SCHOOL OF BUILT ENVIRONMENT AND DEVELOPMENT STUDIES

"ASSESSING THE ROLES OF TRADITIONAL LEADERSHIP IN LAND-USE PLANNING AND MUNICIPAL GOVERNANCE IN NQUTHU LOCAL MUNICIPALITY"

By

Noluthando Thabile Makhoba

A Thesis Submitted in Partial Fulfilment of the Requirements for the master's degree in Town and Regional Planning.

2020

DECLARATION

I, **Noluthando Thabile Makhoba** hereby declare that this dissertation Submitted in Partial Fulfilment of the Requirements for the master's degree in Regional and Town Planning in the University of KwaZulu-Natal is my own original work apart from where acknowledgements are specified.

I hereby declare that I am aware of the copyrights of the university and regulations guiding plagiarism.

I declare that this whole work (any part of it) has not been formerly submitted for another qualification in the University of KwaZulu-Natal or any other university.

_____

Signature

Signed at __NQUTHU__ on this ____25____Day of ___AUG___2020

DEDICATION

To my loving mother Busangani Goodness Cilo

May her Soul Rest in Peace

To My brother Lindokuhle Sibonelo Kunene, this is proof that anything is possible until you declare it impossible. It all in your mind

ACKNOLEGDEMENTS

TABLE OF CONTENTS

Table of Contents

LIST OF TABLES

LIST OF FIGURES AND MAPS

ABBREVIATIONS

ANC	African National Congress
CLARA	Communal Land Rights Act (11 of 2014)
CoGTA	Cooperative Governance and Traditional Affairs
CONTRALESA	Congress of Traditional Leaders of South Africa
DEA	Department of Environmental Affairs
DFA	Development Facilitation Act (67 of 1995)
EIP	Environmental Implementation Plans
EMP	Environmental Management Plans
EPWP	Expanded Public Works Programme
IDP	Integrated Development Plan
IEM	Integrated Environmental Management
IT	Ingonyama Trust
ITB	Ingonyama Trust Board
KZN	KwaZulu-Natal
LM	Local Municipality
LUM	Land Use Management
LUMS	Land Use Management Systems
LUP	Land Use Planning
MAC	Minestral Advisory Committee
MG	Municipal Governance
MSA	Municipal structures Act (117 of 1998)

MSA	Municipal Systems Act (32 of 2000)
NEMA	National Environmental Management Act (108 of 1998)
PTO	Permission to Occupy
RSA	Republic of South Africa
SALGA	South African Local Governance Association
SDF	Spatial Development Act
SPLUMA	Spatial Planning and Land Use Management Act (16 of 2013)
T.L	Traditional Leaders
TC	Traditional Council
TLGFA	Traditional Leadership and Governance Framework Act (41 of 2003)
WC	Western Cape

ABSTRACT

26 years of rectifying spatial injustices; South Africa still faces the adverse effects resulting from apartheid planning. Nel (2016) asserted that "South African settlements are still spatially fragmented with a high degree of spatial exclusion". This is mainly reflected to the nature of law our country applies in terms of LUM where dual land use management systems apply. To such extent, there has been a massive debate and conflict surrounding the roles played by traditional leadership in land-use planning processes and in modern-democratic governance in South Africa. The focus of the research was to find out if traditional leaders have any roles in land-use planning or municipal governance within the jurisdiction of Nqutu Local Municipality in KwaZulu-Natal. To guide the study and clarify the study topic, collaborative planning theory and critical theory were utilized. Using a qualitative methodology, in the form of face-to-face and telephonic unstructured interviews and participant observations methods, the study results showed that traditional leaders have been side-lined or not active in land use-planning matters before independence. However, after 1994, their authority and knowledge over land administration put them in a unique position to be involved in decision-making processes over land. To answer the questions that directly touch the roles of traditional leaders in land-use planning and municipal governance, a purposive and snowballing sampling methods were utilized. The study results showed that the majority of the land in Nqutu local municipality is traditionally owned and that traditional leaders still play a central role in land administration but a minimal role in land-use planning and municipal affairs. Furthermore, the results proved that traditional leaders faces challenges of illiteracy, lack of skills and knowledge on spatial planning and land-use management and no legally defined roles by the law governing land-use planning and municipalities (despite consultations) is likely to be the cause of them being side-lined from decision-making processes and given responsibilities in land-use planning and municipal governance. The study concluded that traditional leaders' involvement in land use planning and municipal governance is limited to cases or is minimal leaving the municipality in control.

Keywords: Traditional leadership, municipal governance, governance, land-use planning

CHAPTER 1

INTRODUCTION

The institution of Traditional leadership has been a fragment of our culture as black people; traditionalists feel that the institution is relevant and critical especially in rural communities even today. Before the transition in 1994, the lawful acknowledgment of traditional leaders' function in planning and land-use in South Africa was accomplished through many laws, and by-laws presented by the previous government system to manage parts of life, for example, administration, property possession and interpersonal relations (Oomen, 2005:16). Nonetheless, 26 years of democracy, South Africa still faces the adverse effects resulting from apartheid planning. Spatial transformation was viewed as a panacea for addressing the disparities of apartheid planning (Turok, 2014:74). As part of the realization spatial transformation, South Africa implemented efficient democratic spatial plans and encouraged the involvement of different stakeholders including traditional leaders to drive regenerate and transform South Africa (Berrisford, 2015). Did this mean traditional leaders would be involved in decision-making and take part over matters that involve land use? Was there a legal piece stating the latter? According to Berrisford (2015), the South African so called "democratic" spatial plans have field or did little to rectify the inequalities or biasness acts of the past especially with respect to land use management or land use planning.

Land-use planning determines the process in which a piece of land can be used and developed, which in turn is crucial for different purposes; it involves government controlling what land-use activities can happen on which piece of land (Afesis-Corplan, 2015). The constitution is the only fundamental planning law to effective reform and that distinctly outlines the administrative powers to manage land-use planning (Berrisford, 2001: 247). Land-use planning has four phases:

   i.   Old days (1910-1994): where 1913/36 Native land acts were implemented as urban planning policies and laws in white areas and national government and traditional leaders ruled in black areas; second,

   ii.   1994-1995: eras of Development Facilitation act (1995), finalization of 1996 constitution, development and planning commission and implementation of National Environmental Management Act of 1998

iii.   2000-2009: Local government: Municipal Systems Act of 2000 and White paper on planning of 2003 came into place, and

iv.   2010-2014: constitutional cases ("*City of Johannesburg municipality vs. Gauteng Tribunal*", development of SPLUMA of 2013, from town and regional to municipal planning shift, shift of development applications from provincial tribunals to MPT's, power of municipalities to develop by-laws central to land-use management, zoning schemes.

From 1910 to 2014 many development analysts have put more effort in land-use planning and development, but then only limited documents show the participation of traditional leaders and their roles in LUP and development projects (Chakwiriza and Bikam, 2014). The roles of municipal officials in areas under traditional leaders are compound with those of traditional leaders and various legislations had tried and failed to distinguish roles of both institutions in land-use planning without any conflict rising. Both rural and town areas have distinct land-use management systems, traditional authority LUM guided by customary law and western form largely based on land-use planning which leaves South Africa with dual systems of LUMS (Dubazane and Nel, 2016). Moreover, the recently enacted SPLUMA extends land-use zoning to areas under traditional leaders, where there has previously not been ant formal zoning.

Government introduced land-use planning legislations and instruments such as development controls through zoning and land-use schemes and building lines to regulate and manage the use of land and planning at the local level as per the requirement of "Municipal Planning" in the constitution. This created confusion among the establishment of traditional leadership as to which roles should they play with respect to land administration or land-use planning particularly in countryside areas or areas under their jurisdiction. Numerous areas such as Nqutu Local municipality remain under traditional authority where traditional leaders have power to make decisions concerning land management and development projects. This has led to issues of unplanned and unstructured settlements, 'white elephants' developments, environmental degradation and conflict between the two institutions, respectively.

Nonetheless, there has been a debate on traditional leadership and their authority which roots from the implementation of Apartheid system; this has raised questions most particular by modernists. The roles of tribal leaders in modern governance and community development and planning have been questioned, their current relevancy; this has led to modernists

suggesting the eradicating of the institution. In her study about traditional leadership in safety and crime prevention at eThekwini, Palmary (2004) suggest that since the institution of traditional leaders have proven to be resilient and strong especially in rural communities; it is crucial to consider their functions and forms as this is central to their legitimacy and the roles they are likely to play in community development today.

This study will therefore assess traditional leaders' roles in planning and use of land and modern governance in Nqutu Local Municipality. It will examine the link between the two institutions and assess how traditional land allocation and ownership affects the effectiveness of how land is used and planned for within the local governance sector (municipal level). Moreover, it will also study the relevancy of traditional leadership today. This study will also examine the amount at which the local government has fulfilled its intended purposes as per the national legislation and other laws.

1.1 Problem Statement

One of the major and crucial key challenges facing today's democratic government are the distorted rural spaces, as a result of legally undefined responsibilities of traditional leaders in land-use planning, and this includes areas under Nqutu local Municipality. According to Nqutu Municipality's IDP (2017/22), Nqutu, as a small rural town has faced issues of underdevelopment and exclusion because of the legacy of Apartheid bureaucracy in terms of administration. Dominated by rural settlements, scattered betterment, and peri-urban settlements as part of its land uses, Nqutu local municipality is practically and unsystematically distorted with the above settlements located in spaces signifying the effect of traditional land allocation systems (Nqutu local municipality IDP, 2017:55). Peri-urban areas such as KwaLuvisi who automatically occurred at a proximity of Nqutu town on Ingonyama Trust Land has naturally advanced as the extension of the town due to spatially unregulated spread of land uses more particular, residential uses. According to Nquthu IDP, this area is in danger of becoming or generating into a huge rural slum.

Nquthu local municipality is located in the jurisdiction of Ingonyama Trust Board, where traditional leaders control about more than 90% of the land. Traditional authorities have been one in charge of land allocation but with the introduction of local municipality, there has been confusion as to who shall be in control of land administration. Although the municipality has received assistance with the above issues from the district and provincial government, it still faces major challenges of settlements situated in environmentally sensitive areas, and steep

terrain, unplanned settlement happening in unsuitable land for human dwelling, poor access to facilities, and town congestions and encroachment of land uses (households that are located on land reserved for agriculture). As per the municipality, the above-mentioned challenges are caused by overlapping functions entrusted to the institution of traditional leadership with respect to local planning in areas under their authority, contestant of powers among tribal leaders and modern governance concerning land administration and provision of services (Nqutu Municipality IDP, 2017/22). This mainly reflects to the nature of the law our country and applies in terms of land use planning/management where dual land use management systems apply.

According to Bikam and Chakwiriza (2014), "the roles of municipal officials in traditional authority areas are compounded with those of traditional leaders in South Africa". This is due to the South African planning laws that do not provide a clear definition of roles traditional leaders should play in land use planning and development projects. This has resulted in a "duality of authority in rural traditional areas and conflicts over land, land management and service provision" stated Nxumalo and Whittal, (2013:326). Furthermore, Bikam and Chakwiriza (2014), asserted that as much as traditional authorities are a requirement for municipalities and other stakeholders to have a mutual understanding in development of rural communities; no legal frameworks guiding land use planning is clear about the functions given to traditional leaders in LUP and development projects unlike with the municipal officials.

To rectify the above, Nqutu local municipality requires careful and proper planning to guarantee the effective and proper facilitation of services in areas under traditional councils without undermining their authority and this depends on the communicative structures between the two institutions and identification of roles of traditional authority in matters involving the use of land, and community affairs especially service delivery. Maluleke (2017), stated that clear roles should be defined for the two institutions to work together to avoid sabotage and eradicate tensions since SPLUMA roles seem unclear and ambiguous and undermine the authority and legitimacy of traditional authorities. He further stated that during land allocation traditional leaders shall be guided by the availability of infrastructure and other services and land allocated should be developed according to land use plans approved by the municipalities and traditional authorities. Furthermore, since traditional authorities cannot be held accountable by any law regarding land use planning, municipalities must validate documentation for the land in question by the applicant to assure compliance and

confirm boundaries. Mathonsi and Sithole (2017) suggested the incorporation of traditional leaders to democracy by defining their role constitutionally or extra-constitutionally to form a mixed-democratic governance system. Additionally, they suggested the refining of the TLGFA to clarify the roles of traditional leaders in a democratic context and to create daily guidelines for traditional authorities to simplify their responsibilities in municipalities.

1.2 Aim and Objectives

1.2.1 Research Aim

The primary aim of this study is to:

- Study the roles that Traditional Leadership play in Land-Use Planning and Municipal governance within Nqutu Local Municipality

1.2.2 Research Objectives

- Assess how traditional land ownership/allocation affects the effectiveness of land-use planning within the municipality.

- Study the relationship between Traditional leaders and modern Local governance within the sector of land-use planning.

- Examine the relevancy of traditional leadership in modern governance of Nqutu Municipality with regards to Land-use planning

1.3 Research Questions

The main research question is:

• **What are the roles played by traditional leaders in shaping land-use development planning and municipal governance?**

- How does traditional land ownership/allocation affect the efficiency of land-use planning within Nqutu local municipality?

- What is the relationship between traditional leaders and modern local government in land-use development planning?

- What is the relevancy of Traditional leadership within the democratic governance of Nqutu municipality with regards to land-use planning?

1.4 Hypothesis

The ambiguity of roles of Traditional leaders within the sector of Land-Use development planning poses a development planning challenge in Nqutu local municipality.

1.5 Brief motivation/Background

Traditional leaders have previously existed and have served a positive and virtuous purpose to it citizens Mathonsi and Sthole (2017). Some individuals felt that the systems of traditional leadership betrayed them as it slowly transformed it principles to favour and benefit the alien of Western ideology, others felt that it is inefficient, Patriarchal, undemocratic, oppressive to women's rights and corrupt (Mawere and Mayekiso, 2014:1; Ntsebenza and Hendriks, 1999; Myeni, 2017). It is no hidden fact that since the free elections in 1994 that led to democracy for all, South Africa has been trying to incorporate traditional leadership organization into democratic governance however with no success (Mathonsi and Sthole; 2017).

It remains evident that South Africa is still facing major settlement challenges such as racial and social separation and segregation, persistence urban sprawl and growing social exclusion (Harrison *et. Al*, 2008 cited in LUP Law Reform in WC, 2016), as a result of apartheid planning to rectify such imbalances, South Africa have implemented publications and programmes including the 1994 RDP, White paper on Local Government of 1998, Green paper on Development and Planning of 1999, the formulation of Municipal Systems Act of 2000, Municipal structures Act which organized the requirement for all municipalities to develop Integrated Development Plans and policies and programmes, including the National Environmental Management Act, (Act of 1998) (Harrison, 2006 cited in LUP Law Reform in WC, 2016), White paper on Spatial planning and Land-Use Management of 2001 to the promulgation of Development Facilitation Act (DFA) 67 of 1995. Furthermore, DFA proved to be an important platform for integrated and developmental planning but not an enough legislative indicator to change land-use planning practices amongst professionals or market responses and earmarked a shift in government policy on the use and development of land.

The constitutional scheme for land use development began in 1996 when government called for 'cooperative governance' in Chapter 3 Section 23(3) of the constitution to reconstruct and development local communities. It was only fourteen years later that government saw slow progress in land-use planning which led to a court case between Johannesburg municipality and the then development tribunal in 2010. According to the Western Cape land-use planning law reform of 2016, all sound decisions with respect to land development that incorporate zoning and subdivision, regardless of the magnitude, must be dealt with within the capability of municipalities. This resulted from the court's examination of "municipal planning" powers vested in the development tribunal. The Case Law led to the enactment of SPLUMA in 2013 which started to operate in July 2015. The main aim of SPLUMA was to repeal DFA, which

was the ad hoc land use planning solution that will speed up the reconstruction and development conceived post-1994 (Harrison, 2008 and Van Wyk and Oranje, 2014). From the need to establish municipalities in the whole of South Africa (RSA, 1996) and all development and planning powers invested in them, to all the publications in place, including SPLUMA, most areas under traditional leaders remain spatially uneven and some with extreme standard of spatial segregation and have been barred from partaking in land-use management provided by the municipalities (Nel, 2015: 4).

For the purpose of the study, traditional authority areas, such as Nqutu Municipality, amongst other parts of rural South Africa are not yet exposed to land use management. Moreover, it is impossible to discuss the management of land uses without considering occupation rights and the authority of tribal council since all elements are closely related, especially in rural cultural communities. The right to allocate land for occupation has previously and currently been viewed as one amongst many of the functions of the institution of traditional leadership (Sekonyela, 2014 cited in Nel, 2015). In addition, most traditional leaders view land use planning/management by municipalities as mandated by SPLUMA and other relevant legislations as intruding with their traditional council powers.

The traditional authority institution, positions and functions in many contemporary states remains unclear and debatable, especially in rural areas, after the adoption of various policy, legislations and by-laws governing land administration or land-use planning. Not only are their roles unclear but also their legitimacy, future or relevancy under democratic governance continued to be controversial (Dlamini, 2016). The newly elected local government after 1994 does recognise the existence of traditional leaders however, the nature of their roles and positions in the advancement of community development and planning remain confusing, blurry, and underrated. Owing to the above arguments, the study will then assess if traditional leaders still have roles to play in land-use planning or in modern governance for that matter.

1.6 Rationale of the Study

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. Since the transition of local government and independence of South Africa in 1994, as elsewhere in Africa, the debate around who should foster democracy between tribal leaders and local municipalities, in community development has taken centre stage (Mayekiso, 2014:1). The Constitution of Republic of South Africa (1996) chapter 7 Section 151 required the establishment of

municipalities in the entire territory of South Africa to govern all the affairs of the communities on their own initiative (RSA, 1996:74). It also plainly stated that no government must impede it ability to exercise it powers or perform it function.

This left most people confused especially traditional leaders; scholars such as Chakwiriza (2014) argued that traditional leaders were stripped off their roles by the above constitutional section. Traditional authorities felt that they must give away all their roles and functions to local government and that they will officially be under municipalities across the country. Government anticipated that the two institutions would co-exist for the sake of the people. Unfortunately, the South African institution of traditional leadership and other relevant African countries has been accused of being corrupt and colluded with colonial powers for their own survival, therefore seen irrelevant and unreliable in today's modern governance. Nonetheless, their functions both during pre and post transitions have been unclear.

