organization emerging in the cities. Between the wars, for example, the ANC maintained in its constitution 'House of Chiefs' and particularly in Natal. Notwithstanding their continued prestige in some quarters, the position of chiefs deteriorated through most of the Union period. Apart from the formal governmental encroachments on chiefs authority, their powers were also eroded by modernization, in particular the new loyalties and identities caused by urbanization, industrialization, christianity, western education and capitalist social relations (Commission on Provincial Government: 1995).

De Waal (1997) argues that when the National Party came into power in 1948 (during the apartheid era), it fine-tuned the destruction of

African traditional government. They applied the doctrine of apartheid and thus reinforced the doctrine of segregation that was applied under British colonial rule. Legislation increasingly strengthened tribal division and gave traditional leaders powers and roles they did not possess before. The respective traditional leaders became responsible for the peaceful and orderly administration of their areas of jurisdiction. Of particular reference in this regard was the Black Administration Act (No. 38 of 1927) and the Black Authorities Act (No. 68 of 1951) and later as the apartheid policy was gaining momentum, legislation issued by various former independent states and self-governing territories.

The Bantu Authorities Act of 1951 attempted to restore chiefly status. According to Amtaika (1996) there was a change of the role of tribal authorities in the apartheid era. During the British colonial and segregationist government, the primary role of tribal authorities only emphasized on supplying labour, collecting tax, settling minor disputes in the communities and land distribution. In the era of apartheid, the policies of separate development according to ethnic groups saw a shift in the role of the chiefs as increasingly they became appendages of the state bureaucracy. Chiefs became administrators in their own legislative assemblies where they were able to pass their own laws according to their customs and traditions. The apartheid regime also increased their dignity by remunerating them as civil servants. This recognition helped chiefs to widen their scope in their communities as the legitimate representatives of the indigenous people (Amtaika: 1996).

After the political changes brought about by the white government, the position of the traditional leader was often reduced to that of an official being subordinate to the magistrate. Should a chief fail to adhere to the task set out by government, he could lose his income or sometimes his position. The legitimacy of indigenous leaders, their efficiency and good governance varied from individual to individual. Some had reputations as stooges of the apartheid regime whilst others were recognized as real leaders, fighting for the rights of their people. The traditional authorities did maintain a form of local government which, notwithstanding its inherent problems, were more often more in touch with community sentiments than central government. The chief thus found himself in a very difficult position. On one hand he had to please his people in order to secure their support and, on the other hand, he had to adhere to the task and regulations prescribed by the governing body in order to secure his position and income (De Waal: 1997).

3.4 Traditional Leadership In The Post Apartheid Era

The South African debate on traditional leaders and their role in national and local government is a recent one. The issue concerning the future of traditional leaders erupted during the Convention for Democratic South Africa (CODESA) in the 1990s. The political changes that started in 1992 and the subsequent elections and process of writing a new constitution injected new urgency into the local government debate. The 1993 and the 1996 constitution of the Republic of South Africa respectively makes provision for the accommodation of traditional leaders and authorities on all three tiers of governments. On 11 December 1993 the Negotiating Council

composed of representatives of traditional leaders of South Africa and all political parties unanimously adopted the resolution on the role of traditional leaders at all levels of government. The following were the resolutions taken with regard to the role at local level:

- ◆ Traditional authorities shall continue to exercise their functions in terms of indigenous law as prescribed and regulated by enabling legislation.
- ◆ There shall be an elected local government, which shall take political responsibility for the provision of services in its area of jurisdiction.
- ◆ The traditional leaders within the area of the jurisdiction of a local authority shall be ex officio members of the local government.

The 1993 Constitution provided a compulsory representation of traditional leaders in local government structures, which reside within the area of jurisdiction of an elected local government. The current South African Constitution recognizes the institution, role and status of traditional leadership according to customary law, but subject it to the Constitution. This is clearly reflected in Chapter 12 of the Constitution, which specifically provides for the recognition of the institution of traditional leadership. However the Constitution falls short of providing for their specific role. It merely states that the status and role of traditional leadership, according to customary law, are recognized, subject to the Constitution (Section 211).

Section 212 states that the national legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities. Item 26(1) b in schedule 6 of the Constitution provides as follows: " a traditional leader of a community

observing a system of indigenous law and residing on land within the area of transitional local council, transitional rural council or transitional representative council, referred to in the LGTA OF 1993, and who has been identified as set out in section 182 of the previous constitution, is ex officio entitled to be a member of that council”.

Mchunu (1997) states that the 1996 constitution addresses the issue of traditional leadership in fewer particulars than the 1993 constitution. De Waal (1997) agrees that the 1996 Constitution addresses the traditional leadership in an unsatisfactory manner, providing much less detail and responsibilities. The Constitution also provides for the establishment of municipalities in all areas of South Africa, including those occupied by traditional communities. The undefined role of traditional leaders is a problem in South Africa.

3.5 Traditional Leadership In A Democratic Local Government

It has been clearly outlined in chapter two that the determinants for good governance are a strong and developmental local government. This requires a local government that will work with citizens, groups and communities to create a sustainable humane settlement and to provide in the social, environmental and economic needs of all people. Traditional leaders as a form of local government are expected to be part of building up the spirit of good governance in a local government. The Constitution’s perspective on traditional leaders has already been discussed, however the White Paper on Local Government reaffirms the representation of amakhosi (chiefs) on Regional and Municipal Councils. It also stipulates that traditional

leaders are not a replacement of elected local government and that these two systems are not necessarily incompatible.

According to the White Paper on Local Government, the functions of traditional leaders presently include amongst others the following:

- ◆ Acting head of the traditional authority, and as such exercising limited legislative power and certain executive and administrative powers.
- ◆ Presiding over customary law courts and maintaining law and order.
- ◆ Consulting with traditional communities through imbizo.
- ◆ Assisting members of the community in their dealings with the state.
- ◆ Advising government on traditional affairs through the houses of traditional leaders.
- ◆ Convening meetings to consult with communities on needs and priorities and providing information.
- ◆ Protecting cultural values and instilling a sense of community in their areas.
- ◆ Being the spokesperson on their communities.
- ◆ Being the symbol of unity in the community
- ◆ Being custodians and protectors of the community's customs and general welfare.

Their role in the development of the local area and community includes:

- ◆ Making recommendations on land allocation and the settling of land disputes.
- ◆ Lobbying government and other agencies for the development of their areas.

- ◆ Ensuring that the traditional community participates in decisions on development and contributes to development costs.
- ◆ Considering and making recommendations to authorities on trading licenses in their areas in accordance with the law.

The White Paper also proposes a co-operative model of rural local government in accordance with the Constitution. It proposes 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. Their role will include attending and participating in the meetings of the municipal councils and advising them on the needs and interest of their communities.

Another principle of democratic governance in addition to representation and participation is the right to vote. This right is somehow said to have both advantage and disadvantage for traditional leaders. The advantage lies in the opportunity that the right to vote offers them to influence processes of development and administration. On the other hand, the disadvantage might be the possibility of them being seen as part of an inefficient and ineffective council, as a result they may face removal even though they may not be responsible for the council's inefficiency and ineffectiveness.

The role of traditional leaders is not limited to local level government because provision is made for them to approach and lobby other agencies and spheres of government. They also have a role to play at both provincial and national levels through the houses of traditional leadership. The role of traditional leaders is defined as belonging to the category B municipality, i.e. a municipality responsible for reticulation

of services directly to residents and not only for bulk service provision, as district councils are. The White Paper also provides that both the district and local councils must inform and consult traditional leaders regarding municipal projects or programmes within the traditional leaders' area.

Traditional leaders are represented in the provincial houses and national house of Traditional Leaders. Their function is an advisory and consultative one and does not directly impact on the local sphere of activities either the municipalities or traditional leaders.