Nqutu local municipality has been faced with similar notion as the above. Almost 93% of Nqutu municipality is govern or owned by traditional authorities and the remaining land is owned by the municipality. According to Nqutu Local Municipality SDF (2015:54), the entire Municipal area is preserved and managed by traditional authorities under Ingonyama Trust Board except for Nqutu Town, Nondweni, and other designated farm portions located on the East of the municipality. Municipalities feel that traditional leader's roles are overlapping with theirs; conflicts between the two institutions has proved to be fatal in community development and planning; this is caused by the unclear responsibilities of tribal leaders in the newly found organisation of government we currently have in South Africa. The study's significance is to study the roles played by the institution of traditional leadership in land-use planning and modern governance today. This study has not been conducted in the context of Nqutu municipality.

1.6.1 Conclusion

In summary, the purpose of this chapter was to introduce the study, which methodology the researcher will use for data collection. It has also outlined the justification, motivation, and research problem behind the study and how the researcher will meet/achieve the aim of the study. In conclusion, it will outline the anticipated limitations that were/might be encountered by the researcher to get formal permission for data collection.

1.7 Research Outline

Chapter 1: Introduction

The prominent objective of this section is to summarize the study, which includes the aim of the study, the problem statement, and the background/motivation behind the study.

Chapter 2: Literature Review and Conceptual and Theoretical background

Various relevant settings of literature are critically explained and how they are relevant to the study highlighted. Themes such as traditional leader's role in land-use development, local governance, the contradictory connection/link between the institution of traditional leadership and municipalities, community participation in land-use planning are critically explained using different sources. An author's view on the literature is also stated, where the author explains and discusses the gaps in literature concerning the study, why it is necessary to conduct the research and its role concerning the prevailing work is also clarified. This chapter also gives clarity of the keywords and theories that influence and informs the study. Most of the key words explained in the conceptual framework are the words that holds influence in the study and need a clear account, so the end user understands what the study is about. The main aim of the theoretical framework is to summaries the relevant and applicable theories to the study; the study is informed mainly by Critical Theory and Collaborative planning theory.

Chapter 3: Study Area and Research Methodology

Influenced by literature review and theoretical framework, this section summarises the research methodology which directed the study, data collection methods, and ways of analysing data collected. Qualitative methodology will be used to conduct the research, data will be collected utilizing telephonic and face-to-face in-depth interviewing in the form of open-ended, and semi-structured set of questions and participant observations. The questions are set to ensure the research questions or objectives are covered. However, there is freedom to ask any questions in any order, following tangents or seeking clarification of previous answers or elaboration of responses. The questions are written both in English and isiZulu. Since most of the respondents are allowed to use any language between the two, the responses in Zulu will be translated back into English at the end of the interviews. Participants will be selected using non-probability sampling methods such as purposive and snowballing sampling to recruit participants with experience, knowledge or status related to the research questions.

Chapter 4: Data Analysis and Study Findings

After data collection, data gathered is analysed and summed up using both thematic and discourse data analysis. Data analysis will involve the interpretation of data gathered using questioning and rational reasoning to determine patterns, relationships, or trends. Direct quotations and photographs taken during fieldwork will be used to give more clarifications on the issue. The use of themes in qualitative data will involve the use of themes related to research objectives as a way of addressing the research topic. Discourse analysis will be used to interpret written texts and quotations from the field noted, transcripts and audio recordings to analysis data from in-depth interviewing with the respondents and observations from the field. The feedback from the interviews are then analysed and later results are discussed and interpreted.

Chapter 5: Recommendations and Conclusion

Quoting from the research results, discussions, and interpretation of collected data from the study are discussed, recommendations and conclusions are made. Also, this chapter retreats to research aim, objectives and questions and explains how the study reached its conclusions.

CHAPTER 2

LITERATURE REVIEW

2. Introduction

The study on traditional leaders has been incorporated by many academics such as Mwalukomo and Zarina (2012) and Khunou (2013) give examples in their analyses of politics, chieftaincy, democracy and local governance in South African; whilst authors such as Ntsebenza (2005) and Oomen (2005) have tried to link traditional institution with reference to the new technology of rule in local politics (Myeni, 2017). In addition, they do not engage with the expert knowledge that infiltrated the debate about the future of traditional authorities in the democratisation process, and land use development projects.

The development of land uses is a vibrant, multifaceted, and continuously changing process, through different schedules and places. The history of spatial planning resulted in fragmented and oppressed planning in most South African cities. According to Joscelyne (2015), before the introduction of the Constitution, spatial planning was used to endorse apartheid principles using traditional leaders as a pawn. Traditional leaders were part of spatial planning during Colonial and Apartheid era, during the formation of Bantustans, homelands, or Native reserves. In other areas, more particular rural areas, land allocation/administration remains the role under traditional leadership, especially in KwaZulu-Natal. Post-apartheid planning law came into place significantly to rectify the imbalances of the past created by the apartheid spatial planning laws. Planning law was and is given constitutional influence through planning instruments and publications that are responsible for numerous land use controls (Joscelyne, 2015:1). Planning laws particularly that guides the use and distribution of land have an importance role in managing and prompting the behaviour of communities in land administration.

According to the policy shift from the formulation of the Constitution in 1996 to the presentation of SPLUMA (Act 16 of 2013) this reference is not well; according to Nel (2015), it gave municipalities sole mandate in planning and management of land uses. Consequently, there's been a debate as whether traditional leaders are still suitable to continue their role as land bureaucrats or custodians especially in rural areas (Nel, 2015). Despite the recognition of traditional leaders by SPLUMA in planning matters that impact rural communities (RSA, 2013), it does not specify which roles traditional leaders should

occupy. After the introduction of local municipalities (local government) in the whole territory of South Africa as per Section 151 of the Constitution, read with section 156 (1) (5) (which state that municipalities have exclusive powers to control local governance and matters in Part B of schedule 4 and 5; and any other provincial or national matters allocated to it as per the legislation); traditional leaders felt that the supremacy of the constitution and other relevant legislations allowed local government to interfere with their roles concerning land administration. Yet, according to Ntsebenza (2004), the legal transfer of land administration rights to elected officials has not until now taken place, leaving the powers in the hands of unelected and unaccountable traditional leaders and their headmen.

Authors such as Mamdani (1996) and Logan (2009) argues that if rural communities still dwell under the rule of traditional leaders, (rural citizens) will continuously be oppressed rather than becoming the empowered citizens and that traditional leadership will impede rural area's development of prosperous, free and just societies. Nonetheless, Bogdanor (2005) rejects these views and argue that traditional leadership in rural development and planning is still vital (Tshitangoni and Francis, 2017).

This chapter outlines the literature that has been done on the roles played by the institution of traditional leadership in Land-use planning and municipal governance, both local and international. This review will assist in responding to the research aim of the study.

2.1 The Historical Overview of Traditional Leadership in Africa

Assessing the current roles of traditional leaders requires one to critically study the political history and other important elements related to the institution. The establishment of traditional leadership presents an early type of cultural system in Africa (SAHO, 2019). Historically, the arrival of white settlers in Africa carried a lot of changes for the traditional domination system. According to Mojalefa and Koenane (2017), traditional leadership is categorized into four (4) eras: Pre-Colonial, Colonial, Apartheid and Post-Apartheid, in this case, traditional institution from Post-Apartheid is investigated. These powers attempted to use traditional leaders for their own means, particularly power over natural resources. Pre-colonial era was guided by Chieftaincy, ubukhosi institutions, that were considered as fundamental which Mojalefa (2017) still finds important even today. They performed roles such as being custodians of custom and culture, governing rural communities, administering the land, and dissolving political and economic disputes affecting their people.

Most, if not all, African counties have been subjected to colonisation between 1870's and 1900 by European imperialist motivated by economic, political and social factors. The British colonies used indirect rule as a way of colonisation domination in African countries through chiefdoms (Bulhan, 2015:239). The indirect rule was formed to control Africa under colonisation administration without the powers to vote which made them depend on the colonisers for power and resources (SAHO, 2019). The colonial government implemented various legal frameworks to restrict the authority and functions of traditional leaders, control traditional authorities and traditional courts, to control the land at various levels to promote the system of colonial government (SAHO, 2019).

Ntsebenza (2004: 2/3) argues that traditional leaders and their headmen collaborated with both colonial and apartheid government leaving their communities hanging. Prior to independence/democratic governance, many countries such as Russia, Uganda and France abolished the system of traditional leaders, yet Uganda restored the institution as time passed (Musitha, 2012: 39). The recognition of African traditional leaders in a democratic era by countries such as South Africa, Botswana, Ghana etc. have led to these countries facing major challenges such as lacking the common understanding about responsibilities that traditional leaders should partake in within the sphere of local government and others (Musitha, 2012: 37). Dubazane and Nel (2016:266) emphasise that the as much as the institution of traditional leadership has impacted immensely in land administration; the institution remain autocratic and irrelevant especially within a sovereign government in Africa. Mmamdani (1996) and Ntsebenza (2005a) claimed that the cooperation of chieftaincy in the newly found democracy by African countries will continue to perpetuate the segregation system which will impact the democratic eranegatively.

On the other hand, great powers of traditional leaders have been unmodified, relaxed, and socially unreachable to interlopers in modern law; previous documents have systematically failed to show the influence of traditional authorities in the modern states of Africa. Many politically elected leaders portrayed traditional leaders as direct competition to legitimacy, democracy, and modernization, however; this did not weaken the supremacy/authority of traditional leaders. Dipholo *et. al* (2014), asserts that traditional leaders have a potential to improve good governance and bring meaningful change in rural communities. Botswana is the living proof of the statement outlined by Dipholo *et. al* (2014). Also, Chigwata (2015:440) argues that most African countries that went through institutional reform and retained the institution of traditional leadership realized that traditional leaders have a huge

impact at a local level which has a great influence on decentralization or in local governance performance.

Botswana retained the institution of traditional leaders after independence through various legal parliament Acts; its resilience did not impede the procedure of democratic system in the country (Sharma, 2005:10). Nonetheless, their powers, functions and status declined drastically after the introduction of constitutional elected council who seized the roles previously vested in tribal councils (i.e. land boards were exclusively given the role of tribal land allocation from the traditional leaders). This did not discourage traditional leaders, but they gradually reconcile and integrated with the newly democratic system and set-up of the country. The institution of traditional leaders has not created any political division towards or that poses a threat to the national state. According to Sharma (2005:13), the institution of traditional leadership and the modern structure of government form an important part in local government of Botswana. In terms of planning and development, modern political institutions of Botswana have utilized traditional leadership structures to improve the authenticity of public policies, strategic development plans and decisions which involves public consultations at a local level.

2.1.1   African Traditional leaders in land-use planning: International experience
2.1.1.1 Zimbabwe

The role to allocate and manage communal land has been central to other functions of traditional leaders in most parts of Africa either for grazing, agricultural or residential uses (Rugege, 2009 cited in Chigwata, 2016). The Zimbabwean Constitution of 2013 (Section 282) read with the Traditional Leaders Act of 1998 reflects traditional leaders as the custodians of the collective land in their respective areas (Kurebwa, 2018; Masurungda *et. al*, 2018:4). (Chigwata, 2016) concur that traditional leaders have been given authority by the Constitution to administer land. The Constitution further provides that traditional leaders have authority and control with respect to land and people residing within the land and other appointed areas unless stated otherwise by the acts of parliament (Chigwata, 2016:77).

The Traditional Leaders Act 1982 section 5 (promulgated by the Traditional Leader Act of 2000) stipulates that chiefs -in the form of ward assembly- with the duty to prevent any illegal invasion of communal land or unlawful settlements and approve new legal occupation in their areas (Chigwata, 2015:450, 2016; Kurebwa, 2018). The Act similarly entrust traditional leaders with the responsibility to oversee their headmen and village heads and

protect the environment and natural resources and mainstreamed them into planning and community development initiatives (Ncube, 2011 cited in Musarangda *et. al*, 2018:4).

Nonetheless, the Zimbabwean Communal Land Act of 1982, section 8(1) speaks a different tune concerning how land is used and distributed as it points out that elected rural local government (Rural District Council) of the concerned area must/should give consent to use or occupy any communal land used for agricultural or residential purpose (Kurebwa, 2018; Chigwata, 2016:80) but are obligated to reflect on customary law concerning to land allocation and permission to occupy. Furthermore, to perform the above duties, the elected officials are enforced by the act to relate to and co-work with the authorized chief over the respective area. The Traditional Leaders Act assign the role to allocate and mange land to chiefs whilst the Communal Land Act entrusted elected local government as land administrators in rural areas. Also, in practice, traditional leaders allocate and regulates land which clouds the capability of rural local government officials. This clash of legislations/acts according to Chigwata (2016) has caused a high impact on the vagueness and possible overlap of responsibilities, contestation over power to register land rights, land allocation and management resolving conflicts between traditional and state institutions. The overlapping of roles and both institutions working parallel to each other has caused land use encroachment by other land uses or 'double allocation' where already allocated land would be allocate to another beneficiary.

2.1.1.2 Botswana

After Botswana gained independence, traditional leaders became part of local government and were stripped their powers and functions that they had during colonisation (Sharma, 2005; 2010). Dipholo *et. al*, (2014) points out that since local government have no legal backing and depends on the Act of Parliament, the institution of traditional leadership must only perform roles assigned to them by the parliament statutes. Furthermore, they stated that those statutes entrusted central government with dominant powers over traditional leaders. Notably, the establishment of Land Boards with other local government structures automatically took away the role of land allocation from tribal council to new rural local government institutions (Dipholo and Mothusi, 2005 cited in Dipholo *et. al*, 2014). This further diminished the status of traditional leadership in Botswana as their powers are mostly drawn from administering the land. According to Sharma (2010), Land boards comprises of neutral member appointed by the community during community gatherings and members

selected by the Minister of Lands. The board is responsible for and allocate tribal land for different land uses. Their powers are provided in the acts of Parliament where they are enforced to cooperate and work with municipal structures such as the District Council and Tribal Administration (Sharma, 2010:136). According to Sharma, Land Boards have faced hostility and destructions from chiefs, however, they are now working smoothly concerning that chiefs have completely integrated with local government in Botswana.

2.1.2 The influence of Traditional leaders in municipal governance: an African experience

Traditional leadership have always been the prominent part of local development in African republics and have assured the wellbeing of rural communities. Rugege (2003:171) state that traditional leaders are considered as fundamental to local government in South Africa, Botswana, Zimbabwe, and other relevant countries. Before the colonial era, African communities were governed and rules by the institution of traditional leadership led by the kings, chiefs, headmen and councillors. Thereafter, the powers and functions of traditional leaders to govern the people was limited and declined by the colonial government followed by the apartheid government (Rugege, 2003:171/172; Mathenjwa and Makama, 2016:200). According to Ainslie and Kepe (2016:19/20), inherited traditional authorities in the post-colonial/apartheid Africa often faced uncertainties with respect to their recognition and constitutional status in the newly African democratic dispensation. Furthermore, they state that the cause was that they draw their powers from an ancient source of significance and power instead of the ballot box like elected officials. Also, Chigwata (2016:76) share the same sentiment as the previous authors by pointing out that historically traditional leader, unlike modern state elected officials, drew their powers and status from undocumented structures of customary law and practices. Are traditional leaders still relevant in the democratic modern African state (esp. in local governance)? The following section discusses the roles and influence of tribal leaders in municipal governance in African countries with reference to Zimbabwe and Botswana.

2.1.2.1 Zimbabwe

Chieftaincy in Zimbabwe has always been the dominant governance of rural communities since history and their influence at a local sphere of government has been a public factor in encouraging decentralization especially the local governance performance (Chigwata, 2015:440). Before the colonisation of Zimbabwe, traditional councils headed by the chief

were the exclusive structure of government with powers to govern by means of tradition and culture (Chigwata 2015; 2016). Traditional leaders managed to merge governmental powers and authority such as administrative, politics and judicial (Keudler 1998 cited in Chigwata, 2016:70). Traditional leadership was considered as a vengeance for supporting and working along with the colonisation government to exploit black Africans (Dodo, 2013:31; Chigwata, 2015:448).

Furthermore, post-independence in Zimbabwe, the leading political party in Zimbabwe [ZANU-PF] perceive the existence, legitimacy and leadership of traditional authorities not well-suited with the contemporary principles of the democratic system and rural development (Ndlovu and Dube, 2012:57; Chigwata, 2015:440). The leadership of ZANU-PF in 1980 deprived traditional leadership to partake in the democratization of Zimbabwe (after independence) even at a local level. The political party deliberately executed policies to deteriorate the institution of traditional leadership without bearing into mind that traditional leaders may have a great influence in politics (Chigwata, 2015). Chigwata (2015:450) further state from the period of 2000 the leading political party relied greatly on traditional leaders for its survival after the legitimacy of government was questioned and the new opposition party entered the political arena.

Zimbabwe has the total number of 272 traditional leaders. The existence and legitimacy of traditional leadership in the modern state of Zimbabwe is guided and supported by the Chiefs and Headmen Act of 1982 repealed by Traditional Leaders Act of 1998, later by Traditional Leaders Act of 2000 and the 2013 Constitution of Zimbabwe, respectively (Kurebwa, 2018; Chigwata, 2015; 2016). This automatically acknowledges traditional leadership as form of government in rural communities of Zimbabwe and runs alongside with the Provincial Development Council and the Rural District Council (Kurebwa, 2018).

 Throughout the history of Zimbabwe, the successive institution set ups had tried to avoid the existence, influence, and limit the functions of traditional leaders until promulgation of the Traditional Leaders Act of 1982 (Chigwata, 2015). Many changes with the approval and acknowledgment of traditional authorities after independence occurred yet the new management disregarded the existence of traditional authorities in rural areas of Zimbabwe asserted Kurebwa (2018:3). The enactment of the Chiefs and Headmen Act (1982) after Zimbabwe gained independence restricted traditional leader's responsibilities at a local

sphere of government. Furthermore, the amendment of the act in 1992 brought no change or pay attention on the significance of traditional leadership (Chigwata, 2015:448).