3.6 Challenges Of Traditional Leaders In Unfolding Local Government Structures

Mchunu (1997) pointed out that traditional authorities mostly function in rural areas where tradition is still strong. In these areas they function in a manner similar to a basic local government. The challenges facing South Africa today is to:

- ◆ Maintain these authorities within a democratic dispensation
- ◆ To develop co-operation between these authorities and local government structures, and
- ◆ To strike a balance between the demands of traditional authorities and the expectations of a democratic dispensation.

Initially the debate on local governance was largely dominated by deliberation on urban local government interests. Thereafter the debate was eclipsed by the regional government debate prior to the national elections in 1994. This is a very positive development for the local government in rural areas because they experience major

capacity problems. The most important structural weakness that existing municipalities have inherited from the past is that their total income-generating capacity is insufficient to support the provision of basic municipal functions. An important aspect to be jointly addressed by elected councillors and traditional leaders is the avoidance and reduction of fragmentation of service delivery. The devolution process calls for closer control and cross-sector planning for service provision and it is in this context that local councillor and traditional leaders jointly define each segment's role and functions. Joint decision-making and adherence to the principles of co-operative governance is crucial.

Shubane (1998) argues that in the White Paper on Local Government few pages are devoted to the matter of traditional leaders yet a significant section of the population in South Africa experiences democracy in the form of local authorities in which chiefs serve. He states that since the start of the process which has resulted in the adoption of the interim and present constitution, the role and function of traditional leaders have received a great deal of attention. However, lasting solutions still elude our policy makers.

The overlap of functions of local authorities and traditional leadership outlined in a DPLG (2000) is another challenge. In terms of existing legislation the LGTA of 1993, provision is made for the membership of and participation by traditional leaders in transitional regional councils and transitional representative councils. It is clear that the Constitution provides for two institutions at local and community level that operate within the same functional and jurisdictional areas.

Laws stemming from the past assigned powers and functions to traditional leadership institutions that are similar to those exercised by municipalities in terms of the Constitution, the LGTA and the Local Government Municipal structures Act. Thus functions of elected local government councillors and traditional leaders still have to be clarified. A proper role for traditional leaders at local level has to be determined and a further clarification is needed.

3.7 The Current Debates On The Role Of Traditional Leaders

The democratic local government introduced in South Africa raised some tensions between traditional leaders and elected councillors. The main issue which to date is still discussed is the issue of the role that traditional leaders should play in a local government. The issue of demarcation was the main problem, which raised some concerns about traditional leaders. Traditional leaders feel that the democratization which came with this demarcation will cost them their leadership because elected councillors will have more say on issues on tribal land. The chiefs expressed concern that this process would curtail their power and require rural people to pay rates and taxes, which they could not afford.

Chiefs also argued that they were not consulted during the whole process of demarcation. Zulu King Goodwill expressed dissatisfaction about not being consulted on the issue of demarcation. His concern was that this will lead to tension and conflict, and of course that is what happened. The Pan African Congress joined on the critics of the demarcation process and called for the suspension of the board. The board's activities were a serious threat to stability in rural areas. It

was suggested that "the Municipal Demarcation Board should be restructured to ensure that rural communities falling under African traditional rule in particular are properly represented on the board by people who are sensitive to African traditions and values." Inkosi Holomisa the Contralesa President said that the problem lay not with the demarcation board, but with the country's legislation, including the Constitution (Daily News: 06/02/2000).

The amakhosi feel that the 10% representation in the elected councils is not enough because many of them will be left out, further this might ruin their influence on issues affecting their areas. Others fear that their people in rural areas will be charged levies based on the size of their property, including their mealie fields. In the Daily News (29/06/2000) it is stated that traditional leaders handed a thick document to the President detailing their unwillingness to be part of the new local government structures. The amakhosi expressed their desire to be protected in the Constitution and said they were against what they described as 'mere recognition' of them by the government

The amakhosi believed that they are the custodians of their forefather's land, if they are incorporated to the local government all the tribal land is turned over to municipal structures. As a result they will lose the power to allocate sites, collect rates, and attend to day-to-day problems of their customs. Inkosi Mangosuthu Buthelezi, the IFP leader (Daily News: 22/06/2000), mentions that "our way of life and our communities, and our respective national identities are under threat". He said the establishment of new municipalities in the areas of jurisdiction of traditional leaders would usurp the powers of those leaders. Municipalities would only operate in terms of law to the

exclusion of customs and traditions. They will be prevented and incapable of recognizing and applying their customary law and respective traditions (ibid.).

Since 1993 during the negotiations at the World Trade Centre, traditional leaders have made detailed proposals on how traditional leadership could be accommodated within a comprehensive system of local governance. In October 1995 the IFP leader and the Contralesa president made similar proposals to then President Mandela. They made proposals at every stage of consultation on local government policies and legislation, but until to date there is a major conflict between the powers and functions of traditional leadership and those of municipalities.

3.8 Conclusion

This chapter has presented the institution of traditional leadership, looking at the legislation, challenges, and current debates. Traditional leadership as a form of government can not be seen in isolation, however it needs to be characterized by some qualities of good governance discussed in chapter two. If it has to be regarded as important, people need to have trust in it. The incorporation of traditional leaders in municipalities should promote trust and reciprocity. Trust develops when the needs of the people are being addressed. This can therefore lead to interaction among members of the community and their leaders.

The question of accountability also plays a major role on the quality of good governance. Accountability plays a major role in any sphere of

government. Leadership without accountability leads to abuse of power and results into corruption. Traditional leaders should be accountable to the community they serve.

In traditional leadership the leader operates through a common consultative process with tribal elders (i.e. heads of the family). An imbizo/ inkundla is not only the venue for tribal consultation but also a symbol of tribal governance. It is therefore understood that a leader cannot unilaterally take any decision that affect the tribe and sometimes those that affect the leaders of the family, without consulting and getting the agreement of tribal council. The incorporation process should encourage traditional leaders to involve every member of the community in decision making especially in developmental programmes because any project in an area has to be accepted by the members of the community.

The following chapter is aiming at describing some findings about the role of traditional leaders and the implications of incorporating Msogwaba tribal area into Nelspruit TLC. It will also present the assessment of good governance and incorporation of traditional leaders in municipalities. The aim is to find whether the incorporation promoted or undermine the quality of good governance.

CHAPTER FOUR

4. RESEARCH FINDINGS AND ANALYTIC SYNOPSIS

4.1 Introduction

This chapter contains the findings and analytical synopsis of the research. This chapter will be divided into three sections. The first part will be the presentation of a contextual analysis of the case study. This will include an overview of the locality and background of Nelspruit TLC. The second part will present the findings drawn from the interviews. The third part draws the study back to the theoretical framework of 'good governance' outlined in chapter two. This part will assess Nelspruit TLC in relation to the criteria of good governance.

4.2 Section One: Contextual Analysis Of Nelspruit TLC

4.2.1 Physical Location

The Greater Nelspruit Area, includes Nelspruit and the surrounding areas of Kanyamazane, Matsulu, Tekwane, Mpakeni and Msogwaba Tribal areas, which includes the settlements areas of Daantjie, Pienaar, Zwelitsha, Luphisi and Mpakeni Town. Nelspruit is the capital of Mpumalanga province. It is situated next to the Crocodile River, 20 kilometers Southwest of White River and 52 kilometers northwest of Barberton which are some of the towns in Mpumalanga province (Nelspruit IDP: 1999).

4.2.2 Establishment of Nelspruit

The establishment of Nelspruit can be attributed to two major events that occurred in the Lowveld. The first event being the discovery of gold deposits during the 1870's, with the inevitable influx of miners. The second event was the construction of the railway line connecting Johannesburg and the Delagoa Bay, capital of Mozambique. The area known as Nelspruit today was chosen as the first railhead of the first section from Delagoa Bay (Bornman: 1995).