Moreover, other/some of the powers vested in traditional leaders such land allocation was taken away and, in some cases, limited as traditional leaders became the government salaried agents. According to Chigwata (2016), no transformation was brought by independence in Zimbabwe with respect to the roles of traditional leadership since the majority of the leading government has (re) exhibited their roles in accordance to their interests. Additionally, due to rapid urbanization in Zimbabwe, the role (s) of traditional leaders were/are mostly visible in rural areas where they work alongside rural local governance. To strengthen democracy and other systems of local government, a series of legislations and directives were adopted. The government of Zimbabwe dispensed a sequence of Directives to publicize and legalize decentralization of powers and functions and democratic participation in local government structures especially rural areas (Chigwata, 2015:450). None of the directives recognized the traditional leader's roles until the adoption of the Rural District Act in 1980 adopted (repealing the African Council Act) to establish district councils governing rural communities (Chigwata, 2015). The Act was the first to highlight a government policy towards traditional leaders, although it neither limited nor provide the role of traditional leaders. Additionally, it stripped and transferred traditional authorities' administrative and judicial functions to district council and community courts. (Chigwata, 2015).

In the mercy of the Act, traditional leaders remained *ex officio* membership of the district council which sometimes make the involvement of traditional leaders at the local level difficult (Kurebwa, 2018; Chigwata, 2015). According to the Rural District Act, tribal leaders can participate in the deliberations of a given rural district council, however, holds no voting rights (comparable to provisions in the South African Municipal Systems Act of 1998, Section 81). According to the Traditional Leaders Act (2000) Section 45 and the 2013 Constitution of Zimbabwe, Traditional leaders partisan roles in politics (as political agents while still holding office of being chief) was forbidden as this breach with their traditional protective role in their communities, therefore, should stay apolitical (Kurebwa, 2018:7). Nevertheless, they can exercise their voting rights in National or local elections like any citizens of Zimbabwe.

In Zimbabwe, the clear recognition and constructive behaviour concerning traditional leaders was replicated by the Traditional Leaders Act of 1998 Chapter 29 Section 17 which was later

amended in 2002 (Chigwata, 2015:451). The institution of traditional leadership was recognized by the act as a significant structure of local government in rural areas as it reinstated all their functions and powers and other local government commitments. The act established platforms such as the Council of Chiefs and Provincial Assemblies of Chiefs where national government is given an opportunity to consult with traditional leaders in matters affecting their institution and the lives of rural inhabitants (Chigwata, 2015; Kurebwa, 2018). This became a huge phase in strengthening of the uncodified powers of traditional leaders. The 2002 amendment of the act widen the roles of traditional leaders since it offered the formation of village and ward assemblies to facilitate 'hands-on' development and governance of areas within the jurisdiction. The act fully recognized the plural status of democratically based structures in rural areas since the assemblies comprised of both elected officials and traditional leaders (Chigwata, 2015).

Zimbabwe adopted it Constitution [Constitution of Zimbabwe] in 2013; among other elements it acknowledges the status and existence of traditional leadership. The 2013 Constitution of Zimbabwe provide a unitary form of government, organized into three levels knows as: National level, Provincial and Metropolitan council and urban and rural local authorities at a local level [almost similar to South Africa, see Chapter 3 of RSA 1996 Constitution]. "The institute of traditional leadership has been pronounced the main governing system close and accepted by communities at grassroots level" stated Kurebwa (2018:2). Furthermore, their existence in Zimbabwe proves that decentralization and democratization is not taking place in a vacuum. Despite the presence of modern governance, Traditional leaders in Zimbabwe remain important and yields important functions particular in rural communities where, according to Chigwata (2016) and Mudimeli (2018:2) 67% of the population resides.

Chigwata (2016: 69) additionally assert that despite the institution's recognition, upliftment, and strict regulations as per the constitution, it is still under extreme inspection. Section 282 (1) of the Constitution of Zimbabwe give authority to traditional leaders to exercise any roles discussed and enforced by Act of Parliament. The Zimbabwean constitution recognize and formalize the institution of traditional leaders and allocated and assured powers to administer and execute various functions such as promoting and upholding cultural values, facilitating development; land management, environment protection and resolving disputes (Mudiseli, 2018:3). Such recognition is significant since it secures and assures no disturbance of the powers and responsibilities of traditional leaders without amending the Constitution assert

Chigwata (2016:77). Traditional councils have undertaken several government functions in some areas in Zimbabwe where there is no or adequate presence of the state. However, the challenge is, various functions stated in Section 282 of the Zimbabwe Constitution are comparable to those of local officials (Kurebwa, 2018). Traditional councils and councillors argue that their roles are equivalent. Traditional leaders understand their roles governing the people and decision-maker in terms of the Traditional Leaders Act (2002) which are similar roles that are given to councillors by the Rural District Act, stated Kurebwe (2018:9). Both institutions have been portrayed existing for similar roles; this exacerbated the existing conflict concerning the roles played by traditional leaders and ward councillors as they are professed similar (Chigwata, 2015).

In terms of development and coordinative roles, the above-mentioned section of the act allows traditional leaders to be facilitating development in their areas through community meetings/gatherings (2013 Zimbabwe Constitution) and to be counsellors of local government agencies. They play other various roles such as being communication mediums of government in their respective areas, promote good health, assist in matters relying to development and execution of government development plans (mainly local), assist in issues affecting the well-being of their communities and support development projects (Zimbabwe Traditional Leaders Act of 1998; Chigwata, 2016:82). Therefore, the system of traditional leadership has demonstrated to be useful and crucial in development and local governance matters in their respective areas. However, their significance in rural development and municipal governance is over-shadowed by their lack of leadership and governance managerial skills.

2.2 Traditional leaders in South Africa

The institution of traditional leadership managed to worm it way into alliances with a number of political authorities during and after the apartheid period (Musitha, 2012: 35). In South Africa, particularly in KwaZulu-Natal, the history of traditional leaders began from their relationship with the early British government. Consequently, traditional leaders have been subjected to the manipulation of ruling parties including the 1948 National Party Government and the African National Congress. Additionally, this sort of history has led to the institution being side-lined from their communities and irreparably damaged (Malntosh, 1990 cited in Palmary, 2004). During apartheid era, traditional leaders became the instruments of "divide-and-rule" approach used by then ruling party. Masitha (2012:35) stated that throughout the Apartheid epoch, traditional leaders engaged in a position most comparable to the governor

whose powers stretch from judicial to social welfare. The Bantu Administrative Act of 1951 consolidated the powers and positions of *Dikgosi* and prepared them to administer the independent homelands (RSA, 1951). The successor of the Native Administrative Act of 1927 -Black administrative act 1951- had powers over traditional leaders and traditional courts and aimed at the acknowledgement of customary law to control the institution of traditional leadership (Masitha, 2012). Section 7 (1) (a-h) of The Black Authorities Act (68 of 1951) authorised traditional leaders to regulate land in rural area and at the local level for the apartheid government to merge tribes to generate reserves that became either self-administered homelands. After the amendment of the Interim Constitution of South Africa (1993), the roles of traditional leaders, particularly in land-use planning became vague.

Going forward to 1994, South Africa embarked on the journey of democracy which included improvements in local government and land administration in the former Bantustans (Ntsebenza, 2004:67). Moreover, "during the negotiations leading to democracy in South Africa, in 1994, traditional leaders were initially ignored on matters related to land use planning and development projects but were later brought into the process that led to their participation in the IDP forums and Spatial Development Planning", asserted (Ntsebeza, 2003 cited in Bikam and Chakwiriza, 2014:145). The government of South Africa has embarked on a journey to redefine the roles of traditional leaders and traditional courts in South Africa using various policies and legislations however with no success.

For example, the 1996 Constitution of the Republic of South Africa Section 211 recognise the institution of traditional leadership in terms of Customary Law, it does not exactly define what role should Traditional leaders perform especially after the introduction of local governance. Section 212 (1) state that traditional leaders may play or be given a responsibility in local government on matters impacting local citizens as per the national legislation- by matters affecting the communities. Even so, the Constitution is still speaking in riddles and is not explicit enough on what matters it referring to.

The role of traditional leaders has barely evolved as they continued to perform the same roles (Myeni, 2017) in local administration, dissolving disputes, and being custodians of culture, custom and heritage and chairing tribal courts. Chiefs in South Africa - mostly in KwaZulu-Natal- had roles of managing land and people, contributed to the creation of rules that regulated the lives of those under their authority, and solve disputes among their subjects (Abosti and Galizi, 2011:266). The problem began after the introduction of local

municipalities which turned to perform the same functions as those of traditional leaders guided by the Constitution. Consequently, the government could not or still does not know how much powers should be given to chiefs and what role they should play as local municipalities were given full control of areas within the jurisdiction of traditional leaders by the Constitution (Palmary, 2004).

Conferring to Bikam and Chakwiriza (2014:145), the functions and roles of traditional leaders are well defined in the Communal Land Rights Act (11 of 2004), also known as CLARA. CLARA proposed the transfer of land and title deeds within areas that were affected the Black Authorities act 1951 and other related apartheid legislations from government to traditional council led by chief. This practically made rural citizens subjects (Ntsebenza, 2005) of the chiefs as they were during apartheid (Branson, 2016). Also, The Bantus Authorities Act 68 of 1951 and the regulation 1957 guaranteed the role of traditional leaders in the following activities (Bikam and Chakwiriza, 2014:145):

- "Effectively participate in the process of the construction and maintenance of roads, rural bridges, drains and ensuring sufficient water supplies to communities.

- Establishment, maintenance and running of hospitals and clinics; and

- Participate in the process of improving framing afforestation and agricultural methods generally, (Bantus Homelands Act. 1951, revised 1959)".

Both acts provide a list of roles and functions of the traditional leaders in the development of their communities however it is silent when it comes to defining the working relationship between the institutions in regards to land-use planning and development projects, hence it does not apply in both of them (Bikam and Chakwiriza, 2014). After 1994, the roles and responsibilities stipulated in CLARA previously in Bantus Authorities Act (1951) later Regulations 1957 automatically disappeared after the establishment of the Local Government: Municipal Systems Acts of 2000. Other scholars such as Bentley et al (2006) argued that traditional leaders weren't equipped enough to perform most the functions mentioned above, hence why the Municipal Systems Act (MSA) (32 of 2000) did not provide any functional role for traditional leaders. Also the provision in the Final Constitution of RSA does not provide any functions and responsibilities of traditional leaders in the matters relating to land-use planning however it gives all the authority to provincial and national level

of governments together with local municipalities as per Section 156 of the Constitution and the Municipal Systems Act 32 of 2000.

After traditional leaders voiced their concerns about this issue, in 2010, the former President of South Africa, Hon. Jacob Zuma in one of his speeches emphasizes the important of involving traditional authority in community development and planning. The following quote was extracted from the speech cited in Tshitangoni and Francis (2017:72)

"Let me emphasise that traditional leaders have a key role to play as partners with government, to build a better life for all our people. I come here today with that message. I am here to request a stronger partnership between us, a partnership for progress and sustainable development, especially in rural areas. We urge traditional leaders to be proactive and engage government on what exactly the priorities of the people are in their areas, working with the people. This is your opportunity" (Zuma 2010).

As much as this call strengthens the status of democratically elected government and traditional leadership to work together for the sake of rural community's viability; it does not clearly outline/publicize the roles of traditional leaders in relation to modern local government in development planning (Tshitangoni and Francis, 2017). It also gives traditional leaders a role of being representatives in identifying the priorities of their communities.

2.3 The role of traditional leaders in land use planning and municipal governance

The roles and powers of traditional leaders in local government and land administration has been the centre of debate in the modern discussions of local politics and development of municipalities and has continued for decades, even today (Myeni, 2017; Ntsebenza, 2004). To support his argument, Myeni (2017) stated that "traditional leaders in the post-apartheid era were able to expand their powers and make their way over numerous key issues including land and this was due to the weakling of the local government". The issues of land have been lingering South Africa since back in 1913; mostly influence by the racially based Native Land Acts. Over 1700 policies, by-laws and regulation pertaining to land in rural communities were based on the 1927 Black Administration Act (1951) and the 1913 Land Acts (Oomen, 2005: 70; Obeng-Odoom, 2012: 165). Most of these segregated frameworks were characterised restrictions of black land ownership to the homelands or native reserves.

Legal instruments such as Traditional Leaders and Government Framework Affairs (2003), Ingonyama Trust Act (1994), Municipal Structures act (1998) and Municipal Systems Act

(2000) were meant to transform the management and control use of land and institutional relationship between traditional leaders and local government however they cannot supersede or overpower the powers and obligations of the Constitution which put municipalities on the spotlight. This section further discusses the role played by traditional leaders in land use planning and municipal governance, respectively.

2.3.1 The roles played by traditional leader in Land-use planning

Throughout the history of South African planning, traditional leaders have been the drivers of development and played a major role in terms of land administration; land allocation being one of their significant roles. However, they have never taken part in the processes or negotiations leading democracy nor spatial planning or land-use planning but why is that? Since the institution of traditional leadership was recognised by the Interim Constitution of 1993, Chapter 12, and Section 211/212 of the Final Constitution of South Africa (Act No. 108 of 1996) and by Section 18 of the Local Government: Municipal Structures Act (No. 117 of 1998) as the prerequisite for municipalities and other stakeholders in planning and development project implementation to have a common understanding concerning the functions given to traditional leaders (Chakwiriza and Bikam, 2014: 143).

2.3.1.1 Land-use Planning in Rural Areas

"The devolution of planning power to the local levels of government was designed to ensure that the focus on planning remains at the township, rural village and district level"

(Montgomery, 2000).

Land use planning has been a common subject who mostly focuses on urban experiences, in practise, debate and theory (Dos Santos and Ranieri, 2014:1). Land use planning has been integrated with different elements such as environmental planning, and sustainable development to have more efficient and sustainable settlement patterns. On the other hand, rural areas have been noted for their potential in food supply, nature conservation which demands a greater look onto how their social activities and land uses are distributed. As stated in the SPLUMA (16 of 2013) Preamble, "rural areas currently do not have any applicable spatial planning and land use management legislation and are therefore excluded from the benefits of spatial development planning and land use management systems" (RSA, 2013). Additionally, these areas have not been exposed to spatial planning or land use planning regulations (Ntsebenza, 2004) cited in (Nkosi, 2016). Land development, allocation and administration in rural areas was and remains carried out by traditional leaders without any skills, capacity, or guidance to pursue such responsibilities. Issues of environmental

management, land grab, land conflicts and continual fragmented settlements has been the characteristics of rural communities ever since.

Post 1994, none of the South African introduced legislative frameworks -from the Development Facilitation Act, Municipal Systems Act to the current SPLUMA (16 of 2013)- have provisions clearly stating the functions given to traditional leaders in LUP and development projects or addresses land use planning issues haunting our rural communities especially areas under traditional authority instead have caused tension between traditional leaders and municipalities. According to Dubazane and Nel (2016:230), all the municipal planning policies and regulations meant to transform urban areas in terms of spatial planning and land use management are not meant nor suitable for rural regions. Therefore, rural communities remain excluded from the benefits of spatial planning and LUM. Nkosi (2016:2) asserted that the negligence of rural areas under traditional leadership with respect to spatial planning has affected the development and transformation of these areas and has continued the legacy of unplanned and unsustainable settlement patterns.

Therefore, traditional communities continue with their own ways of living including how they handle and distribute their land uses. The question still remain, are these areas ready for the spatial transformation coming with spatial planning and land use management proposed by the modern governance?

2.3.1.2 Traditional leaders and SPLUMA

Most rural areas (Bantustans) in South Africa were subjected to the Apartheid government who introduced its own spatial planning policy. Hence, after democracy these areas remained fragmented and uncoordinated and lacked spatial planning and land management. The institution of traditional leadership continued to undertake responsibilities of land ownership and land allocation. Turok (2014:74) assert that 'the major redress was needed to make South Africa more inclusive, connected and efficient, henceforth, spatial transformation and collaboration of stakeholders in planning including traditional authority is essential'. The post-apartheid government in South Africa adopted and established new policies, legal frameworks, and programmes to redress previous spatial planning injustices (Joscelyne, 2015). The Development Facilitation Act of 1995 was adopted for the sake of fast-tracking development processes however, the Court judgement of the Constitutional Court "*the Johannesburg Metropolitan Municipality vs. Gauteng Development Tribunal (2010)*" found chapter V and VI of the Development Facilitation Act (1995) constitutionally invalid.

Two years after the failure of Development Facilitation Act of 1995 and the courts' judgement, the national Spatial Planning and Land-Use Development Management Act 16 of 2013 were signed into law by the former president of South Africa, Jacob Zuma. It was implemented on the 1st of July 2015 and became the first single national, coherent and transformative spatial planning system under the current democratic dispensation for South Africa including previously excluded rural areas under traditional authority, informal settlements and townships (Afesis-Corplan, 2015; Nel, 2015; Maluleke, 2017). The foundation of the act was/is driven by development principles in Chapter 2 Section 7 namely, spatial justice, sustainability, efficiency, resilience, and good governance (RSA, 2013; Afesis-Corplan, 2015). The act was enacted to "address the spatial division of the past, create equity and create a single, integrated spatial planning system and more coherent and inclusive approaches to land and land management/development within municipalities" (VanWyk, 2014, Maluleke, 2017). According to Maluleke (2017), it was also introduced to as a positive reform to spatial planning and land use management and required all relevant stakeholders to commit yet some of the House of Traditional Leaders especially in KwaZulu-Natal and Eastern Cape were not keen with respect to provisions in the act, to be discussed below (Nel, 2015).

Traditional leaders and their headmen are considered the exclusive land allocators in rural communities; they allocate land for residential, social, and commercial purposes using indigenous traditional land use management system of land allocation. In these areas, a homestead consists of various land uses incl. isibaya (kraal), amathuna (graves) and grazing land; with respect to Dubazane and Nel (2016:231). According to the House of Traditional leadership, SPLUMA cannot accommodate such haphazard settlement patterns and land uses spread over space as it enforce the introduction of incremental land use management in areas under traditional authority and involve rural settings in land use planning or management (RSA, 2013; Afesis-Corplan, 2015). In addition, Nkosi (2016); Poswa, (2019) and Maluleke, (2017) state that municipalities had challenges with both SPLUMA and SPLUMA Regulations as it contains no provisions or guidance on how to deal with land development applications in areas under the ownership of traditional leaders, remain unclear or failed to define functions and powers given to traditional leaders by the Service Level Agreement (SLA) and for lacking form of accountability with respect to land use planning functions and powers given to traditional councils to perform as per the SLA. Therefore traditional leaders should remain sole land administers of rural communities.