During April and May 1884 the Railway engineers began to carry out a survey of the route and while at work met the Nel brothers in the area of the Crocodile River mountains where they were farming. The Nel brothers came from the Highveld to the Lowveld during the winter months with their cattle and sheep. The engineers then decided to call the spruit, where they met the Nel's, Nel's Spruit and noted it down on their maps. The report set up by the railway commission with the proposals for the construction of the railway line, with Nelspruit as railhead of the first section was published on 28 August 1884 in the Government Gazette (No.185). With this proclamation Nelspruit was officially named and is this date seen as the founding date of Nelspruit. (Nelspruit Integrated Development Plan: 1999).

During the Anglo-Boer War development in Nelspruit ceased. After the Anglo-Boer War all towns in the then Transvaal had to be proclaimed in terms of the Municipal Corporations Ordinance, 1903. Nelspruit was proclaimed on the 27th of January 1905. Development of the Nelspruit area resulted in the establishment of Health Committee in 1912, mainly to arrange for sanitation for the railway workers. It was during

this period that the first Black Township was established and it was situated between the town and Mattaffin. The town gradually grew and with it the Health Committee which obtained Village Council status by 1922. The Black Township, known as Mbombela was laid out a year later, in 1923. By 1940 the Council had become a municipality- the Nelspruit Town Council. By 1975 Nelspruit had grown to a town of 15 000 residents.

During the apartheid era around the 1950's the inhabitants of Mbombela were forcefully moved to the nearby townships (KaNyamazane and Matsulu). Msogwaba and Mpakeni are two tribal areas that developed as a result of forceful removal of people during the apartheid era. The urban node of Msogwaba comprises of the settlements of Daantjie and Pienaar. Since Msogwaba and Mpakeni are located on tribal land, individual land ownership does not exist, which pose a constraint to effective housing and other development in the area. These areas are situated on high lying areas, which is characterized by rocky conditions, poor soils and steep slopes.

There are smaller settlements, which resulted due to the need for residential land. These areas are Zwelisha and Luphisi. The area of focus for this study is Msogwaba tribal area. This area was chosen because it was one of the first tribal areas to be incorporated to Nelspruit Municipality after the proclamation in 1995.

4.2.3 Demographic Characteristics

Table 1: The Population of The Greater Nelspruit Area

	Population 1995	Population 1996	Population 1997	Population 1998
Nelspruit	24 600	26 076	27 901	29 575
Kanyamazane	37 398	39 641	42 415	44 960
Msogwaba/ Mpakeni	97 126	101 496	108 600	113 487
Matsulu	32 900	34 874	37 315	39 554
TOTAL	192 024	202 687	216 231	227 576

Source: Nelspruit Integrated Structure Plan, 1997

The figures relating to the population have been drawn from the Nelspruit IDP (1999). The population of the Greater Nelspruit Area is mainly concentrated in Nelspruit, Kanyamazane, Msogwaba, Mpakeni and Matsulu. It is worth noting that figures for Msogwaba and Mpakeni are combined because they are tribal areas and there was no source available where they were separated during data collection. The table above shows that population of Nelspruit is increasing every year. The majority of the people of the Greater Nelspruit are living in Msogwaba and Mpakeni i.e. tribal areas.

4.2.4 Levels of Employment

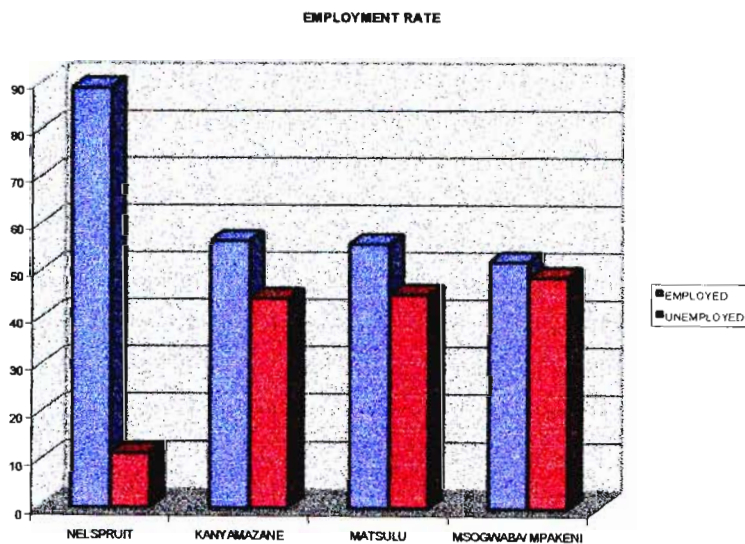
Levels of employment are the most important indicators of socio-economic circumstances of a family or community. Unemployment is a root cause of several social problems of the community at large. As shown in table no. 2 below, unemployment is very high in Msogwaba/ Mpakeni with an unemployment percentage of 48,4% in comparison with Nelspruit at an unemployment percentage of approximately 11% (Figure no.1 below clearly illustrate).

Table no. 2: Employment Rate

STATUS	NELSPRUIT	KANYAMAZANE	MATSULU	MSOGWABA / MPAKENI
Employed	88.7	56.1	55.3	51.6
Unemployed	11.3	43.9	44.7	48.4
TOTAL	100	100	100	100

Source: Nelspruit Structure Plan: 1997

Figure No. 1



4.3 THE INCORPORATION OF TRIBAL AREAS TO NELSPRUIT TLC

Prior to the 1994 elections, Nelspruit comprised only of Nelspruit Town and its extensions, totaling an area of 4 260,8 ha and a population of approximately 23 457. KaNyamazane, Matsulu and the Msogwaba and Mpakeni areas were located within the self-governing areas of KaNgwane, situated within the Nsikazi magisterial district.

After the 1994 elections where the new Constitution was established which required municipalities to be established for the whole territory, Nelspruit incorporated several areas in the TLC. The Minister of Local Government in July 1995 declared the current jurisdiction area of Nelspruit. The area includes the urban areas of Nelspruit, Tekwane, KaNyamazane, and the tribal areas of Mpakeni and Msogwaba. The jurisdiction area of Nelspruit encompasses a total area of 35 130 ha. The Nelspruit Town Council is said to be the biggest in the province. The TLC is divided into 24 wards and it is composed of 40 Councillors representing the different areas. Some of the tribal areas are rural but most of them are peri-urban areas.

4.4 SECTION TWO: FINDINGS FROM THE INTERVIEWS

The number of people interviewed is outlined in chapter one. These people include the officials, planners, councillors, local residents and traditional leaders. For the purpose of the analysis, the questions asked during interviews are going to be grouped into discussion themes. These questions were drawn from the key issues outlined in chapter one. The assessment of the incorporation of Msogwaba to Nelspruit TLC will be in relation to the following issues:

- ◆ The process of incorporation
- ◆ Functions played by traditional leaders in the TLC
- ◆ The nature of relationship
- ◆ Similarities or differences in leadership.
- ◆ Perceptions about planning and development
- ◆ Views about the new proposed boundaries.
- ◆ Views and implications of the incorporation
- ◆ Views about re-defining the role of Traditional leaders at local level.
- ◆ General views about governance in Nelspruit.

◆ **The Process of Incorporation**

This question was asked with the aim of obtaining information on when and how the process occurred, problems experienced, if any and also to find out whether it was successful or not and what people say about the incorporation. During interviews, all respondents mentioned that Msogwaba tribal area was incorporated into the Nelspruit TLC in 1995 when the new boundaries for Nelspruit were redrawn. The Demarcation Board conducted the process.

The findings show that this process has not been a satisfactory one, nor does it promise to become better. The main problem experienced during the incorporation was the resistance of chiefs. These areas that were incorporated are under tribal authorities, therefore traditional leaders felt that their powers were challenged and are going to be wiped away. The local council started to experience management problems because they had to deal with people who were not prepared to be part of the municipality. Traditional leaders complained that elected councillors will have a say in their own tribal land. They said

they will lose power to allocate sites, collect rates (known as Khonza fee), and even respect from the community.