Furthermore, SPLUMA Section 23(2) authorized by Section 81 of the Municipal Systems Act of 1998 and Section 4 of the TLGFA of 2003, states that "a municipality, in the performance of its duties in terms of Chapter 5 must allow the participation of a traditional council" (RSA, 2013). Alongside the above statement, SPLUMA demand that spatial planning to be inclusive and controlled by municipalities (Afesis-corplan, 2015; Poswa, 2019) and land-use management application to be handled by Municipal Planning Tribunals that exclude traditional leaders from participating in it or making any sound decisions concerning land use planning and development applications (Nkosi, 2016:8). This led to extreme conflicts between municipalities and traditional leaders to be resolved by the court, based on the roles and legitimacy of traditional authorities in land use planning as this are central to the recognition of SPLUMA objectives (Maluleke, 2017). Traditional leaders felt that SPLUMA is intruding with their authority as custodians of land and governors of rural communities and vow not to give up in on these regulations given to municipalities (Dubazane and Nel, 2016) by defying SPLUMA (Sowetan live, 2015). Additionally, for SPLUMA to work and be relevant in traditional communities, they suggest that it is important to understand customary land management processes used daily on land management decision-making, and instil the involvement of traditional leaders in spatial planning and land use management (Dubazane and Nel, 2016:224).

Application of SPLUMA in Nqutu Local Municipality

Nqutu Local Municipality was subjected to Apartheid laws in terms of administration and had been subjected to threats of dispersed and inefficient settlements. Nqutu local municipality is surrounded and contains areas under traditional authorities, the institution controls 93% of the land which is also under Ingonyama Trust Board. The municipality consider traditional leaders as key in rural development of the municipality as they are custodians of the land within which most of the Local Economic Development projects [shall] take place (Nqutu IDP, 2019/20:166). Regarding scattered settlements, settlements occurring in environmentally sensitive areas, the municipality has an urban land-use scheme and Urban Development Framework in place developed to guide the development in Nqutu. The municipality is in verge of completing the single land-use scheme as per the SPLUMA (16 of 2013) requirements (IDP, 2019/20). The scheme was firstly prepared in 2013 however due to the non-compliance with SPLUMA and not being covered in the project's scope and put on hold it was not approved or completed. This came up as a weakness or SWOT Analysis cross cutting issue for the municipality.

The preparation of the Wall-to-Wall scheme involved various stakeholders including traditional leaders (IDP, 2019/20:97). Wall-to-Wall scheme has a rural component which will mainly use to manage land falling outside of urban areas, promote sustainability, efficiency, and integration, protect prime agricultural land, and ensure the protection of environmental significance and bio-diversity areas. According the SWOT Analysis of the municipality, some of the traditional leaders are showing interest in using municipal expertise to enhance the development in their areas and this is an opportunity for the whole municipal area (IDP, 2019/20: 98).

2.3.1.3 Traditional leaders in Environmental Management

Environmental planning and management have always been part of the South African urban planning system (Coetzee, 2012:12). Traditional leaders play various roles in South Africa and other African countries, some of which have environmental significance (Mwalukomo, 2008:1). Such roles include governing access to land and natural resources. Although a clear role of traditional leaders in environmental management has not been legally identified, nonetheless, in some areas traditional leaders are entrusted with the management and protection of natural resources including land on behalf of their communities. Eberbach *et. al.* 2017:199) argued that "traditional leaders can draw from their symbolic collection of protecting the land in order to perform environmental regulation roles". According to Mwalukomo (2008), "since many natural resources such as trees, grass, soil and watercourses are found on land, it follows that considerations made or ignored by traditional leaders in allocating land have environmental implications".

The Ingonyama Trust Board is accountable for communal land transferal, lease land, alienation and cancelling an old order after consulting the Minister and it provides people with housing in former Bantustan areas, at rates that most people can afford; however, the Ingonyama Trust Board has a conflicting system in terms of providing land that may not be in suitable areas, and often the dual governance with the municipalities. Almost every hectare of land under Ingonyama Trust Board is characterised by high biodiversity (forest, dunes, rivers, wetlands etc.). Most municipalities such as eThekwini Metropolitan Municipality are still trying to woe or persuade traditional leaders to join them concerning the land of high biodiversity under their areas of jurisdiction. The municipalities raised concerns about the land not being properly managed and protected from the ever growing demand for land-uses; absence of planning instruments such as zoning schemes to regulate planning activities in rural communities together with lack of knowledge affecting the environmental legislations

(eThekwini Metropolitan Municipality, 2013). As per the National Environmental Managements Act (NEMA 108 of 1998) necessities, such deeds are expected to undergo a thorough Environmental Impact Assessment or Basic Assessment and environmental authorisation by environmental authorities before land transformation or development take place. NEMA recommends Integrated Environmental Management (IEM) to ensure that environmental considerations are apparent in every stage of the developmental process (incl. planning and development projects). The act also promotes the principles of IEM into every decision that have an impact on the environment including land-use planning decisions.

As much as ITB oversees the trust land; it does not exempt from adhering with the requirements of the local, provincial, and national laws concerning the land. Environmental enactments does not eliminate the Ingonyama Trust Board's order over the Trust land or the authority of the Traditional Council to deal with the issues of the Trust land however directs the utilization of the natural environment and resources on that land to benefit the current and future generations. Therefore, when considering development applications, the Ingonyama Trust Board and Tribal Council should in this way consider the natural environment and, where possible, avoid encouraging development applications in environmentally sensitive spaces.

2.3.2 CASE STUDY: Involvement of Traditional Leaders in Land-Use Planning and development planning projects in Nqutu Local Municipality

This section discusses land use planning projects (Nqutu Land Use Management Scheme and Isandlwana Tourism Precinct Plan) that occurred in Nqutu local municipal to outline more on the roles played by traditional leaders in land-use planning. The context of each case is different, but the study is looking for similarities and difference in each presentation of the project. Nqutu traditional leaders' control 93% of rural land which is vested under Ingonyama Trust (Nqutu IDP, 2019/20); this automatically requires anyone who needs to use land to seek permission *komkhulu* (amakhosi). Nonetheless, the question still remains; do traditional leaders have roles in land-use planning matters in areas under their jurisdictions beyond land ownership?

Nqutu Land-Use Management Scheme Project

Nqutu Local Municipality have Development Planning department which oversee the facilitation of development, land use management and other relevant planning issues within the municipal areas. This process is guided by different policies and regulations such as the

Local Government: Municipal Systems Act of 2000, Municipal Structures Act of 1998, SPLUMA of 2013 and others. Section 23(2) of SPLUMA allows traditional leaders to be involved/participate in matters concerning land-use management.

Additionally, Section 24 of SPLUMA (16 of 2013) requires every South African local municipality to "adopt a single land use scheme for the entire municipal area including areas under traditional leaders" (RSA, 2013). As part of the KZN Development and Planning Act (6 of 2008) and the above requirement, Nqutu Local Municipality prepared the Nqutu single land-use scheme in the year 2013 however, due to non-compliant with SPLUMA requirement it was not completed. This process of Wall-to-Wall scheme development – according to Nqutu IDP 2019/20- involved all required stakeholders' incl. traditional leaders from different traditional councils. Nonetheless, it does not state how and what input or role(s) did they play during the process of compiling the scheme. The main purpose of the **Nqutu Land Use Management Scheme** was/is to ensure that all development projects are in line with the IDP, SDF, the scheme itself and all applicable planning, environmental and development laws (Nqutu IDP, 2019/20:236).

Based on the Nqutu LM Public Consultation Report, the purpose of the consultation was to introduce the project (Nqutu LUM Scheme) to traditional leaders and for the scheme to be SPLUMA compliant in terms of public participation and other requirements. Also, traditional leaders were consulted because they control above 90% of the land in Nqutu LM under Ingonyama Trust. Traditional leaders/Councils were consulted on the following issues:

- 'Confirmation of Spatial presentation of different zones in the scheme map within their areas
- Scheme clause (free entry, land-uses that require consent and prohibited land uses
- Proposed land uses'

All nine (9) traditional councils were consulted; nevertheless, one TC refused to be part of the consultation process due to the 'disapproval of SPLUMA (16 of 2013) by the House of Traditional Leaders'. The appointed municipal officials presented an 'already' drafted scheme to the traditional councils and presented it to them for their input. This demonstrate a different picture of participation in reality as it shows that traditional leaders were not consulted during the compilation of the first draft of the scheme (initiation phase) but at a later stage of the process (implementation phase) where the municipality was reviewing the scheme. The consultation of Nqutu LM traditional leaders did not meant full participation in

the project as opinions can be taken for granted or sometimes not considered at all. Arnstein's (1969) Ladder of Participation put Consultations at stage 4 of the ladder under tokenism where it is used to legitimize already taken decisions offering a thin layer of participation

__Isandlwana Tourism Precinct Plan Project__

Isandlwana area is known for its rich historical background of 'The Battle of Isandlwana' which occurred in 1879; because of its history, Isandlwana has become a global tourist destination. Isandlwana is amongst many rural areas within Nqutu Local Municipality under traditional leadership. This area was identified as one of the areas to have significant growth and development in future.

The local chief (Inkosi PMP Mazibuko) of Isandlwana area approached uMzinyathi district municipality (UDM) planning department to identify and initiate any planning and developmental plans that might/would assist in revving and transforming the area whilst maintaining its historical sentimental value. To fulfil the former request, UDM decided to develop a precinct plan to get a clear understanding of the community and the areas' natural environmental dynamics that would respond perfectly to the potential of the area. The purpose of the Isandlwana Tourism Precinct Plan was to ensure that the Isandlwana area reaches its true potential as a tourist destination whilst promoting economic development. This will improve the socio-economic status of the community as a whole.

The respective Inkosi Mazibuko -as the one who approached uMzinyathi regarding the importance of the area and what it might bring for the community- automatically became part of the technical project team (together with the ward councillor) to oversee and drive the outcomes of the project. In this sense, he is the initiator and the main beneficial of the project. Furthermore, Inkosi played an administrative role with respect to land issues of the project such as the custodian of the land under ITB. The municipal officials had to seek permission or consult with inkosi to approve and assist with site inspection. Inkosi was also involved during the fifth phase of the project (Public participation) where community members were given an opportunity to provide their input based on their life reality events and needs (Isandlwana Tourism Precinct Plan Public Participation and Advertisement Report, ZiPec, 2019).

2.3.3   The roles played by traditional leaders in modern governance

During the colonial period in South Africa and other African countries, the roles of traditional leaders in leading the people were weakened (Rugege, 2003). Throughout the negotiations of

democracy in South Africa, traditional leaders' roles in modern governance remain in question. Binza and George (2011) predicted trouble and challenges for local municipalities caused by traditional leaders especially since their roles are still not on the clear. After South Africa resisted colonial and apartheid conquest, the 1996 Final Constitution, Section 151 introduced the formation of municipalities in the whole of South Africa (RSA, 1996). Also, Chapter 3 Section 40(1) presents the unitary structure of government in South Africa which consist of National, Provincial, and Local government; the local government is constituted by municipalities. The municipal executive and legislative authority are entrusted in its council.

The Local Government: Municipal Structures Act (117 of 1998) permits traditional leaders to form part of not more than 10% of the council. Such traditional leaders are appointed by the MEC to attend and contribute to the deliberations of the council (RSA, 1998). Traditional leaders are allowed to participate but have no voting rights and are not considered as full members of the council (Mathenjwa and Makama, 2016:201). Despite the provisions by the Municipal Structures Act (117 of 1998), there is still a strong disagreement from traditional leaders and municipal councillors about who legally has powers to represent rural communities and which structures are responsible for their well-being. Additionally, most functions and roles entitled to traditional leaders before 1994 are shared by the three spheres of government including municipal governance in terms of Section 152 and Part A and B of Schedule 4 and 5 of the RSA Constitution.

Moreover, Mathenjwa and Makama (2016) argued that the participation of traditional leaders in the municipal council without the authority to vote reduces their influence concerning decisions of the council. Additionally, they assert that the Constitution of RSA (similar to Municipal Structures act) recognizes the institution of traditional leadership however does not provide any role or powers. But then anticipate the National legislation to assign roles for traditional leaders at the local level (section 212 of the RSA Constitution, 1996). According to (Mathenjwa and Makama, 2016 and (Rugege, 2003:202), the recognition of the institution of traditional leadership did not satisfy traditional authorities as the constitution failed to be specific about their roles and reduced their roles with other relevant post-apartheid legislations. Du Plessis (1999) argued that powers of traditional authorities in South Africa from "custom and legislation are traditionally wide and ill-defined. To specify and make the rights and duties of traditional leaders definite in local government would be an interest for all.

The traditional leader's representative, CONTRASELA, argued that the repeal of the 1993 Interim Constitution failed traditional leaders as the final 1996 Constitution and other relevant legislations governing local governance did the unjust to the roles and powers of traditional leaders, they did not appear as they did in the late interim constitution. None of the provisions discussed above exist in the final 1996 Constitution, and this was caused by the non-participation of traditional leaders in the formation and finalization of the 1996 RSA Constitution.

Quoting from Rugege (2003:179), not only the Interim gave traditional leaders a sit on the municipal council and to participate in deliberations, but also it gave them a full membership tittle to vote on any decisions of the council and be eligible for election on any matters that involves the municipal governance. However, the 1996 Final Constitution makes the membership of the council a temporary measure that is changeable using Item 26(1) of Schedule 6 which state as follow:

"A traditional leader residing on land within the area of a transitional local council, transitional rural council or transitional representative council ... is ex officio a member of that council until 30 April 1999 or until an Act of Parliament provides otherwise"

The Municipal Structures Act mentions nothing about membership of traditional leaders in the council but rather state that "traditional leaders that observe a system of customary law in the areas under municipalities, may take part through their leaders in the proceedings of the council of that municipality and those leaders must be allowed to attend and participate in any meeting of the council" (RSA, 1998). Rugege concludes that "attend and participate" does not mean voting rights since they are for the elected members of the council (2003:180). Also, Mathenjwa and Makama (2016) assert that "the roles of traditional leaders in the municipal council are not well defined and hence, traditional leaders do not appreciate the reason for their participation in the council". Having no powers to vote add little or no value tor traditional leaders to be at the meeting of the council. Also, Chigwata (2016) points out that "the absence of voting rights enormously reduces the status and influence of traditional leaders in the council". The inclusion of traditional leaders in the municipal council with no voting rights affect the institution of traditional leadership negatively, henceforward, why not exclude them completely in the council (Mathenjwa and Makama, 2016).

As per the requirement of the Municipal Structures Act and a better communication structures and a healthy working relationship between traditional leaders and municipal

officials and an assurance that they are involved in local authority of the municipality, six of AmaKhosi (traditional leaders) have sits in the municipal council and all the committees of Nqutu local municipality (IDP, 2019/20: 230). Nqutu local municipality still have challenges regarding the matters of land ownership between the municipality and the institution of traditional leadership however, having traditional leaders to sit in the council provide an important and suitable platform to resolve such issues. According to the Nqutu Local Municipality IDP (2019/20), the municipality has committed itself to work with traditional leaders and acknowledge their significance and roles culturally, historically and as custodians of communal land.

Mathenjwa and Makama (2016) argues that traditional leaders should be allowed to have powers to take decisions by voting in the council on matters that affect their communities and should also decide who sits in the council as their representative instead of the MEC. In addition, they argue that the powers given to the MEC by the Municipal Structures Act is similar to those of colonial government used to recognise traditional councils. They concluded that the 'symbolic' recognition of traditional leaders in South Africa does not better their relationship with municipal officials nor does it strengthen democracy in local governance. However, it creates division between the two institutions since the municipal councillor are seemingly superior and have the final say while traditional are subordinate. With that note, the following section discusses the relationship between traditional leaders and local government officials in land use planning in South Africa

2.4 The relationship between Traditional leaders and Local government in land-use planning: "Two bulls in one kraal"

The relationship between traditional institution and local municipalities has been a tricky and a difficult one, which Oomen (2005:59) refer to as 'two bulls in one kraal. "The relationship between democratically elected and traditional leaders is characterized by tension and conflicts" asserted (Tshitagoni and Francis, 2017:70). This dispute is caused by a phase that Myeni (2017) calls 'democratization and political decentralization' which basically gave away all powers in terms of land-use planning and other aspect managed by traditional leaders to municipalities in terms of the Constitution and other related legislations. In Myeni's views, "political decentralization after 1994 resuscitated prevailing governing spaces for the representation of local politics" (2017: 524), by amending the 1993 Interim Constitution and other legal frameworks. This allowed traditional authorities to take part in democratic laws to establish traditional councils.

In post-apartheid era, the relationship between traditional leaders and local government was wedded by Section 81 of the Local Government: Municipal Structures Act 117 of 1998. The previous act has provisions that encourage the coexistence of traditional leaders and local municipalities (Bikam and Chakwiriza, 2014); it also gives powers to traditional leaders to voice their opinions and engage in the proceedings of the relevant council as per the MEC (SALGA, 2012). Traditional leaders partake in municipal council as representatives of their traditional communities and the municipalities are not allowed to develop any law or legislation affecting areas under traditional authorities without consulting with them (Maluleke, 2017:61). The involvement of traditional leaders is a surest way of promoting rural development and traditional leaders can play a productive role in LUP and development projects in areas where they can approve buy-in of the communities (Chakwiriza, 2014: 142). However, according to Bikam and Chakwiriza (2014:143), the involvement of traditional leaders and the role they should play has been a bowl of contention between the municipalities and traditional leaders themselves because of uncertainty. Ntsebenza (2005) cited in Mngomezulu (2006) questions the notion of incorporation of the two institutions, for her, this relationship is doomed as traditional leaders do not mix with democracy.

In addition, both institutions are recognized by the Constitution. Section 211 read with Section 212[1] recognises the prominence of traditional institution in the post-apartheid governance and Section 152 recognises the existence of local municipalities and grants the powers to administer every functional area provided by Part B of Schedule 4 and 5[2] which include "Municipal Planning" as per the RSA Constitution. As a result, most functions and roles of modern governance if not all are the same as functions performed by traditional leaders (Kofi and Galizzi, 2011:266). According to Rangen and Gilmartin (2002: 639) and Myeni (2017), the parallel recognition of traditional leaders and elected municipal officials means that both institutions, despite the conflict between them and despite being adverse in principle, are required and expected to interrelate and function alongside each other at a local level. "From this perspective, African government cannot claim to be democratic while accommodating traditional leadership" asserted Mwalukomo (2008:10).

---

[1] RSA Constitution (108 of 1996) Section 211: "(1) The institution, status and role of traditional leadership, are recognized, subject to the Constitution" and Section 212 state that the " National legislation may provide for a role for traditional leadership as an institution at a local level on matters affecting local communities"

[2] "RSA Constitution (108 of 1996) Schedule 4-part B: The following local government matters to the extent set out in section 155(6)(a) and (7)"

Also, modernist such as Mamdani (1996); Ntsebenza (2004, 2005) and Oomen (2005) have questioned the constitutionality of traditional leaders since they assume that it has a possibility to oppose with the Bill of Rights. For example, Ntsebenza (2005:15) in "*democracy compromise"* argues that the Constitution of South Africa prioritises democratic principles while acknowledging the development and political role of unelected traditional leaders is inconsistent and contradictory. Additionally, some aspect of the traditional institution such as it external and internal issues (corruption, succession, etc.) may violate the right of communities like extorting money from people by selling land.

Furthermore, section 4 of the Traditional Leadership and Governance Framework Act (TLGFA) (41 of 2003) also outlines the role of traditional leaders/councils and attempt to link or integrate the two institutions (traditional and democratic governance). The legislation state that the traditional institution should promote and reinforce the capacity of the municipalities to identify community needs; facilitate the stakeholder engagements involving rural people in development and participate in the development programmes of the municipality (SALGA, 2012; Du Plessis, 2014). This legislation provides clear roles and powers of traditional leaders at a local level, however, this turned into a debate after the establishment of local municipalities (Myeni, 2017:528) and it cannot overpower the obligations of the Constitution. Lack of clarity has been one of the concerns that are normally raised if traditional leaders were to participate in local government matters. The TLGFA makes traditional leaders shadows or messengers of the municipalities or between the municipalities and communities; it also does not touch on the issues of land administration in terms of land-use planning which seems to be very important in the current debate. In summary, traditional leaders or their institution per se is not considered as voting members of the municipal council but as a representative of their community member in the council.

At a local level, municipalities have concerns with the role of traditional leaders in land-use planning and development projects; whether these institutions can have a healthy working relationship given their uncertainty in the functions of traditional leaders in matters relating to development (Bikam and Chakwiriza, 2014: 144). Despite the provisions in White paper on spatial planning and LUM (2013) which promotes participation by all stakeholders (incl. traditional leaders) at a local level. Bikam and Chakwiriza continue to argue that in many instances, traditional leaders and democratic elected councillors have worked together however traditional leaders have no executive obligation in the processes.

In rural areas, such as Nqutu local municipality, most local municipalities remain excluded in decision-making when it comes to land-use planning and development. One of the issues they are facing is the allocation and development of land without going through necessary processes such as undergoing development applications and considering land-use instrument such as IDP and SDF, land-use scheme/wall-to-wall scheme as per the municipality regulations. Furthermore, traditional leaders do not consider some of the municipal officials as legitimate development agents (Myeni, 2017); which leave the local municipality unclear about their roles in development planning. Bikam and Chakwiriza, (2014:143); and Nkosi, (2016:8) argued that the misalignment of land development matters between the institution of traditional leaders and municipal officials had not only led to confusion and conflict but also to overlapping roles and responsibilities. This contradiction between traditional leaders and local government officials regarding their roles in land-use planning sets a bad example and affects the disadvantaged communities.

2.5 The trend of 'Community Participation' in Land-use Planning

"South Africa is a representative, constitutional democracy whose government is based on the will of the people. The Constitution (1996) calls for mechanisms that allow citizens to participate in decisions about their own development and in debates about the laws that must govern them" (Afesis-corplan, 2015).

Theoretically, democracy in South Africa stands for a lot of principles including public participation, quality, transparency, controlling and prevention of the abuse of power and others. Before 1994, South Africa in terms of planning and development had planned without the people and for the people but after independence, the government has attempted and put effort in planning with the people in the name of democracy with impediments along the process. According to Van Empel, (2008:550) modern planning theories such as collaborative planning theory recognise the importance of community participation in the development processes of growing the build-environment sector. It is considered as a mechanism that could achieve sustainable outcomes in development and planning as it generates trust, commitment, and credibility towards the implementation of policies (Van Empel, 2008).

Since 1994, South Africa has been trying to refurbish spatial planning and land-use management using various methods including getting the public involved in the processes of land-use planning. According to Ntsele (2016:20), political and economic decisions on land-use planning activities are not justly legitimate if the community or local citizens are not

directly involved in what is happening around them. New publications, procedures and structures have been formed to manage encourage community participation in spatial planning and land use management (Afesis-Corplan, 2015). The whole process emphasises on the importance of everyone being aware about the changes so they can participate in and influence their ways of living and how their settlements or communities are being planned and developed. Community participation is not only about getting involved but it means one must have a voice to influence decisions. There is a difference between being involved, influence and coerced into doing something through fear of punishment or not being taken seriously (Cornwall, 2008: 278).

Community participation is intended to be a necessary part of local government matters and is a basic theme going through the Constitution and related enactments and current government plans. The National Development Plan (NDP) states that "active citizenry and social activism is essential for democracy and development to prosper" (NPC 2012: 37). The nation cannot only work at sake of the people yet should work with the people, cooperating with different foundations to give opportunities to the advance of all the people. Notwithstanding, the Back to Basics archive of the Department of Cooperative Governance and Traditional Affairs (CoGTA) perceives local government's inability to associate with local residents (CoGTA 2014) and the need to comply with the law concerning community interests.

2.5.1 Arnstein Ladder of Participation Model (1969)

The trends of community participation began early in the 90's, according to UN-Habitat (2006), "the purpose of community participation is to promote transparency, encourage openness in government, and build ownership of development decisions" (Afesis-coplan, 2013:11). Some of the examples include Arnstein's 1969 ladder of participation best known worldwide. This model was developed during the Apartheid era in the South African timeline however it retains considerable because of its contemporary relevance (Cornwall, 2008:270). According to Arnstein (1969: 216-224), there are eight stages of participation which includes (i) manipulation at the bottom, (ii) therapy, (iii) informing, (iv) consultation, (v) placation, (vi) partnership, (vii) delegate power and (viii) citizen control at the top.

Figure 3*: Arnstein's "Ladder of Citizen Participation" (1969)*

The Ladder of Citizen Participation contains '*citizen control*' at the top of the ladder with a category of non-participation at the bottom where *therapy* and *manipulation* are placed. The author drew a distinction between citizen power, tokenism which includes consultation, informing and placation (Cornwall, 2008; Musitha, 2012:109). According to Musitha (2012: 109), citizen control gives power and opportunity to a group of disadvantaged people to be the majority decision-makers which gives them managerial power to participate in an appropriate manner. Furthermore, *delegated power and partnership* gives people power to hold government authorities accountable and distribute power amongst citizens which is negotiated with the authorities, respectively. This led to structures being formed and promotes joint planning and implementation of the projects. City planning as a profession aim to utilize natural resources including land to best advantage for the better of the people. Consultations with local communities are therefore a critical aspect of development (Kaur, 2007: 1). It improves the relationship between the communities and their authorities and lead to better decision-making. Cornwall (2008) argue against what Kaur (2007) is stating, according to Arnstein ladder of participation, the above statement is known as '*tokenism*'. Tokenism, according to Arnstein, claims to promote participation nonetheless it makes use of *consultation* with *informing* as an approach of legitimizing already taken decisions offering a thin layer of involvement to offer the process ethical authority (Cornwall, 2008).

The famous 'consultation' as the most significant term used for participation in the South African context takes the mid-range of the ladder of participation. Community participation exercised since post-apartheid in South Africa have been based on 'spectator politics' where,

according to Williams (2006:197) ordinary societies became endorsed to already designed planning programmes and are frequently subjected to administrative manipulation. Therefore, this speaks a different language compared to what is done on the ground as it implies that South Africa has not reach its goal of minimizing participation challenges created by the apartheid government (Mathebula, 2016:24). Leonard (2019:293) argued that "informing encourages one-way communication by providing superficial information, discouraging questions, or giving irrelevant answers". The results are by and large exposed to being selectively studied and utilized by people with power to decide, with less or no guarantees that what is stated might be replied to or taken under consideration.

2.5.2   Historical Background of Community Participation in South Africa

Jayal (2001) cited in Williams (2006:197) define Community Participation (CP) as "the direct involvement/engagement of ordinary people in the affairs of planning, governance and overall development programmes at local or grassroots level, has become an integral part of democratic practice in recent years". McGee (2000) cited in Mathebula (2016) defines community participation "as a process through which the community can influence and share control over development initiatives, decisions and resources affecting them". These definitions according to Mathebula (2016) fails to teach the importance of the concepts such as a community as a basic component of the term and the loci where participation should take place. Therefore, Mathebula (2016) argues that the public is bigger and comprises of communities within a public and community comprises of municipal demarcated wards that makes a community.

South African local government had no constitutional safeguard until the early 1900s, hence it was perceived as a functional element of provincial government. With respect to South African history, South Africa had a very slight opportunity for community participation since the majority of the people had no political rights until 1994. Hence, it led to the entire absence of participation of any kind (Williams, 2006:199). South Africa was characterised by highly centralised, authoritarian, top-down, and private methods which planted a seed to ordinary communities especially black people with no basic public services (Williams, 2000). According to (Mathebula, 2016; Maboleka and Mawila, 2004), South Africans were classified according to race by the law under the system of apartheid henceforth, then local government was also classifying with respect to racial segregation and division. The division was meant to centre service provision to the dominant race group (white people) and marginalize or side-line the non-white race groups (Nnadozie, 2013 cited in Mathebula,

2016). The dismantle of apartheid regime in the South Africa post 1994 manifested a transformative turning point in the socio-economic and political landscape of South Africa (Mathebula, 2016:24)

The concept of community participation in South African was presented as a democratic tool or value to address the disparities perpetrated by the apartheid government before 1994 as a way of ensuring integration, good governance, accountability and service delivery for all (Mathebula, 2016:24). Driven by socio-economic and political goals, it came in as a way of ensuring a better standard of living for all special people who were historically marginalized during the colonial and apartheid eras in South Africa (Williams, 2008:199). Additionally, post-1994, Williams further assert that South Africa became a constitutional state and adopted various policies with the notion of public participation driven by participatory governance at a grassroot level (2006:199). Williams (2008:200) share the same sentiment as Mathebula (2016) he further state that the South African government-after the 1900s- adopted an institutional transformative approach where 'policies were established to form a peoples' centred development based on democratic principles especially for the poor, homeless and dispute'.

Accordingly, the Reconstruction and Development Programme (RDP) of 1994 established the inclusive planning framework to transit South Africa into a democratic and spatial inclusive country in the post-apartheid era. Furthermore, it emphasised on the importance of national building through enhanced standard of living and equity for all South Africans. CSIR, (2003:73) in Lategan, (2012:119) emphasises that the RDP created an essential function of community participation as a way of ensuring a bottom-up democratic processes to local level.

2.5.3 Legislations guiding Community Participation in South Africa

To ensure a bottom-up and a people centred approach and the roles of National, Provincial and Local spheres of government, the RSA Constitution Section 152(1) (e) "encourages the involvement of communities and community organizations in the matter of local government" (RSA, 1996a; SALGA, 2013:11; Williams, 2006:201). Chapter 7 of the Constitution of RSA provides five objectives to local municipality on how to encourage participation in their communities:

- *"To provide democratic and accountable government for local communities.*
- *To ensure the provision of services to communities in a sustainable manner.*

- *To promote social and economic development.*

- *To promote a safe and healthy environment and*

- *To encourage the involvement of communities and community organisations in the matters of local government*" (RSA, 1996:88).

Furthermore, Chapter 10 Section 195 – 197 on public administration play a critical function in the everyday running of the country, particularly where authorities are capable to collaborating with the people in general on a variety of planning matters. The Constitution perceives the importance of this, and in another "mini bill of rights" (section 195), presents a list of commitments, introduced by the statement that public management must be represented by the democratic-based qualities and standards enshrined in the Constitution. Section 195(1) state that:

"(1) Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:
(a) A high standard of professional ethics must be promoted and maintained.
(b) Efficient, economic, and effective use of resources must be promoted.
(c) Public administration must be development oriented.
(d) Services must be provided impartially, fairly, equitably and without bias.
(e) People's needs must be responded to, and the public must be encouraged to participate in policymaking.
(f) Public administration must be accountable.
(g) Transparency must be fostered by providing the public with timely, accessible, and accurate information.
(h) Good human-resource management and career-development practices, to maximise human potential must be cultivated.
(i) Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation" (RSA, 1996:116).

Local government provide people with the best chance to engage in with government between elections. This degree of government manages issues that most legitimately impact on individuals lives and so are tribal leaders. One of the key components for community participation or citizen engagement at local level is the Integrated Development Plan (IDP) –

which rotates around participation- inside the Local Government: Municipal Systems Act (32 of 2000). The Act provides guidance to the IDP procedure, depicting the IDP as "the vital planning instrument which guides in quest for Responsible and Responsive Local Governance and educates all planning and development, and all decisions with respect to planning, the management and growth in the municipality" (RSA, 2000). Communities ought to be encouraged to take an interest in municipal issues, including being given a chance and stage to guarantee that local interests are captured and followed up on (Afesis-corplan, 2015).

Additionally, Section 16(1) plainly expresses the desires that local government must build up a culture of community participation inside the municipalities. The municipalities need to promote and make conditions for the local communities to take part in the issues of the municipal area; and add to building the capacity of the local citizens, councillors, and staff to encourage or foster community participation. Also, Section 17(3) further explain that the municipality must consider special needs of the uneducated individuals, individuals living with disabilities, women, and other disadvantaged groups (RSA, 2000). In addition, the White Paper on Local Government of 1998 titled the '*Objectives of Community participation*' encourages authorities to "allow citizens to have continuous input into local politics, ways in which services are delivered and to enter into partnerships and contracts with local government to mobilise additional resources" (RSA, 1998).

2.6 Conceptual framework

This section addresses the objectives of the study by discussing the key terms influencing the study. Hornby (2005: 5) contends that "defining concepts is not an innocent exercise". Meanings/interpretations of concepts are largely influenced by their context. In this manner, a conceptual framework might be characterized as a final product of relating various related ideas/concepts to clarify or hypothesize a given occasion or give a more specific understanding of the phenomenon of interest – or simply, of a research issue. The procedure to arrive to the conceptual framework is likened to an inductive process whereby little individual pieces (for this case, concept) are consolidated to tell a greater guide of potential relationships. Henceforth, a conceptual structure is derived from ideas/concepts, to the extent that a theoretical framework is derived from a theory

    i.   *Local government*

Prior to 1994, south Africa had already been exposed to local government, however it was characterised by being 'exploitative, manipulative, illegitimate in nature, racist' (De Visser,

2005 cited in Siddle and Koelble, 2017) and had destroyed the spatial, socio-economic environments where people reside (Siddle and Koelble, 2017:1). Provision of adequate facilities to citizens to escape the conditions of underdevelopment has been a concern of any state (Otoghile and Edigini, 2011:148). The solution was to bring government and its administration closer to the people, which led to the formulation of local government (Otoghile and Edigini, 2011:149). The needs of the local people can only be understood and meant for the government that is closer to them, so the local government institution came in to play a critical developmental role of rebuilding local communities and promoting the values of democracy to create democratic, integrated, prosperous and non-racial societies (Sikander, 2016:171).

The term "local government" has been defined differently by different scholars. Wraith (1964 cited in Otighile and Edigin, 2011) sees "local government as elected local councils whose main purpose is to provide or administer services with a great degree of independence a modern circumstance allows". Golding (1959) defines local government "as the management of their own affairs by the people of their locality". In the South African context, "local government is an institution, which deals with matters concerning the people living in the particular locality" (Sikander, 2016). All the above definitions talk about local people being able to resolve their own issues on their own jurisdictional area without any interference from the provincial or national government. South Africa as an Integrated quasi federation state has three separates yet distinct, interrelated, and inter-dependent government spheres starting from a national, provincial, to local spheres of government. As per the Final RSA Constitution of 1996, local government is structured along the lines of decentralization, with municipalities at the top of the list given the right to function and administer local government affairs of their communities on their own innovativeness, as stated in the constitution (Siddle and Koelble, 2017) as stated in Section 135 (3) of the RSA Constitution. Section 153 (3) of the RSA Constitution explicitly state that "a municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the constitution".

ii. Governance

Refers to provisions that govern how public decisions are completed and how public activities are executed from the approach of retaining a country's statutory values, both recognised and unrecognised (OECD2011: 2). Eglin and Ngamlana (2015:35) argue that "governance is not just about how government, social organisations and citizens interact but

concerns the state's ability to serve citizens and other actors, and how public functions are carried out, public resources managed and public regulatory powers exercised". Good governance is not a brand-new concept in South Africa; it has being present in diverse portions of legislation inclusive of the Constitution (Act No. 108 of 1996), the Municipal Structures Act (No.117 of 1998) and the Municipal Systems Act (No.32 of 2000). Good administration is traditional dynamic and implementation forms, about creation 'right' decisions, yet around the remarkable potential strategies for settling on those decisions (MAV et al. 2012).

iii.   Land use planning

Usually practises and research fields based their work in urban planning experiences abandoning rural areas concerning land-use planning or not putting into consideration that rural areas also have similar issues that need and demand land-use planning (Santos and Ranieri, 2014:1). According to Metternicht (2017:2), "land is a scarce resource increasingly affected by the competition of mutually exclusive uses. For rural areas, fertile land becomes scarcer due to population growth, pollution, erosion and desertification, effects of climate change, urbanization etc. additionally, land use planning can help to find a balance among these competing and sometimes contradictory uses". "Land-use planning refers to the process by which a society, through its institutions, decides where, within its territory, different socioeconomic activities such as agriculture, housing, industry, recreation, and commerce should take place" (World Bank, 2012: 1). This incorporates shielding well-defined zones from development because of ecological, social, historical, or comparable reasons, and setting up arrangements that control the nature of development activities. These controls decide feature, for example, plot areas, their land utilization or surface ratios, their intensity or floor-area proportion, their density or units of that activity (or individuals) per hectare, the specialized standards of the infrastructure and structures that will serve them, and related parking spots. In open societies, the land-use plan and zoning code are set up by planning foundations (Mandelker *et. al.* 1990 referred to in World Bank, 2012). The plan and code are depending on the procedures of public consultations and interests characterized by the locale's laws.

iv.   Land use management

"Relates to the control or regulation of land uses as well as land development" (Van Wyk, 2012). It is essential to ensure sustainable development, health and safety of residents and

infrastructure provision, as well as participation in land development processes (Healey, 2006; Pelling and Wisner, 2009; Todes, Karam, Klug and Malaza, 2010; Van Wyk and Oranje, 2014). Land use management often refers to the formal or legal known and organized system which regulates the uses of land. Rubin (2008:3) cited in Charlton (2008:3, 2012) suggest that land use management can be seen as a sub-element of land management which comprises of five elements:

- "The manner in which land is accessed and acquired
- The process by which individuals, households and communities continue to have and to hold rights to land
- The way in which land use is regulated
- The systems by which land is developed
- How land is traded"

Among the activities of land use management are the subdivision or consolidation of land or the formal allocation of use rights on a portion of land. Land use management, according to the White paper on Local government, "deals with processes by which land is developed, usage is defined and activities on land are regulated" (Ovens et al, 2007:14 cited in Charlton, 2008). It locates the land use management activities by suggesting a broader idea of planning through activities that are meant to shape development through a certain timeline, for example, IDPs and those that actualize the strategic plans. Implementation and observing instruments incorporate different lawful and administrative mechanisms used to regulate land advancement and land uses, including zoning plans (Berrisford and Kihato, 2008:383). In the case South Africa, LUM was adopted from the British town planning activities and further overlain by apartheid objectives.