The tension was very strong after the incorporation; the Town Secretary stated that till to date, traditional leaders do not accept the new system. One respondent mentioned that resistance was not only from the chiefs but also from people (traditional residents) who are in favor of traditional leadership style. Many residents were afraid that if they are incorporated to the municipality, they would have to live like township people who pay for rates and services.

Some of the community mentioned that even people were not well informed about the incorporation. They said a meeting was called in a community hall and they were just told that they will be part of the municipality, their opinion was not asked. One respondent said that the politicians made many promises, which are not fulfilled. Even the Premier of the province promised them that everything that will happen in their areas, the community will be informed, but it is not happening.

Almost all the respondents stated that the process of incorporation has not been successful because there is nothing tangible one can see and be convinced that it was successful. Traditional leaders are still challenging the issue of the land and the role they have to play in the local government. Only a few people, particularly elected councillors, stated that this process has opened a chance for people's involvement in community development. It has open an opportunity for the people to raise their concerns and say what they expect in their areas.

◆ **Functions of traditional leaders in the TLC**

It was discovered that traditional leaders are not playing any role in the municipality because of their dissatisfaction with regard to them being incorporated. They do not even use their 10% representation in the council's meeting, as they do not attend them. It was mentioned that they only attend meetings related to land issues because that is the most sensitive issue to them. It is only in their areas of jurisdiction where they promote cultural values, traditions and other issues related to cultural values.

Traditional leaders stated that the government has incorporated their areas only on paper because they do not understand this new system of local government and the role they have to play. They wish for a full role in their areas of jurisdiction rather than to remain useless in the municipality. Many respondents suggested that traditional leaders should focus on cultural issues but the elected councillors should involve them in developmental projects.

◆ **The nature of relationship**

It is an open secret that relations between councillors and traditional leaders are characterized by tension and conflict. From the interviews the respondents outlined the problems that creates conflict. Firstly, conflict between the two arises out of the division of roles. Traditional leaders believe that councillors are trying to replace them and take over their role. On the other hand councillors disregard traditional leaders because they are said to be ignorant to the new changes in the democratic South Africa. The official from the House of Traditional

leaders pointed out that councillors have a tendency to regard traditional leaders as illiterate and uninformed.

Planners pointed out that traditional leaders allocate residential sites to communities on the land that does not belong to them, which exacerbated the informal settlement problem. The new system of government encourages proper planning in all areas under the municipality, and when traditional leaders are approached about that, tension begins.

Another problem is the issue of rates, which the councillors encourage. Traditional leaders are used to collect the Khonza fees or Tribal levy from the community, which the community do not have any problem about it as it is reasonable and they are used to it above all they pay it once per year. In short the two institutions do not understand each other's role within the municipality, one feels superior to the other.

Secondly, conflict is caused by poor communication flowing between traditional leaders and councillors. This situation inevitably leads to misconceptions between them, creating the feeling of 'us and them'. The two stakeholders do no work as co-partners. The elected councillors stated that traditional leaders do not turn up when they are called for the meetings. Lastly, one respondent stated that another cause of conflict relates to the orientation of councillors as elected political and traditional leaders as legitimate leaders. This makes councillors want to do the best during their term of office with the aim of proving that they can do much better than traditional leaders. It was also picked up that elected councillors have a tendency to bring in

politics in matters of development and are seen as agents of their parties.

Traditional leaders explained that they are not happy about the incorporation ever since 1995 when Msogwaba was incorporated in to Nelspruit TLC. They said they were informed that they would be part of the municipality and ever since there has been conflict between them and the councillors. Traditional leaders feel very strong about the behaviour of the councillors, as one chief stated: "These politicians just do things in our areas without informing us"; e.g. there are structures built which they were not told about them. Sometimes councillors conduct meeting in their areas without having reported to them.

One respondent suggested the principle that should be applied is to build the relationship of the two stakeholders. He said that the relationship should emanate from Chapter 7 Section 152(1) of the Constitution i.e. the objects of local government and also Chapter 12 section 212 i.e. the role of traditional leaders. He mentioned that understanding each institutional role is critical in order to have a positive relationship. Another respondent said if traditional leaders can understand that their role is based on cultural issues and councillors on development, there would be no conflict between the two.

◆ **Similarities or differences in leadership**

There are no similarities in their leadership style but only differences. It was discovered that tribal authorities see themselves as structures that are close to the people and they know what their people need. If they are to deliver something they do not see any reason or

consultation. On the other hand elected councillors believe in consultation with the people in everything they plan to do. They claim to focus on 'development' rather than taking control over traditional leaders. The difference is also in what each preaches to the community. The municipality is saying the person should pay for what she or he receives and the chiefs are preaching the opposite.

The community members are complaining about the rates that they are expected to pay and hence this results in bad relations between them and the elected councillors. Some residents said that they decided to live at Msogwaba because they knew they will never afford the kind of life in townships because they will never afford to pay for the services. Today they are expected to pay for those services and above that they are not employed. 'The question is where are we going to get the money'.

Traditional leaders also expressed their feelings about the issue of rate-payments. Chief Nkosi of Msogwaba said he will never tell people to pay for the rates because he knows the people's state of affairs. People are unemployed; they are poor so where is the money going to come from. Councillors mentioned that because people are not paying for their services, the municipality is failing to maintain them, hence traditional leaders therefore regard them as inefficient and ineffective.

◆ **Perception about planning and development**

There are different views about planning and development. The responses will be divided into two: firstly the general feeling of traditional leaders about planning will be described and secondly the

findings of their involvement during the IDP process will be outlined. Generally, from the interviews it was discovered that traditional leaders feel threatened about planning and development though it depends on the type of planning process. If the process involves land, it becomes a problem because they always want to allocate stands for the people. One respondent from the TLC outlined that they are really experiencing difficulties because they are forced by the legislation to plan properly but traditional leaders are standing in their way because of misunderstanding of policies.

Two examples were cited where there was a conflict because of some misunderstandings at Msogwaba. The first one occurred when the TLC appointed some consultants for Tenure Upgrading of the area. It is said that a community resolution was taken as it is called upon by the legislation. After positive participation from all structures the chief informed the community that the main purpose of the project is to create a revenue base and there was a dispute. What happened is all the data that was collected by the consultants was destroyed. The community destroyed their videos, cameras, questionnaires and everything that they used to collect data. This shows that traditional leaders still have a problem with policy implementation.

The second example cited was the issue of the Bi-Water System. Because of the need for water provision at Msogwaba area, the TLC introduced a certain system of water provision called the Bi-Water system. From the interviews it was found that the traditional leaders and community did not approve that system and pipes were burnt. This shows that there is a big conflict between the TLC and traditional leaders.

The councillors stated that this situation is a result of non-participation of traditional leaders in planning meetings. It is said that they are informed in time and yet they do not come. When planning has to take place they are suppose to be involved in the initial stage but they do not cooperate.

Traditional leaders stated that they are experiencing problems when it comes to land issues. They believe they are the custodians of the land and they have a right to allocate sites for their people as they have been doing years ago. Now they feel councillors are standing their way with their new system of planning. It was also found that they are not against development because they believe that it is what people want. The problem is the disrespect they receive from elected local government councillors.

◆ **Participation of traditional leaders in the IDP process**

IDP in Nelspruit was formulated because the following reasons:

1. It is a legal process according to the White Paper on Local Government.
2. It is a developmental local government.
3. Tool for transformation

This planning process took place at local scale. Planning at local scale is more place-and-project specific. It is also possible to include every relevant organization and every interested individual. In the case of Nelspruit, the municipality assigned some consultants to carry on with the process. A working committee consisting of officials was established to work with the consultants in terms of conducting

meetings and consultations. Other stakeholders including the traditional leaders were identified to take part during the process. The method of participation used during the process was through public meetings, workshops, seminars and participation of different stakeholders. Traditional leaders were only involved in preliminary stages where some proposals were still made. The first public meeting was held in the beginning of December 1998 to explain about IDP and to ask the community their basic requirements in their areas. As the process was going on meetings were only held in the municipality, only with stakeholders and the working committee. Councillors were involved in all the meetings that were held from the beginning until the end.