Currently, South Africa has multiple LUMS which Ovens et al (2007) refer to as "multiple and unequal systems of urban land management" (Charlton, 2008:7; 2012:7). Land use management is a new concept in rural communities under traditional authority that came with numerous mechanisms of land management introduced by local government. Nqutu occurs in Ingonyama Trust Land (ITB) with no land use controls or land use management in place and 93% of the land belongs to traditional leaders. It is also a rural dominant area with scattered and unsystematic settlements which reflects back on traditional leader's land allocation system that has been in use since a long time ago (Nqutu local municipality IDP, 2017/2022: 55).

This proves land administration has been in the hands of traditional leaders and their councils then and now. Land use management in Nqutu local municipality is a new trend, where everyone is trying to fit in without any conflict arising, for example, the municipality has introduced Wall-To-Wall Schemes for traditional authority's areas without undermining their powers as leaders of the communities (IDP, 2017/2022:55). The enactment of SPLUMA (16 of 2013) to solve land right and rural development issues as part of land use management, tension has aroused between traditional leaders and municipal officials because of contesting power and authority in rural development and planning (Maluleke, 2017). Nqutu local municipality has no or lacks land use management, probably because a traditional land allocation system in place, this put a strain in planning and development of rural areas under traditional leaders, municipals' SDFs and IDPs (Lang, 2012 cited in Nsele, 2016:16).

v. Traditional leader

Culturally, traditional leaders are the individuals with powers to lead rural communities as per the custom. Section 3.2 (b) of the White Paper on Traditional Leadership and Governance, on the other hand, "emphasises the role of traditional leaders as custodians of culture, tradition and custom". Additionally, the Traditional Affairs and Governance Framework act (41 of 2003) recognises "traditional leaders as individuals or any person with, in terms of customary law of the traditional community concerned, hold a traditional leadership position, and is fully recognised in terms of the act" (RSA, 2003: 8). The Constitution of South Africa (Chapter 12) and other related legal pieces acknowledge the institution of traditional leadership as the closest structure of government to the people as the local government. Such legal pieces have tried to clarify and be specific on the roles and responsibilities of traditional leaders in the development of their communities and local government as a whole and other sector without causing any conflict with the opposing government.

Prior to 1994, the institution of traditional leaders has faced difficulties of fitting in in the era of democratic dispensation and has lived in fear of being stripped off their powers to govern their communities. With no communication between the institution of traditional leaders and local government (municipalities) regarding how land is used and distributed, communities will continue to face fragmented development patterns (Dubazane and Nel, 2016:222). Various legislations have been put in place to explain the roles of traditional leaders in land-use planning, to make sure they play an important part in the development of their respective communities and in municipal governance/local government. Some have tried and some have

failed, reason being that there's still evidence of lack of communication between traditional leaders, their communities and the municipal officials, their working relationship is still in shackles.

2.7 Theoretical Framework

A theoretical framework explains the hypothesis that a researcher decides on to guide him/her in his/her study. In this case, a theoretical framework is the utilization of a theory, or a lot of concepts drawn from very much the same theory, to clarify a situation, or shed some light on a specific phenomenon or study issue(s). This could refer to, for example, the set theory, and evolutions, for example, Newton's laws of movement, gas laws, that could be applied to a given examination issue, deductively.

2.7.1   Collaborative Planning Theory

According to Innes and Booher (2004) and Healey (2006), Collaborative Planning Theory (CPT) is another paradigm for a complex society which often mediates conflicts between parties through agreement - building forms. It urges individuals to engage in a discourse in circumstances where equivalent empowerment and shared information, to learn new ideas through common understanding, to create innovative results and to fabricate institutional capacity. It provides policymakers with more effective community participation; it also serves as a power paradigm of stakeholders. It includes various partners, interests and professions meeting up to discuss potential futures for an area. In such a procedure key discourses of various interests are obviously opened to incorporate every interested and affected individual, generating new planning discourses, permitting members to gain knowledge on the positions and values of different participants, and creating capacity with regards to collaborative oriented activities to change current conditions (Healey, 2006). This model could be portrayed by gathering various partners in a basic discussion for harmonic decision-making, often determined by public agencies (Anshell and Gash, 2008). The principal trademark is that this led to the outcomes fulfilling all parties involved (Gray, 2000 alluded to in Purbani, 2017).

5.1.1 Criticism of Collaborative Planning Theory

The problem with theories of Collaborative is that scholars have different versions of "collaboration". In Purbani (2017), "*Collaborative planning for city development: A perspective from a city planner"*, "collaborative governance requires problem-solving, broad participation, provisional solutions, the sharing of regulatory responsibility across the public-

private divide and a flexible engaged agency"; while other academics such as Inne and Booher (2004) argues that "collaborative governance models must be engaged in "authentic dialogue" with each stakeholder legitimately representing the interests for which they claim to speak, coming to the table with interests, but also with open minds about their positions and a willingness to seek mutual gain solutions". Another issue with collaborative theories is that it is difficult to distribute information (especially political information) among stakeholders because of certain institutions who have access to that information before it is distributed. Goodspeed (2016) argues that Collaborative planning theory has a limited scope and internal diversity, this caused the theory no to reach it paradigm status which it advocates wanted to achieve. Additionally, it equally neglected to accomplish a total transformation in presumption.

Haxley and Yiftachel (2000) and Fainstein (2000) raised arguments on Innes (1995) work about the so call "new planning theory". They argue that the new philosophies abandoned suitable account of power, state, and political economy (see Goodspeed, 2016:2). Theory seems to be relativism in nature because it does not describe how to reconcile local collaborative agreements with external perspective. The work of Goldstein (2010) gives more clarity about the above statement. Goodspeed further discusses that the CPT contains a 'mismatch between the normative positions which were reached through collaborative dialogues and those held by external audiences' (2016). The concept of 'public interest' which is basically missing in the works of Habermas's concept of communicative rationality, continues to play a huge role for practitioners since it provides useful external normative viewpoint on planning missing from CPT. Another neglected issue regarding CPT is whether CPT applies only to rich, democratic states where speech rights are protected by laws and norms, Goodspeed propose that ideas from CPT could be adapted and used for application in the Global South to analyse issues of leadership. Mattila (2016) also suggest that CPT could be revised to include the concept of 'generalizable interest' which was developed in the later works of Habermas and other feminist scholars.

5.1.5 Applicability to the study

For the purpose of the study, various legislations such as Local Government: Municipal Systems Act of 2000, and South African Constitution of 1996 chapter 3 (Cooperative governance) has attempted to co-exist all structures of government from national to local government (municipalities) to develop and reconstruct rural communities and to fast track

service-delivery (Mathonsi and Sthole, 2017:36, SALGA, 2012). However, these publications "are silent about the specific role traditional rulers ought to play in their capacity as an integral part of local and provincial government structures" (Koenane, 2017: 2) and have caused contradictions and dispute among the two institutions. The Constitution only recognises the traditional leadership system in terms of customary law, as ex-officio (they may participate but not get involved in decision-making).

The White paper of Local Government 1998 stipulated the role of traditional leaders in service delivery and to define roles of traditional leaders within the democratic or constitutional dispensation of the newly elected government. Nevertheless, this was considered broad and that it overlaps the municipal roles (Mathonsi and Sthole, 2017). The dispute between the two institutions affects the development of communities and if it persists it might also affect the economic and social development of the whole country. Therefore, Collaborative planning theory will inform the study by suggesting coexistence and collaboration between the two institutions for the good cause of the involved communities. As part of public interest, it also suggests that every stakeholder including the community member must voice their opinions and concerned instead of being a spectator when matter involving their communities are concerned. Collaborative planning theory's ideas can also be used to educate both municipal officials and traditional leaders on how to be a leader and solve issues of leadership between the two institutions when it comes to land-use planning and the importance of public interest/public participation.

2.7.2 Critical Theory

Critical theory is a methodology that reviews society in a manner that relates to legitimate discussions of opposite thoughts regarding nature, opinions, and considerations understand real life events and set up truth through those thoughts by breaking down political economy, domination, abuse/exploitation, and belief systems. Its judgment depends on that domination is a challenge, that a mastery-free society is required and to get such; political struggles to build up such a community must be informed using critical theory (by reviewing different points of views about domination to reach a clear and reasonable truth). This theory originates from Institute of Social Research at Frankfurt University also known as the "Frankfurt school of thought" by Karl Marx and the Marxist traditions to overcome all forms of slavery, degradation of human dignity and to unmask alienation (Harney, 2014:1). It questions power and domination.

The centre of critical theory includes uncovering existing methods of domination and persecution and offering elective possibilities which liberate. Critical theory causes one to communicate his/her opinions, it looks to liberate individuals from the conditions that oppress them (Horkheimer, 1982). The theory maintains that beliefs are the principal obstacle to human liberation. It allows practitioners to recognize participatory planning by allowing unheard voices of the of the previously disadvantaged to be heard and scholars are given a chance to use knowledge from other disciplines in order to comprehend and change social institution through advocacy (Yodiansyah, unknown year)

Critical theory exposes the undemocratic characteristics of traditional institution. The theory is critical in so far as it seeks "to liberate human beings from the circumstances that enslave them" (Horkheimer, 1982: 244). The legacy of critical theory recommends inclusivity through the democratization of control and decision-making (Marcuse), while additionally causing to forthcoming procedures and how certain thoughts have been made and supported (Habermas). Critical theory consequently opens opportunities for the investigation, to examination power, discourse, and ancient understandings of the roles and responsibilities of tribal leaders in land-use planning and municipal administration today.

Critical theory looks to uncover the domination, control and suppression that hide behind that which from the outset seems unbiased, dynamic, and important. For example, the history of domination of traditional leaders in rural communities since pre-colonial period has been viewed as legitimate and acceptable to many societies and structures of government, however, after the transition from apartheid in 1994, in reference to authors such as Mamdani (1996) in his book "*Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*", traditional leaders are citizens (dominants) and community members are subjects (subordinate) of traditional leaders. The corruption, manipulation, conflict of succession from the institution of traditional leaders makes it an oppressive dominant system to its people.

Critical theory is based on power and how it shapes the decisions made by those with power. It recognizes the power dynamics within the institution of traditional leadership. Power prevents many people or groups of people from articulating their views or being able to make their decisions (Bob, 2000:55). Bob argues that there are no clear positions relating to land allocation and customary tenure, she continues to assert that land allocation depends on the position of or voice of the powerful in the community, usually the chief or his headman. Despite so many calls for land allocation to be done democratically and according to land-use

scheme and zoning, todays government need a strong suggestion and backup that will support the allocation of developmental and service delivery roles to traditional leaders in rural areas. Since traditional leaders exert so much power in various aspects, this will avoid the influence that might undermine the development initiated under their communities, it means they cannot be left out (Bob, 2000).

Most of Ntsebenza's work exposes the oppression, marginalization and disempowerment of women by traditional leaders regarding land rights on basis of their gender (2003, 2004, Bob, 2000), also Green and White paper of 1997 emphasizes on gender issues against women in respect of land allocation. More like Critical theory, Communal land restitution act of 2004 emphasize the empowerment of women and forbid any kind of discrimination and domination against women in land related matters, it exposes the oppression of women when it comes to land tenure rights. Another example of domination is that traditional institutions still consider men as rightful occupiers of positions in their councils. Ingonyama Trust Board allows only the King to make decisions on what goes when it comes to communal land in KwaZulu-Natal, which leaves no inclusivity of other stakeholders or infected and affected parties (RSA, 1995). This shows that the power that traditional leaders have a great impact on their positions, and the decisions they make.

5.2.1 Criticism of Critical Theory

Critical theory has been criticized for not offering any clear understanding to political actions following critique, often more specific rejecting and solution, for example, the concept of 'great refusal' by Herbert Marcuse, which encouraged abstaining from engaging in active political change (Yodiansyah). Critical theory was also criticized for depending more on social value instead of objective reality. Social values are subjective values that guide communication behaviors within our societies. The conflict of values, 'whose values are better and accurate?' answering this question is often difficult and filled with debates and conflict; so is the case of both traditional leaders and municipal officials in land-use planning. Both institutions have different values, with the lack of communication between them, debates on whose values are better when it comes to land administration will always rise (refer to "https://courses.lumenlearning.com/introductiontocommunication/chapter/critical-theories-paradigm/")

2.8 Conclusion

The context reveals that Traditional leaders have been part and parcel of the colonial and apartheid government/ruling; their roles went beyond just land administration. They had powers of the governor; their responsibilities varied from land allocation to social justice. Furthermore, Land-use planning in South Africa comes a long way with traditional leaders being used as a pawn by the former government using different tactics such as the 'indirect rule' and different legislations. South Africa has been haunted by the ghost of the past colonial and apartheid land policy which left it fragmented and confused, spatially. Not only these issues have exacerbated to the democratic era in South Africa and other African countries but also left in control of the 'spatially inexperienced' traditional leaders. Traditional leaders have been criticised for lacking knowledge in land-use planning, being ignorant when it comes to environmental management principles during land allocation, giving away people's right and making sole decisions in matters concerning communal land.

Prior to independence, many had different thought towards the institution of traditional leaders because of it hypocritical, autocratic characteristics during the apartheid era and called for the institution to be abolished completely. Nonetheless, South African government (and other African countries such as Namibia, Botswana, Nigeria and Ghana) resuscitated the institution of traditional leadership as per the RSA Constitution of South Africa of 1996, Chapter 12 (without stating it functions and powers) and other relevant legislations. Such act posed as a challenge and caused havoc into the South African government especially at a local level since the Constitution also introduced local municipalities in the whole of South Africa and explicitly stated their powers and functions –which overlapped the powers and function of traditional leaders- as per Section 151 to 156. Academics such as Ntsebenza (2004, 2005) and Oomen (2005) have tried to link the institution of traditional leadership and the new ways or ruling in the local politics with no success.

Rugege (2003), Ntsebenza (2005) and Mamdani (1996) concluded that the recognition of traditional leaders after 1994 and envisaging it role at a local level was a basic contradiction as it is not consistent with democracy. The conflict between the two institutions revolves mostly around the issue of land administration at a local level or in the rural communities under traditional leaders. Either way, the institution of traditional leaders proved to be strong, resilient, and gained more popularity as it worms it way to democracy through politics and hundreds of legislations stating their roles. However, in literature there's missing empirical evidence proving their roles, how they fit in changes made during the introduction of

democracy (more particular on their powers and function), to show their groundwork which led to such popularity especially in land-use planning and municipal governance.

CHAPTER 3

STUDY AREA AND RESEARCH METHODOLOGY

3.1 Introduction

Research methodology plays an essential role in conducting research. It gives a researcher the means of how the study should go about. This section of the study begins by describing the study area where research was conducted; the history of the place, its location supported by maps, socio-economic, infrastructural, and key developmental issues are defined. Reflecting back to the previous studies relating to the research topic and the theories influencing the study, this section of the study also summaries the research methodology used to conduct the research, how the study informants were recruited (data sampling), how data was collected (data collection methods/research methods) and analysed (data analysis). Finally, it presents a statement about ethical considerations applied in the study and research limitations encountered during data collection, analysis and results.