On the side of traditional leaders, they were not participating because they do not attend council meetings. The official from the House of Traditional leaders mentioned that traditional leaders are interested in development. The problem during the process was that, the council ignored the fact that the concept of IDP is still new and everything is new to traditional leaders. Therefore much time was needed for explanation because even today some of them still do not understand the meaning of IDP.

From the interviews it was discovered that this lack of cooperation in planning is caused by two things. Firstly is the attitude that traditional leaders have towards working with elected officials. Secondly is because they are not acquainted with the role they have to execute in local government especially in planning.

◆ **Views about the new proposed boundaries**

It was found that there are mixed feelings about the new demarcation. Some say it is a good thing because it will broaden the vision of the TLC and also promote unity. But some feel that there will be more power struggle even to councillors themselves because if Nelspruit TLC will be combined with White River for example, obviously some of the councillors will be taken away.

The impact of the extended boundaries would be the huge spending that will be required in terms of service delivery and this might pose financial constraints. The demarcation process will also have a positive impact on spatial integration where the adverse results of disintegration will be addressed. One respondent said this municipality would be so big that it would resemble the Metropolitan area. Therefore the demarcation might change Nelspruit TLC to Nelspruit Metropolitan Area.

◆ **Views and implications about the incorporation**

From the financial point of view, local government has a broad income base but due to the culture of non-payment of rates already discussed, its role and function has weakened. The local government is now having a big burden to service all areas under its jurisdiction and the problem is that traditional leaders are not willing to contribute effectively to the community by teaching people that they have to pay for their services. This has hindered effective service delivery to communities.

From other perspective the inclusion of these areas has allowed local government to be accessible to all people. Traditional areas started to enjoy the benefits of proper planning, which was only done in suburbs. Development is no longer taking place in an ad hoc manner as it used to be. Also the community is now able to vote for their democratic elected leadership.

In terms of the benefits, this process has opened the chance for the process of Tenure Upgrade where people are going to receive title deeds. This process is also promoting uniformity in the whole country i.e. development is no longer one-sided, only focussed in white areas. Communities that were previously deprived are being catered for.

In the case of Msogwaba it was discovered that development is taking place in tribal areas (e.g. road construction at Msogwaba-Daantjie tribal areas). During the research it was discovered that this road construction project did not have the support of the community and traditional leaders. This is because people alleged that they were not told about the construction, the chief said he was so surprised to see the contractors camping in his area without having been notified. The road is one of the needs for those people but it is never appreciated because local people were not involved. One of the residents mentioned that she thinks the elected councillors are trying to convince themselves that they are efficient because of the coming elections.

Some of the community members said that service delivery was much better when the chief was still in charge because they were not struggling with services like water, their roads were maintained. Today

they only access water at 4-5 a.m. in the morning, if you miss that time you will not have water until the next morning. It was discovered that other services like electricity already existed before incorporation. They said since the incorporation their services are not maintained, for example there is no refuse collection.

The process has also brought some problems, for example some traditional leaders do not understand the changes in planning processes such as Tenure Upgrading. In some areas like Msogwaba they could not allow the formalization of townships because they believed that if the area is formalised and people receive title deeds, it will no longer be a tribal area and the municipality will have powers over the area.

With regards to budget, traditional leaders themselves are not catered for in the annual budget although the development of their areas are catered for. The Town Secretary mentioned that 65% of the council's budget was budgeted for road construction in tribal areas. In the overall budget, 70% goes to the previously disadvantaged areas because of service backlogs. Traditional leaders as individuals are the responsibility for the National and Provincial government.

There are different views about the incorporation from local residents of Msogwaba tribal area. Out of the 15 respondents interviewed, only 2 respondents are supporting the process of incorporation. The other 13 are not for the idea that traditional leaders should be incorporated within the TLC.

The two respondents believed that it is time that the community should be governed by people of their own choice. They said traditional leaders are outdated and the new dispensation calls for democratic elected leaders who are updated with the current changes. They said development is not happening in their areas because of the formalities i.e. everything should be reported at the tribal authority. They also stated that traditional leaders do not participate when the councillors call for the meetings. They said chiefs should allow councillors to develop their areas.

On the other hand the 13 respondents do not understand why their forefather's land had to be linked to white areas. They regard elected councillors as young, immature and political party activists. They said they do not want to be under the municipality instead they want the old system of chiefs to continue. One pensioner said that the municipality is failing in townships like KaNyamazane (neighbouring township), and is failing more for those living in rural areas. In summary the 13 respondents preferred to be governed by the traditional leaders because according to them it is the only government they know. Also this government accommodates even the poor, it does not discriminate.

They suggested that traditional leaders should continue with their responsibilities i.e. allocation of stands, solving problems in the community and the municipality must not temper with them. If the municipality had to work with the chiefs, they must be prepared to submit to the chief and inform the chief together with the community in every service they deliver and those services must be in something that will last. Traditional leaders said they do not want to be part of

the municipal government because their role is taken by elected councillors as a result they remain powerless in their areas.

◆ **Views about re-defining the role of traditional leaders at local level**

From the interviews with the councillors and some officials, it was suggested that traditional leaders should focus on cultural issues and leave the developmental role to the councillors. Their role should not clash with the Mayor's role. They must be encouraged to use their 10% representation in council's meetings but they must not be tempted to participate in political debates. One respondent suggested that a forum should be created where traditional leaders can give a meaningful input in decision making. It was said that there must be a way of combining traditional leaders and elected councillors in a form of a workshop to clarify their different roles. Traditional leaders said the opposite, they stated that the government should allow them to continue with their role in their areas as they use to do in previous years.

◆ **General Feeling about governance in Nelspruit**

From the interviews it was found that governance in Nelspruit is effective because there are projects happening. Nelspruit TLC is able to meet the obligations of service delivery. Because of the culture of non-payments of rates that exists, it cannot be regarded as 100% viable, however the department of finance approves its budget. Also Nelspruit has introduced the new developmental policies, for example, the Integrated Development Plan of 1999. The Town Secretary

outlined that there are even good relations with other spheres of government because they managed to access funds to upgrade previously disadvantaged areas.

4.5 SECTION THREE: ASSESSMENT OF THE GOVERNANCE IN NELSPRUIT TLC ACCORDING TO THE CRITERIA

Chapter two of this dissertation outlined the criteria of good governance. This section will look at the criteria with the aim of finding out how the governance of Nelspruit is. The criteria have been set up in relation to the study.

◆ The relationship between local government and other spheres of government.

From the interviews it was discovered that there is a good relationship between the local government and other spheres of government. The TLC has managed to access funds for upgrading the previously disadvantaged areas. Hadingham (2000) argued that it is not only good relationship that characterizes good governance but also the level of autonomy that local government has. Nelspruit TLC is said to have the ability of making binding decision and policy choices (i.e. its level of autonomy) although the conflict that exist between councillors and traditional leaders undermine its capabilities.

◆ **Provision of Basic Services**

It was found that various infrastructure services have been undertaken within the TLC, though in some areas, particularly tribal areas, residents are not satisfied with the kind of services delivered to them. The culture of non-payment of services that is prevalent in tribal areas compromises the development that is supposed to take place. It has been argued in chapter two that civic consideration is a necessary ingredient for good governance at local level. Citizens have an obligation to pay for the services because the service-rendering function depends on the ability of local residents paying for those services they receive. The problem that the TLC is experiencing is that the community members do not approve some services delivered to them, for example issue of the Bi-Water system.

◆ **Ability to Raise and Spend Funds**

A developmental local government is characterized by its ability to manage finances. Although no information was captured concerning the ability to raise funds in Nelspruit, it can be argued that the TLC is able to spend its funds. Nelspruit TLC is said to have a sound management system because it is able to fulfill its goal. It has kept within the requirements laid down by the Department of Finance and also its budget is approved. Also the Auditor General approves the spending of money.

◆ **Building appropriate governing capacity in stakeholders in the community.**

The lack of capacity is a problem that faces both traditional leaders and elected councillors. Traditional leaders are inexperienced with local government issues. They do not understand the new planning processes and legislation that is applied in the new dispensation. Councillors know their role that they are responsible for the development but they do not have a strategy to deal with traditional leaders.

◆ **Promotion of co-operation, participation and democracy**

Nelspruit TLC has a weakness with regard to co-operation. There is a high level of conflict between traditional leaders and councillors. The tension exists because of power struggles. Traditional leaders feel that councillors are taking away their power over tribal areas. Councillors say that they have an obligation to develop every area under the municipal jurisdiction and they feel traditional leaders are standing in their way with regards to development because they are not willing to participate.

Low levels of governance are reflected in terms of community participation of local residents. According to the councillors it was discovered that the community in tribal areas are very supportive of their traditional leaders. This has led to poor participation when there are meetings held. The community states that councillors do not inform them in time also they do not inform the chief, therefore it becomes difficult for them to attend their meetings without the word

from the chief. Councillors are saying the opposite, they say that is not true because they make sure that everyone knows but it becomes a futile exercise as they do not participate.

◆ **A high degree of trust and reciprocity within the local government.**

Under the situation where there is conflict and no co-operation, it is difficult to develop the level of trust and reciprocity and also accountability necessary for good governance to take place in Nelspruit TLC. The community members also find it difficult to trust the elected councillors because of the issue of rates.

◆ **Promotion of economic development and integration**

From the interviews it was found that planning is no longer happening in an ad hoc manner but proper planning is being applied within the TLC. Nelspruit TLC has managed to prepare an Integrated Development Plan, which was aimed at promoting social, economic and integration within the area of jurisdiction.

It was also found that previously deprived areas are being catered for in planning although there are still problems about policy implementation. It is worth noting that good relations in Nelspruit TLC has to be urgently attended for, because the conflict that exist between traditional leaders and elected councillors somehow hinder the development of the TLC.

4.6 Conclusion

This chapter has presented the findings and analysis of the study. In the light of the above circumstances, it becomes difficult to tell whether governance in Nelspruit TLC is effective or not. The main argument that has been advanced from the interviews is that both institutions (traditional leadership and municipal government) see themselves as perfect and they are doing the right thing. It was discovered that there is lack of linkage or poor relationship between elected municipal councillors and traditional leaders. However, there are many indications that the inability to achieve successful relationship between elected councillors and traditional leaders seriously compromising the quality of good governance in the area. The following chapter will draw all the conclusions and then provide some recommendations.

CHAPTER FIVE

5. CONCLUSIONS AND RECOMMENDATION

5.1 Introduction

The position traditional leadership as the expression of the self-governance of traditional communities has come into conflict with the local government revolution, which has crept in since the first amendments to the LGTA at the end of 1994. After the adoption of LGTA, Nelspruit TLC incorporated tribal areas into the local government. This dissertation has attempted to uncover the role of traditional leaders in municipalities with specific reference to planning processes and development. This has been achieved by assessing the implications of involving Msogwaba in Nelspruit TLC. The dissertation attempted also to prove whether the hypothesis was correct or not. According to the hypothesis the incorporation of traditional leaders into Nelspruit TLC has not been successful to date. The hypothesis will be proved in this chapter by presenting the conclusions drawn from the analysis provided in the previous chapter. The chapter will further provide some recommendation about the study.

5.2 Conclusions

The basic argument advanced by the elected local government councillors is centered on the undemocratic nature of traditional leadership. To this end councillors consider elections to be central to the democratic system and therefore argue that they are true representatives of the communities who bring delivery in their areas in

terms of development. Traditional leaders are seen as impediments to development.

The study reveals that traditional leaders contend that they are the true legitimate leaders in rural communities who have the commitment to their areas with a full knowledge and understanding of the local conditions. The incorporation into Nelspruit TLC is according to them an infringement of their rights to develop their areas if resources could be made available. Further they regard elected councillors to be young, immature and political party activists and opportunists.

Traditional authorities reject the notion of municipalities in rural areas. They also regard the 10% representation in local government, as an 'interest group' also as an insult. In Nelspruit, they do not send any representative to the council meetings. They demand that tribal authorities should be the main structures for rural government. They maintain that "we should guard and protect chieftaincy".

Members of the community in traditional controlled areas are known to be very protective of their traditional leaders. In the case of Msogwaba no mention was ever made of a failure in development or unfulfilled promises in relation to service delivery rendered by the traditional leaders. Although the councillors can regard a traditional leader as weak or unsuitable in terms of bringing about development in their areas loyalty by his people is maintained. The community does not see any improvements that the councillors have brought about instead they prefer traditional leadership to determine their destiny as far as development is concerned.

Bringing together traditional areas, which are less developed, with those areas, which are advanced as in the case of Msogwaba and Nelspruit, render an un-ended problem because of the disparities that exist. Most White areas were historically well serviced and endowed with rate-generating commercial and industrial activities. Conversely, tribal areas are characterized by poorly serviced and poorly financed conditions. This is a cause for concern because these poorly serviced areas need to receive an equitable redistribution of resources and services and people have to pay for those services. In the case of Msogwaba, residents need services but they are not prepared to pay for them, which is a problem in terms of maintaining them.

The lack of consultation by local government elected councillors when embarking on projects in tribal areas is a cause for concern and has already created some tensions. This tension hinders effective service delivery in these rural areas. Traditional leaders feel undermined by the elected councillors who are doing things behind their backs. It is then suggested that clear roles for both have to be developed if success is to be obtained.

Development planning and land tenure in tribal areas are still problematic because of the land issue. It is useful for traditional leaders to be involved in these matters because they still receive wide support and exercise substantial influence over rural community matters. The problem identified is that, the new dispensation no longer encourages ad hoc development that used to occur in tribal areas. Proper planning according to new policies is encouraged and unfortunately traditional leaders still have a problem with policy implementation.

There are many examples from the discussion, which clearly state that the incorporation of traditional leaders into municipal government was unsuccessful and this lack of co-operation comprises the good quality of governance, Nelspruit TLC is failing to meet some to meet of the criteria for good governance. This therefore shows that the hypothesis of the study is proved correct. However because of the new democratic South Africa, this combination is unavoidable, traditional leaders should be retained in the new dispensation. There might be no blanket solution for the problem but some recommendations can be made.

5.3 Recommendations

The main problem that has transpired from the interviews is that there is lack of cooperation between traditional leaders and elected local government councillors. It is therefore recommended that there should be a model that will aim at accommodating the two institutions. The National and Provincial government should take a responsibility to promote this cooperation. This model must at least provide the following:

- ◆ Clarify different leadership roles.
- ◆ Joint functions and activities.
- ◆ Capacity building through training programmes.
- ◆ Transparency in everything.

◆ Clarify different leadership roles at local level

It is recommended that a study into the correct division of roles between local government and traditional leaders need to be conducted and this should be done in an appropriate manner. It is

important to understand that the elected municipal councillor is a political leader elected as a member of statutory body to give effect to a legally defined mandate in the manner described in policy within the limits of enabling legislation. She or he is a leader within the municipality and of the community specifically responsible for managing resources and predetermined outcomes.

Traditional leaders are above politics. They have the responsibility of ensuring that traditional and cultural practices are promoted. Traditional leaders are trustees of values and well being of the people they serve. Their leadership role is defined and shaped by customs. They perform their functions according to the will of the people they serve. The values, ethics and norms of customs and culture dictate their actions and responses.