3.2 Study Area: Nqutu Local Municipality

According to Nqutu Local Municipality IDP (2015/16), "Nqutu is a category B municipality established in 2000 as one of the four local municipalities that constitute uMzinyathi District municipality". Being a category B municipality means that it is mainly rural, under traditional leadership ruling with little or no urban infrastructure and expensive low-density rural settlement being one of the main features. Nqutu municipality contains nine (9) traditional authority areas namely: Sizamile, Jama, Khiphinkunzi, Molefe, Emandleni, Mbokod'ebomvu, Vulindlela, Mangwe-Buthanami and KwaZondi within seventeen (17) municipal wards according to the Municipal's Demarcation Board outlined on the table below:

Table 3. 1: Nqutu Municipal wards (Nqutu IDP 2018/19:7)

Ward	Ward size (Ha)	Ward Councillor	Gender	Party
1	35028	Z Sithole	F	IFP
2	16608	RS Langa	M	IFP
3	22822	EM Mkhwanazi	M	IFP
4	16727	ME Mnguni	M	IFP
5	15413	IL Shabalala	M	IFP
6	2080	MSK Gumbi	M	ANC
7	11798	NM Buthelezi	M	IFP
8	9890	SM Buthelezi	M	IFP
9	9044	SP Mathe	M	IFP
10	12931	FA Hlatshwayo	M	IFP
11	6040	SM Kunene	M	IFP
12	4988	JN Khoza	M	IFP
13	6336	JZ Ndima	F	IFP
14	1453	SD Masimula	M	IFP
15	11227	AS Zulu	M	IFP
16	9107	GF Molefe	M	ANC
17	4729	SMC Zikode	M	ANC

Nqutu local Municipal has six of Amakhosi (traditional leaders) sitting on the municipal council representing their respective communities including: the respected INkosi FP Hlatshwayo, INkosi JZ Ngobese, INkosi MPM Mazibuko, INkosi PBN Molefe, INkosi SK Sithole, and INkosi ND Mncube (Nqutu LM IDP, 2018/19:8/9). About 93% of land in Nqutu Local Municipality is owned by traditional institutions under Ingonyama Trust Board/Act. The Ingonyama Trust land and other traditional authority land ownership remains a thorny issue in this area (Nqutu local municipality IDP 2017/22). The map **(Figure 1)** below shows the areas under Traditional Authority:
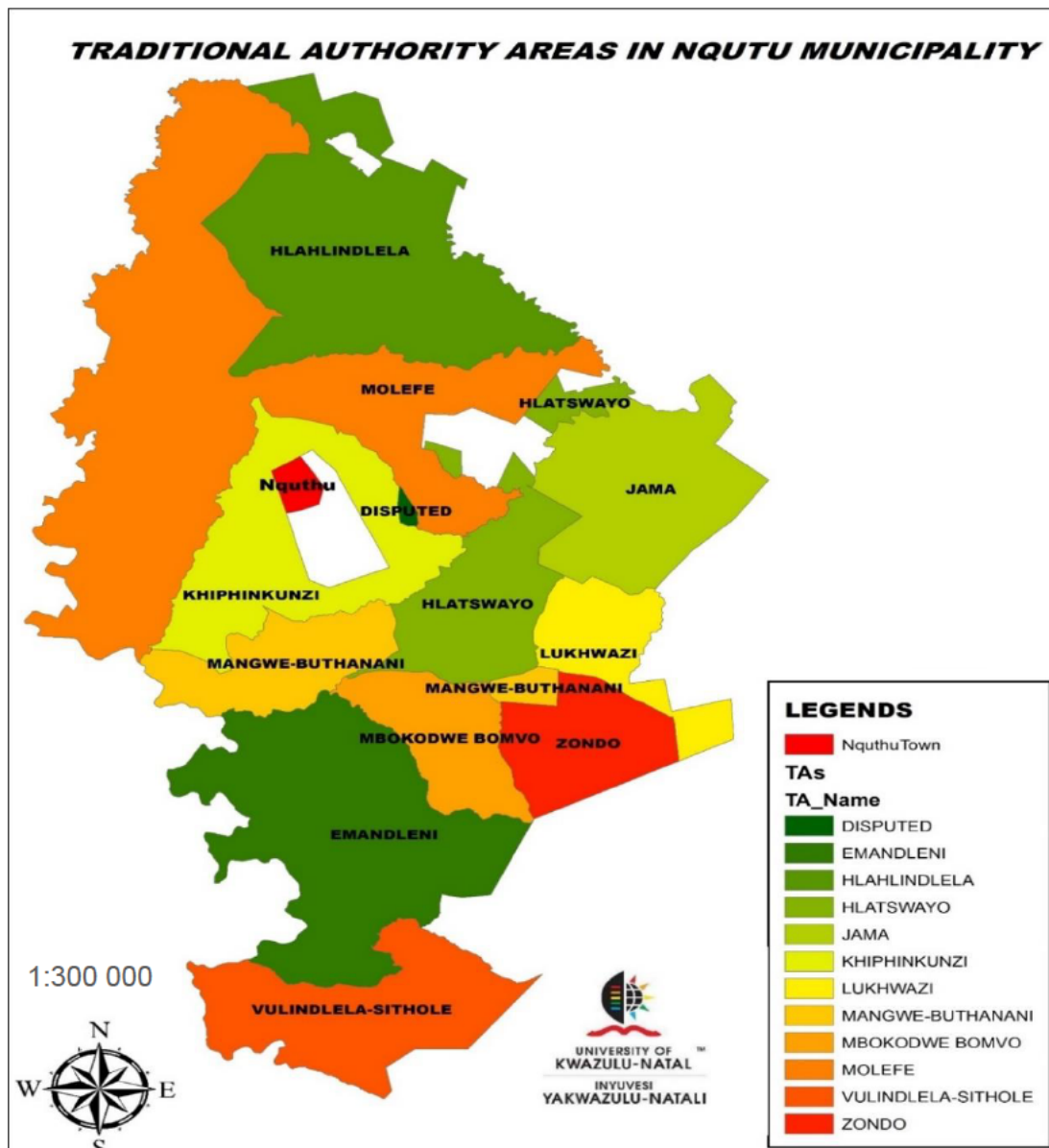
Figure 3.1: Nqutu local municipality traditional authorities' areas (author: 2019)

Nqutu Local Municipality is located North East of the KwaZulu-Natal province and further North Eastern boundary of the district and is boarded by eMadlangeni and Abaqulusi municipalities on the north; Ulundi Municipality on the east; Nkandla Municipality on the south; and Msinga and Endumeni Municipalities to the west. The GPS-coordinates of Nqutu are: 28° 18' 2.934" S 30° 48' 14.209" E. Nqutu Municipality is one of the nearby regions falling under uMzinyathi District Municipality. Nqutu Municipality can be primary accessed through the R68 connecting Ulundi and Newcastle/Dundee. Another significant provincial road that goes through the region is the R33, going through the northern zones, passing east of Nondweni before connecting with Vryheid with the R68 (refer to **Figure 2** below). In any case, as per the municipal SDF (2015) there is a need to improve access roads that will

improve versatility, which will open economic opportunities for the local people who can reach working environments simpler, because of the presence of public transport.

Map 1.2 Locality Map

The context map **(Figure 2)** below shows location of Nqutu Municipality both in the settings of KwaZulu-Natal province and uMzinyathi District Municipality and other surrounding district municipalities. Nqutu Town is the primary economic node of Nqutu Local Municipality.
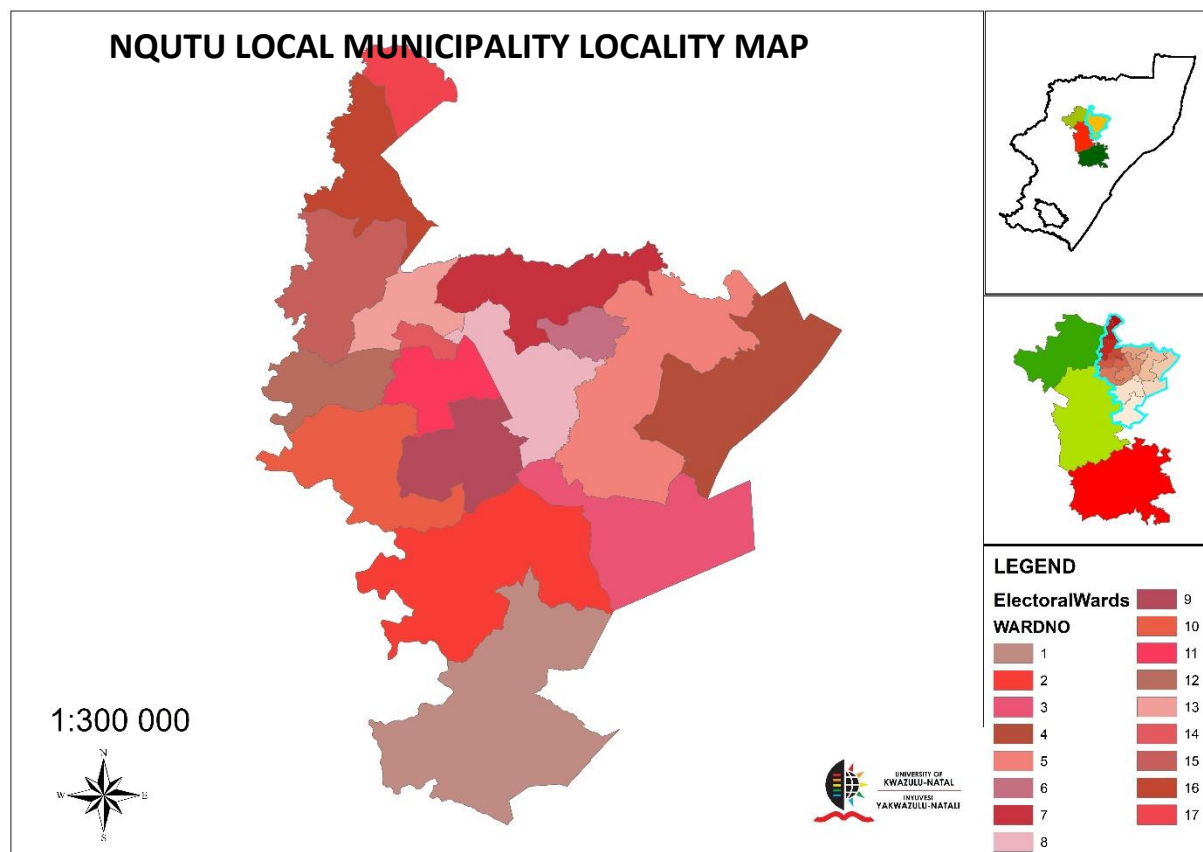
Figure 2: Nqutu local municipality locality (author; 2019)

3.2.1 Nqutu History

The name "NQUTHU" actually means ISINQUTHU (isiphundu in simple Zulu and an Occipital in English) according to history. This name came to place in times of great difficulty and importance in the history of Zulu people/Kingdom and of King Cetshwayo known for his immeasurably effort and braveness which led to the conquer of the Englo-Zulu war on the mountain of Isandlwana in 1879 (Nqutu LM IDP Review, 2010/11).

3.2.2 *Socio-economic analysis of Nqutu local municipality*

Nqutu local municipality is a dominantly Zulu spoken area that has the population of 171 325 within the area of 1965 ^{km2} and 87.2% of people per square kilometre (Community Survey, 2016; Nqutu local municipality IDP, 2017/22). The Nqutu local municipality as a rural town have scattered households more especially in the South of the municipality yet, some areas in town such as Luvisi area in ward 14 extended to town is highly populated and compressed together due to fragmented and uncontrolled planning caused by historical traditional system of planning (Nqutu local municipality IDP, 2017/2022). The municipality constitutes of 52% of the population under the age of 18 years. About 64% of the population is not economically active, only 11.5% is employed and 31% of the population has no annual income (Community Survey, 2016), Census, 2011, 2016).

Nqutu Town serves as the main economic node for the local authority however it is a secondary node at a district level. Nqutu town provides commercial, administrative, and residential activities (Nqutu IDP, 2017/22) however; the town is underdeveloped as a result of low-income levels prevailing in the area. High rates of unemployment and economic inactivity of the municipality encourages the youth to migrate to urban areas for job seeking and a better standard of living. There is a 5.8% prevalence of HIV/AIDS in Nqutu local municipality which is quite higher than the other local municipalities: "this affects business it also has huge social cost factors in terms of the provision of effective education, health, and social services" (Nqutu IDP, 2017:15). The below table outlines the socio-economic facts about Nqutu local municipality:

Table 3.2 *Socio-economic facts about Nqutu Local Municipality*

Description	Stats Information (2016) @ Municipal level
Population	17 1 325 (53% female 47% Male)
% Race Population Group	Black 99.9% Indians 0% White 0% Coloured 0%
Employment levels	11.5 % are employed (68% form part of the formal sector employment) and 64 % of the population is not economically active. 31% of the population has no

	annual income
Educational level	62.1% of the population finished grade 9/higher (30.6% have matric or higher) 16% is not educated
Telecommunications	About 41% have access to the internet from cell phones

Source: Community Survey (2016)

Table 3.3 *Income facts about Nqutu Local Municipality*

Income	Percentage (%)
No Income	12%
R1-R4800	5%
R4801-R9600	12%
R9601-R19600	25%
R19 601-R38 200	28%
R38 201-R76 400	10%
R76 401-R153 800	4%
R153 801-R307 600	2%
R307 601-R614 400	1%
R614 001-R1 228 800	0%
R1 228 801-R2 457 600	0%
R2 457 601+	0%
Not specified	N/A

Source: Census (2011)

3.2.3 *Infrastructure services within Nqutu local municipality*

Nqutu is a small growing rural town so is the infrastructure. The municipality forms part of a rural area, some areas receives all municipal services, and some do not. According to the IDP (2017/22), infrastructure and services in town is poor or underdeveloped and this affect the effort put on by the municipality to attract and promote investors. Nqutu local municipality has 32 621 households however it has a smaller number of informal dwellings/shacks (0.9%), 60.5% households are headed by women and 459 households with

heads under 18yrs. Nqutu local municipality has residential, commercial, social services, industry and agricultural land-uses scattered all around the municipal area.

- ***Water and Sanitation***

Infrastructural services such as water, toilets are in good shape, only a few people do not have access to them, most of the community's access water from boreholes. Water is circulated poorly, and soils erosion may eradicate the leeway to construct a dam. According to the SDF of Nqutu local municipality (2015), the municipal area still has challenges on providing the whole area with water and this has impacted negatively on the service delivery. 76.5% of the population receives water from a local authority source, 15.8% has no flushing toilets and 1.7% has no access to any (61% has access to pit toilets) (StatsSA Community survey 2016). UMzinyathi District Municipality is responsible for supplying sanitation to eliminate the bucket system and provide those who do not have access to sanitation at all. According to the SDF the areas that are serviced above average are situated near the main access road and close to nodal settlements.
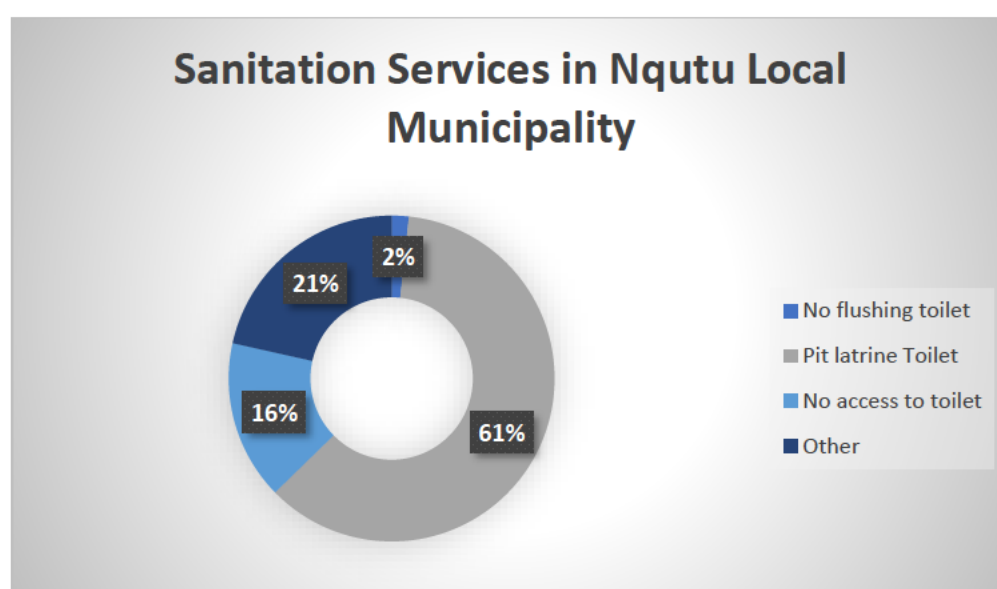
Figure 3: Sanitation services in Nqutu local municipality (Author, 2019)

- ***Electricity***

Eskom is the service provider for electricity in Nqutu Municipality. Electricity supply services in Nqutu Municipality tend to be better served in urban nodes and areas around road infrastructure. Only 12% of the population has no electricity and 68% has in-house prepaid meter (Nqutu municipality IDP, 2017/22). According to the Nqutu SDF (2015), the measurement of access to electricity was done according to the use of energy for lighting

purposes since it is the first cheapest item powered by electricity. With reference to Nqutu Spatial Information Unit Map some wards has below average services, therefore it indicates that it is in isolated areas; either is dispersed from very occupied settlements or lacks transportation links that are typical in more populated areas. According to Census 2011, about 12.9 % households have no electricity.

- ***Waste Collection and Disposal***

Community Survey (2016) shows that about 6.3% of the population get refuse disposal from local authority sources and 62% has its own dump.

3.2.4   Key developmental issues in Nqutu local municipality

Some of the key development issues of the municipality has been raised and discussed above; however, Nqutu local municipality has other issues than them. According to the IDP (2017/22) of Nqutu local municipality, these are the key developmental issues facing the municipality:

- "High rate of unemployment,
- Service backlogs especially water and sanitation,
- Income, relative and absolute poverty,
- Congestion in town,
- Poor access to public facilities and other government services,
- Inability to attract and retain skilled and experienced stuff,
- Unplanned settlements with some occurring in land not suitable for human settlement and,
- Lack of economic investment and associated infrastructure".

Despite the negatives, Nqutu local municipality has great opportunities which can assist to overcome many challenges and threats in the future especially in land-use planning. Nqutu LM has an opportunity to expand it town in the future with a huge development that is yet to take place. Other opportunities include tourism, agricultural, economics and business sectors (Nqutu LM IDP, 2018/19:17).

3.3 Research Methodology/Approach

Nqutu local municipality has been and still is under the authority of Amakhosi and located in the area under their authority; the municipality has been concerned about overlapping functions performed by traditional leaders in the management and use of land alongside municipal officials. With the introduction of local governance (where an appointed number of

traditional leaders is allowed to sit in the council with no voting rights), the functions of traditional leaders became vague, not only in land use planning but also in local administration. Nxumalo and Whittal, (2013:326) argued that this was due to the South African planning laws that do not provide a clear definition of roles that traditional leaders should play in land-use planning and development projects; which has led to in "duality of authority in rural traditional areas and conflicts over land, land management and service provision". Therefore, the aim of this research was to assess the roles played by traditional leaders in land use planning and municipal governance in the area discussed above.

To explore an under researched topic to accomplish the above, qualitative research methodology was used to conduct the study. Qualitative methodology is concerned with quality, is non-numerical, descriptive in terms of data, applies reasoning and uses words. The main aim of this methodology is to get the meaning, feeling and description of the situations and relationships According to Creswell (2008: 11), "Qualitative data consists of open-ended information that the researcher usually gathers through interviews, focus groups and observations". Based on the research problem and the objectives of the study, this methodology tried to find an understanding of a given topic from the local people's perspective. Unlike quantitative methodology, qualitative methodology provided a complex textual description of how people experience a research topic at hand and it also provided information about the human side of the research problem, which is often contradictory behaviour, emotions, beliefs, opinions, and relationships of individual. It also flexible and described human settings, experiences, motivations, and opinions instead of predicting or verifying (Goundar, 2012); which cannot be designated using lab-base experiments. Thus, the approach used for this study used was wisely and rationally judgemental.