A model that is recommended is a Co-operative model that will help the two institutions understand that they must both co-exist and that they are so different in nature that the one is not more important than the other. However the fact that the role that is now played by a municipal councillor even in traditional areas has long been played by these traditional leaders must not be overlooked. The municipal councillors must not aim at taking powers from traditional leaders but there should be mutual respect and co-operation between the two. When it comes to development, traditional leaders should have a role in the consultation process. Their role in land administration should be clearly defined. They should be involved in decision making of development that is taking place in their communities. A traditional leader should be placed in a position that he oversees all community-related issues within his constituency.

◆ Joint Functions and activities at community and local level

There are a number of functions and activities rendered by both municipal councillors and traditional leaders. Both institutions serve the same constituency when it comes to managing certain categories of public affairs of civil society at local level. The following table presents some of roles of traditional leaders and elected councillors and also suggested roles that both traditional leaders and municipal councillors can be jointly responsible for.

Table No.3

Functions of Traditional leaders	Functions of elected Municipal councillors	Joint Functions
<ul style="list-style-type: none"> ➤ Cultural matters. ➤ Traditional Justice. ➤ Advisory functions Presiding over customary law courts. ➤ Being a symbol of unity. ➤ Promote safety and security in their communities, etc. 	<ul style="list-style-type: none"> ➤ Provision of infrastructure, households and community services. ➤ Promote social and economic development. ➤ Participation of community in its own government. ➤ Communication and co-operation. ➤ Local safety and security and also healthy environment. ➤ Development planning. 	<ul style="list-style-type: none"> ➤ Development projects ➤ Safety and security ➤ Land allocation ➤ Participation of community in its own government ➤ Promotion of co-operation between community and government.

This type of public affairs requires inputs from both types of leadership institutions. In order to effectively respond to community needs, these leaders need to be involved in decision making process, not only the leaders but also the community at large and that can promote co-operation within the community. In developmental projects, views from both institutions and the community are important. Safety and security can be achieved if tribal and municipal policemen can work together to reduce crime within the municipal area (both urban and rural areas).

It has been attributed from the findings that there is a big conflict when it comes to land allocation because traditional leaders believe that they own the land. The problem is, elected councillors expect traditional leaders to just stop allocating residential sites and follow the policy, which they are not acquainted with. They ignore the fact that traditional leaders are used to that duty and they enjoy it. It is recommended that both traditional leaders and councillors need to work jointly on this issue in order to avoid conflict. Traditional leaders have to be represented on municipal councils, committees and working groups of the council. They should be encouraged to utilize their 10% representation on the council's meeting and if possible that 10% should be increased.

◆ **Capacity building through training programmes**

It has been discovered that there are various contradictions regarding to the leadership roles and also the new planning processes e.g. Land Tenure Upgrading, IDP, and other developmental projects. This can be overcome through training and capacity building. Some form of basic

training is required for traditional leaders regarding to local government management in the new dispensation. They need to be strengthened rather than eliminated and they should be provided with required administrative capacity alignment with traditional style of leadership. It is not only traditional leaders who need to be capacitated but even councillors themselves. Administrative capacity is needed for them to perform their functions effectively and efficiently in local government. The area of good human relations should also be attended to as well as the change of mindset of some councillors concerning traditional leadership.

When it comes to development and planning, traditional leaders should know the new methods of service delivery. Many traditional leaders do not understand the concepts like Integrated Development Planning. This needs a thorough explanation even before the project starts. Some traditional leaders do not participate in planning and development not because they do not want to, but they do not know what is it all about.

There is a need to build a popular support for planning processes e.g. IDP. This is not achievable by using participation process at a plan formulation stage only, but it needs continuous participation, proper communication between various stakeholders. Also using media, pamphlets to make such plan accessible and for people to start talking about it and then understand it.

◆ Transparency

Transparency should be the rule of the game in order to harmonize the situation. The government should never discuss issues that concerns traditional leaders without involving them. This move could in a way lower the tensions and begin to build trust between the two structures. The existence of the openness will make it possible that there are no questions without answers and nor there will be no one to dictate to the other.

In conclusion, the researcher has found the topic challenging. The government itself is trying to find some solutions on the subject. It is difficult to come with an absolute solution to this problem. However if traditional leaders and councillors can stop pointing fingers at one another and start to cooperate, the conflict might be resolved and there could be good relations. The researcher most importantly suggests that the National government must clearly define the role of traditional leaders in municipalities.

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APPENDIX ONE

INTERVIEW SCHEDULE FOR COUNCILLORS, OFFICIALS AND PLANNERS

SPECIFIC QUESTIONS

May you please respond to the following questions relating to the incorporation of tribal areas within Nelspruit TLC:

1. When did the incorporation of Msogwaba to Nelspruit TLC take place?

.....
.....

1.1 How did it occur?

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

1.2 What were the problems experienced if any?

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

1.3 How successful has it been?

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

1.4 What functions do traditional healers execute in municipalities with specific reference to NELSPRUIT TLC?

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

2. What is the nature of relationship between traditional leaders and councillors?

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

2.1 Is there any co-operation or tension between these leaders and municipalities?

.....
.....

2.2 Are there any differences or similarities in their approach and opinions?

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

2.3 In your opinion, how should the relationship between elected municipal councillors and traditional leaders be? What principle should apply?

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

3. How different is Local Government now that traditional areas have been incorporated to the TLC? What changes has the TLC experienced? Has the inclusion of traditional leaders strengthened or weakened the role and or function of local government?

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

3.1 What are the benefits and problems of incorporation have been?

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

3.2 What has been learnt from this process of incorporation ? Where do you see this system in the future, is it going to stay as it is or do you think it is going to be replaced by something else? If so such as what?

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

3.3 Are the traditional areas accommodated or catered for within your annual budget?

.....
.....

4. What are the perceptions of the traditional leaders about planning and development and how do their views differ from elected leaders?

.....
.....

4.1 Which are the stages in planning where traditional leaders get involved and why?

.....
.....

4.2 How effective has this participation been?

.....
.....

4.3 Has there been an area of conflict and agreement?

.....
.....

4.4 In cases of conflicts: what causes the conflict between traditional leaders and officials?

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

4.5 Are the conflicts caused by the attitude that traditional leaders have towards working with elected officials or is it because they are not acquainted with the role they have to execute in local government?

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

5. Should the role of traditional leaders at local level be redefined? If so what role should traditional leaders fulfil in Local Government, municipal administration and development?

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

5.1 What institutional arrangement could be made to facilitate the role of traditional leadership as an institution in matters affecting local communities?

.....
.....

5.2 How can this role be defined without emasculating the institution and without hampering service delivery and development by municipalities?

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

6. Generally do you think incorporating tribal areas to municipalities is / was a good idea and why?

.....
.....

GENERAL QUESTIONS

Can you please respond to the following general questions with specific reference to Nelspruit TLC:

1. What can you say about the governance in Nelspruit TLC, is it effective?

.....
.....

1.1 How effective is it perceived to be?

.....
.....

1.2 How financial viable is it?

.....
.....

1.3 What are political relationships within the TLC?

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

2. DEMARCATION PROCESS

2.1 What are attitudes to the proposed new boundaries for Nelspruit?

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

2.2 What is the impact of the extended boundary likely to be?

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

2.3 What lessons from the previous demarcation process that can be carried forward?

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

APPENDIX TWO

INTERVIEW SCHEDULE FOR TRADITIONAL LEADERS

SPECIFIC QUESTIONS

May you please respond to the following questions relating to the incorporation of tribal areas within Nelspruit TLC:

1. When did the incorporation of Msogwaba to Nelspruit TLC take place?

.....
.....

1.1 How did it occur?

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

1.2 What were the problems experienced if any?

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

1.3 Have your aspirations been expressed in the incorporations? If not, provide details.

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

1.4 What functions do you currently execute in municipalities with specific reference to NELSPRUIT TLC?

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

2. What is the nature of relationship between traditional leaders and councillors? e.g. during meetings.

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

2.1. On which areas do traditional and municipalities co-operate? On which areas do they experience tension?

.....
.....

2.2 What are differences and what are similarities experienced between the approach and opinions of traditional leadership and municipalities?

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

2.3 In your opinion, how should the relationship between elected municipal councillors and traditional leaders be? What principles should apply?

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

3. What differences you think are experienced in Local Government since traditional areas have been incorporated to the TLC? What changes has the TLC experienced? Has the inclusion of traditional leaders strengthened or weakened the role and or function of traditional leaders?

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

3.1 What has been learnt from this process of incorporation?

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

3.2 Are the traditional areas accommodated or catered for within your annual budget?

.....
.....

4. What are your views about planning and development?

.....
.....

4.1. Is there any difference between your views and those for officials?

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

4.2. How do the elected leaders and officials involve you in planning and development?

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

4.3. Which are the stages in planning where you are involved and why?

.....
.....

4.4 Has there been any area of conflict and agreement?

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

4.5. In cases of conflicts: what causes the conflict?

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

5. Should your role as traditional leaders at local level be redefined? If so what role should traditional leaders fulfil in Local Government, municipal administration and development?

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

APPENDIX 3

INTERVIEW SCHEDULE FOR LOCAL RESIDENTS OF MSOGWABA TRIBAL AREA

1. Do you believe that traditional areas should be incorporated to the municipality?.....
.....
.....

2. As they are already incorporated, what benefits do you get / receive from the municipality?
.....
.....
.....

3. Is the level of service delivery better than before? e.g. electricity, roads, water.
.....
.....

4. What are the type of services that have been delivered to you after the incorporation?
.....
.....
.....

5. Who do you think is delivering to you better between traditional leaders and municipality?
.....
.....
.....

6. What are your views about planning and development?

.....
.....

7. Do you get involved in developmental projects? Elaborate how and when?.....

.....
.....

8. Do you think traditional leaders have been participating adequately to this incorporation?

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

9. What role you think traditional leaders should play in this area and what about the municipality?

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

10. Which type of leadership do you prefer, traditional leadership or the municipality?

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.....
.....

11. What is your view about the process of incorporation? Was it a good/ bad idea?

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

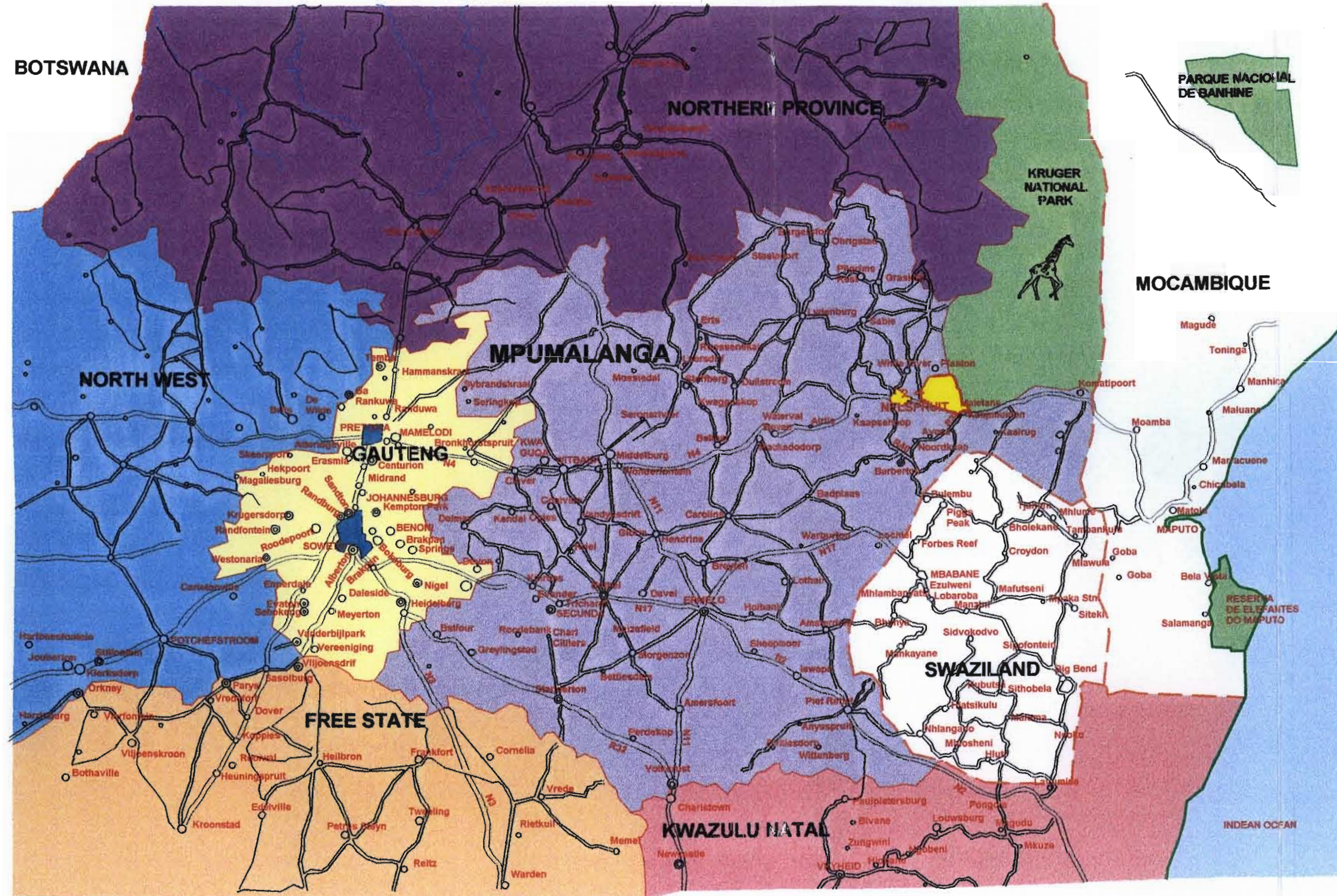
APPENDIX FOUR

Summary Table for the Analysis

Key: T.L = Traditional Leaders





Categories of people/ Issues	Councillors	Officials	Planners	Traditional Leaders	Communities
1.Process of Incorporation	Supportive but recognize the problems	Only the TLC officials support the incorporation	Supportive though they experience land management problems	Strongly opposed	Divergent of views but many opposed
2. Functions of Traditional Leaders in TLC	Believe it should be a cultural role	Should be cultural but be involved in development	Always be consulted in developmental projects	Wish their role be fully retained	Mixed but many support T.L.
3. Nature of relationship	Poor relationship with T.L	No good human relationship	Characterized with conflict and tensions	Poor relationship with councillor because they do not respect T.L	Very poor
4. Similarities or differences in leadership style	Different because councillors believe in participation	They do things in different ways	Differences in policy implementation	Always differ because councillors are guided by the policy	Councillors want people to pay rates and T.L don't.
4. Perception about planning and development	T.L feel threatened	T.L are positive but issue of land remains a problem			
5. Views about the new proposed boundaries	It will bring unity	There will be huge spending.	Larger areas mean bigger responsibility	-----	-----

6. Views and implications about the incorporation	Good because it encourages participation	Rural areas are being catered for	Planning is no longer happening in an ad hoc manner	Things became worse in tribal areas	Divergent of views but many can not afford to pay rates
7. Views about re-defining the role of TL at local level	Use 10% representation and focus on cultural issues	Focus on customary functions	Create a forum where T.L are going to be involved in decisions	Stick to their previous roles	T.L should continue to allocate stands
8. General views about governance in Nelspruit	Effective	Overall 60% viable	Effective	-----	-----




GREATER NELSPRUIT LDO/IDP 1999

INDEX

-  NATIONAL BOUNDARIES
-  PROVINCIAL BOUNDARIES
-  MPUMALANGA PROVINCE
-  NELSPRUIT AREA



 P.O. BOX 3135
NELSPRUIT
1200

LOCALITY MAP

MAP