Descriptive data in the qualitative methodology study was applied to describe a situation or attitudes towards a problem in the study. Thereafter, qualitative data, in the form of words, also expressed in photographs was required. Hence, data was collected using both primary (collected by the researcher using in-depth interviews and participant observations) and secondary data (publications by other authors, Municipal IDP, SDF, previous projects related to the topic at hand). Data collected was descriptive in nature and non-numeric (incl. field note, audio recordings) and observations were gathered without any intervening.

3.4 Data Sampling

Nqutu has a population of 171 325 and 32 621 households (Community Survey 2016). The municipality comprises of 17 municipal wards within nine (9) traditional authority areas. Only 31 respondents were interviewed out of 171 325 population and five (traditional leaders and municipal officials, i.e. town planner, and IDP manager) of the respondents were key informants. The sample size was more of a target than a stead last requirement; meaning it was approximate rather than a strict ration. The researcher worked closely with community members of Nqutu in official and unofficial authority positions and gatekeepers from the beginning of the research (proposal stage); together they formed a plan/criterion to identify and recruit participants. The local members helped recruit traditional leaders by contacting the uMzinyathi Head of Traditional Leaders who happened to be a chief in one of the traditional councils in Nqutu. Other traditional leaders which were hard to access were recruited by him to participate in the study, which automatically developed into a snowballing sampling. In snowballing sampling involves gathering information from one or more participants and relies on them to put you in touch with other people.

To pre-select the informants, the study employed a qualitative non-probability sampling method namely, purposive sampling. Purposive (purposeful) sampling also known as judgemental sampling is used in qualitative in-depth studies and participants are recruited according to the pre-selected criteria relevant to a certain research question (Lopez and Whitehead, 2013). According to Freedman (2007) in Seduma (2011), purposive sampling method is where the participants are "selected based on their knowledge, relationships, and expertise regarding research topic".

Thus, all interviewees were selected through a selected criterion; it was required that the participants have lived in Nqutu for a minimum of four (4) to fifteen years (15) or more and be within an age group of 18 to 80 years. Additionally, key informants were selected using the above items in the criterion, should be knowledgeable municipal officials when it comes to land use planning, are in the council of traditional leaders or municipal council and have worked with traditional leaders considering land use planning/any community development projects under the local municipality. The researcher formulated a set of guidelines (information sheet) written in English and Zulu as an introductory of the study to the participants. The guidelines were sensitive to the social and cultural contexts of the recruited participants. It reflected an awareness of the researcher that willingness to participate in the study depends on how the participants understand what the study is about, who will be

responsible for data collection, what they will benefit, the risks of participating, their rights as participants and how confidentiality will be respected.

3.5 Research Methods

Research methods are normally confused with research methodology, but they are actually different. Research methods explain the techniques or methods used to precede your research/study such as experiments, surveys, tests etc. they help find, collect samples, data and find solutions to a problem Goundar (2012). Based on the qualitative research methodology and the type of data required to attain the research aim and problem, the study utilized both primary and secondary data. Primary data was collected in the form of in-depth interviewing and participant observations considering the important themes relevant to research literature. As part of the secondary data, the documents used in the study include publications (articles, journals, books, peer review papers) by other authors, reports of previous development planning projects in Nqutu, the municipal IDP and SDF. The municipal SDF and IDP were used to understand the key challenges the municipality is facing regarding land-use planning. Secondary data gave the author a theoretical sound to understand the research problem.

In-depth Interviews

Participants to be interviewed were pre-selected using the number of years they have lived in Nqutu which range at 15 or more years and some who are informed with land use planning, traditional leadership, and local governance. Before being interviewed, all participants were read an information sheet which had every detail about the study for their own understanding and were required to sign a consent form.

As part of the in-depth interviewing with the researcher as an active participant; the study utilized a one-on-one, telephonic, open-ended and semi-structured interview questions. The questions were written both in English and isiZulu **(Appendix 1).** Semi-structured interviews usually provide results that cannot be generalized beyond the sample group but also provide a more in-depth understanding of informants' emotions, opinions, and motivations; mostly suited to answer the research problem and research questions. Respondents were allowed to use any language between the two; the responses in Zulu were translated back into English at the end of the interviews. The questions were set to ensure the research questions or objectives are covered. However, "freedom to ask any questions in any order, following

tangents or seeking clarification of previous answers or elaboration of responses is given to participants" (Lopez and Whitehead, 2013:128).

All participants were asked semi-structured and more background check questions; while the researcher was taking notes and recording the interviews using a Mobicel Trendy Lite Smartphone. Only thirty one (31) participants participated in the study. Due to unforeseen circumstances/ limitations, two of those interviews were conducted telephonically, where participants were sent questions in the form of a text message. One interviewee sent a voice recording of him/ answering the questions and other responded through texting and later the researcher met with the participants to sign the consent form.

The interviews took place in different locations between Nqutu (Luvisi area, Zicole and Batshe) and Dundee. The interviews were conducted seven days a week, during working hours from January to February. The interviews took five (5) to thirty (30) minutes each participant depending on the knowledge they have and were willing to give. Traditional leaders were interviewed in Dundee within the offices of Department of Cooperative Governance and Traditional Affairs office, whilst local municipality officials including ward councillors were interviewed in their respective municipal offices and community members in the comfort ability of their homes.

Participant Observations

Participant observation data collection method involved data being gathered at the natural environment or during fieldwork in Nqutu local municipality (study area) from the beginning of January to the middle of February. The researcher was an active observer and physically in the filed with the respondents, taking notes and photographs of the surrounding areas, and observing participants' body language and attitudes to illustrate real life events relating to the study. The community of Nqutu was observed with the permission signed by the local municipality and the House of Traditional Leaders. Observations assisted to understand and capture the setting in which the respondents interacted. It is also a first-hand experienced that provided a researcher to learn new things that participants were not willing to share (Silverman, 2008).

3.6 Data Analysis

Qualitative research collects data qualitatively and analysis of data is primarily qualitative. This involves an inductive exploration of data to identify recurring themes, patterns or concepts and then describe and interpret those categories. It involves the presentation of data

analysis methods used by a researcher to reduce data collected to a story and its understanding" (LeCompte and Schensul, 1999) cited in (Kawulich, 2004:97). Qualitative data analysis is based on language, images and observations. The study used Thematic analysis (TA) to identify themes in qualitative data collected during in-depth interviewing and observations which involved the coding and close examining of data to identify broad themes and patterns that helped to address the primary research question. The study used Lorelli *et. al.* (2017) thematic analysis steps/phases to analyse data and assure good and accurate patterns.

Figure: Six phases to use Thematic Analysis (TA)

Phase 1

Data Familiarization

Phase 2

Generate Initial Coding

Phase 3

Search for Themes

Phase 4

Review Themes

Phase 5

Define and Name Themes

Phase 6

Produce Report after Theme Identification
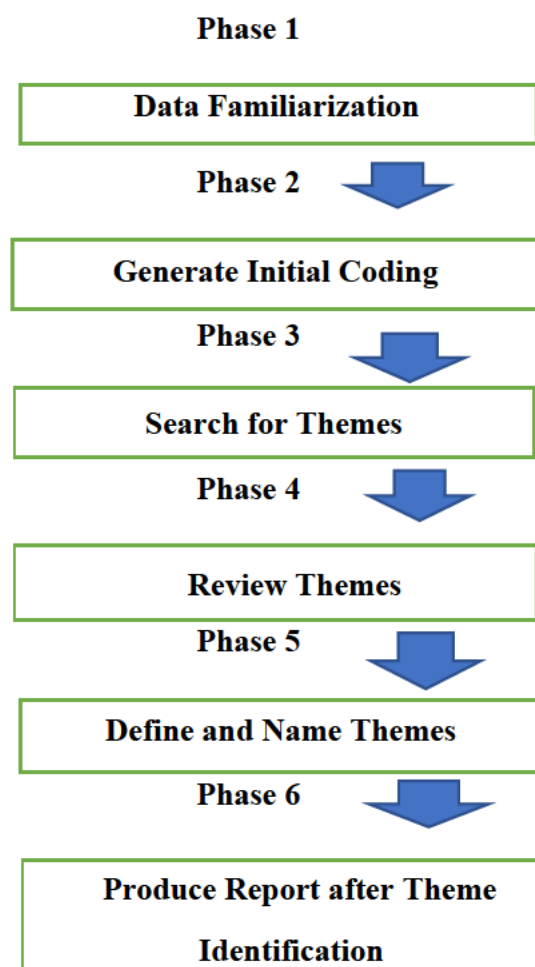
Source: Author (2020)

The researcher firstly familiarized him/herself with collected data (photographs, field noted, recorded observations etc.). The in-depth interviews were transcribed using verbatim transcription. All the above data was thoroughly examined and coded (by identifying important sections of the texts and label them accordingly) to extract themes. Themes were

refined and others were collated with others since they had enough data to support them including the roles played by traditional leaders in land use planning and municipal governance. The roles played by traditional leaders in municipal governance had less information and was therefore collated with the other theme. Four themes in the analysis phase were identified based on resrarch questions of the study and assessed to gain an understanding of the participants' perception and motivation. The findings were then synthesised to craft conclusions of the study. Direct quotations from verbatim transcriptions, field notes describing naturally occurring conversations and photographs taken during observations to display the natural settings were used to support statements made in the study. A report on study findings and interpretation follows after.

3.7 Ethical Consideration

Ethical clearance was issued out by the UKZN Research Ethics Committee and only then the information for the study was collected. The researcher was accountable to protect the respondents as it is a moral obligation to consider the rights of the respondents. Thus, the researcher issued out an informed consent form which stated the respondents' right to withdraw at any time during the interview, should they feel uncomfortable. Furthermore, the confidentiality and anonymity of the respondents was protected in the analysis by not mentioning any names. This research was carried out in accordance with the following principles:

- Trustworthiness,
- Respect,
- Non-Biasness,
- Fairness/Justice and
- Human subject protection.

3.8 Research Limitations

The study on roles played by traditional leaders in Land-use planning and municipal governance was not conducted to obtain a generalization point of view from the researcher nor the participants or any other party involved or not but was mainly focusing on the case of Nqutu Local Municipality only. The study had limitations, and this does not serve as the final information about the roles of traditional leaders in land-use planning and municipal governance in Nqutu local municipality. Therefore, the use or application of findings should apply in one case which is the former. Throughout the study, it was observed that the

researcher or the study itself had limitations that required being resolved/minimized in order to obtain more information about the role of traditional leaders in LUP and municipal governance and also assist in the future studies:

i. *Gender Imbalance*

The researcher noted the imbalance of gender distribution within ward council representatives. Out of nine (9) ward councillors interviewed all participants were male. According to the municipal IDP, Nqutu local Municipality have 17 ward councillors with 3/17 female as ward representative and all were unreachable and reluctant to participate in the study. Such imbalance caused by party representative elections causes biasness when it comes to issues of gender and land use planning in the areas under traditional leaders. The researcher could not obtain any information concerning how women as community representative are being treated in matters concerning how land is distributed and used and the challenges they face as women in land development under amakhosi. As far as the selection of councillors, the LG: Municipal Structures Act (1998) Section 3 state that "every party must seek to ensure that fifty per cent of the candidates on the party list are women and that women and men candidates are evenly distributed through the list" (RSA, 1998) however there's no penalty for rebelling from the act. Henceforth, to avoid such limitations in the future studies, government should promote women's involvement in politics and also in local government and land related issues to serve as core areas of women empowerment and to ensure that discrimination issues are accurately addressed in politics in general and in political parties.

ii. *Lack of literature*

The methodology of the study outlined that the study would use both primary and secondary (books, reports, journals, municipal SDF and IDP etc.) data to answer the research main question. During the collection of secondary data to be reviewed and analysed, data on the roles or involvement of traditional leadership in land-use planning in South Africa was very limited or out-dated. The current data had inadequate information which could not give a clear perspective on what was expected to respond to the main research aim of the study. Also, the municipal IDP and SDF did not have sufficient information about traditional leaders in land-use planning nor planning as a whole and the specific roles or more info on what roles do traditional leaders play in municipal governance other than what was stated on the Municipal structures Act of 1998.

iii.   Reluctance to participate in the study

The unavailability and reluctance of participants to partake on the study also posed as a limitation to the study. Out of 36 participants the researcher was supposed to interview using face-to-face interviews, only 31 participants responded to the study others with so much difficulty, especially traditional leaders, and ward councillors. The researcher ended up resorting to telephonic interviews (incl. voice notes and texts) to get more information. Such information is sometimes unreliable as the participant does not sign anything (consent form) or be recorded for the sake of accountability.

The researcher was expected to contact the Department of Cooperative governance and Traditional Affairs (CoGta) or Local House of Traditional Leaders to get a formal letter of approval to get appointments to interview traditional leaders which delayed for months leading the researcher to obtain all required documents for university ethical clearance difficult. Additionally, a few people were hesitant to take part in the study and sign a consent form because they did not have confidence in individuals asking questions, taking notes and pictures, and recording them. Signing a consent form felt as the compromise of confidentiality. This issue was controlled by clarifying the motivation behind the research and opening a stage for the respondents to raise everything that worries/d them.

iv.   Transport Constrains

The area of Nqutu is geographically challenged when it comes to transport. Some areas are unreachable by motor mobile; the researcher is required to walk long distance. Taxis sometimes are unavailable in the evening in some areas. Taxi fares are different depending on the distance of that place.

3.9 Conclusion

Influenced by literature review and theoretical framework, this chapter discussed the research methodology which explains the way the research was conducted, sampling techniques used to select study informants, methods to be used to collect data, sampling methods and ways of analysing data collected that influenced and applied to the study. Also, research limitations were discussed. A case study of Nqutu local municipality and its demographic analysis was clearly explained for the benefit of someone who is not aware of place, to understand it socio-economic and infrastructural dynamics and to justify the location of the study. Nqutu local municipality is a peri-urban area characterised by rural scattered and unsystematic settlements with a population of 171 325 people. The population of Nqutu local municipality

has major problems of improper planning, high rate of unemployment, poverty, and lack of economic investment among others with poor or underdevelopment infrastructural services.

The study utilized a qualitative methodology which was mostly influenced by the study's aim and objectives. Pre-selected respondents including municipal officials, community members, and traditional leaders were selected using both purposive and snowballing sampling methods and cross-examined using face-to-face, telephonic. in-depth, open-ended, and semi-structured interview guide. Photographs collected during participant observations in the field and direct quotations were used to support statements made in the field. Data was analysed using thematic analysis to identify themes that addressed the research problem and study's objectives and to capture naturally occurring discourse and all forms of written transcript from the interview schedule. The section concluded with the report on research limitation encountered in the field during data collection.

CHAPTER 4

DATA ANALYSIS AND STUDY FINDINGS

4 Introduction

This chapter outlines data analysis (reading of primary and secondary data collected from diverse bases), and present study findings from the study process where collected and analysed data on assessing the roles of traditional leaders in land-use planning and municipal governance in Nqutu Local Municipality deliver the outcomes of the research. This chapter uses Thematic analysis method to categorize and record patterns or themes found in the data set. The themes are interrelated with the aims and objectives of the study and to provide answers to the research questions.

The main research question of the study is: *What are the Roles Played by Traditional Leaders in Land-Use Planning and Municipal Governance in Nqutu Local Municipality*

Guided by the following study objectives outlined below:

- *Assess how traditional land ownership/allocation affects the effectiveness of land-use planning within the municipality.*

- *Study the relationship between Traditional leaders and modern Local governance within the sector of land-use planning.*

- *Examine the relevancy of traditional leadership in modern governance of Nqutu Municipality with regards to Land-use planning.*

Furthermore, direct quotations are extracted from the recordings of the interviews, primary investigator and respondent confidentiality was preserved. No names or identification of the respondents were mentioned.

4.1 Demographic Profile of the respondents

Table 4.1 presents a sample size of 31 respondents was purposively and randomly selected from different stakeholders relevant to the study. A sample size included three traditional leaders who formulate (9%) of the sample size, two municipal officials (6%), nine ward councillors (28%) and seventeen community members (57%). This will assist the results to establish an understanding of what roles do traditional leaders play in land-use planning or in

pleasing the community particular in community development or their clashing or working relationship with the municipality.

Table 4.1 outlines Biographic profile of the respondents

Stakeholders	No. of Respondents	Percentage (%)	Gender			
			F		M	
Traditional Leaders	3	9%	-	0%	3	10%
Municipal Officials	2	6%	-	0%	2	6%
Ward Councillors	9	28%	-	0%	9	29%
Community Members	17	57%	10	32%	7	23%
Sum	**31**	**100**	**10**	**32%**	**21**	**68%**

Source: Author (2020)

4.1.1 Classification of respondents according to gender

Table 4.1 presents a brief demographic profile of all the respondents in the study. About 68% of the study respondents were male and the remaining 32% were all female. Consequently, it is safe to say the study was led by male participants. The gender imbalance is caused by the biasness in the political party representation and the issues of patriarchy within the system of traditional leadership and electoral processes in South Africa.

4.1.2 Classification of respondents according to age

The study, through participant observant during the interviews discovered that the municipal leadership and ward representatives are mostly young literate people. On the other hand, Nqutu local traditional leaders consist of older people with less young people. In terms of level of education, the interviewed traditional leaders seemed to have recognised education yet are not well equipped and informed when it comes to western-modern land use planning used by municipalities. Traditional leaders raised concerns of illiterate traditional leaders as one of the obstacles between them and the municipal officials. The issues of age gap and illiteracy may cause members from both institutions to have incompatible views and opinions and ways of doing which normally leads to communication break-down. Amakhosi may not be involved in land use planning because they do not have influence but lack literacy or capacity to take meaningful and informed decisions with respect to uses of land. This could be the reason for the stagnancy in development of rural communities.

Table 4.2 Present the demographics of interviewed Traditional leaders

Traditional leaders	Gender (M/F)	Traditional Council	N of Ruling Yrs.
Ink. PMP Mazibuko	M	Buhlebamangwe TC	21
Ink. PBN Molefe	M	Molefe TC	10
Ink. SK Sithole	M	Vulindlela TC	+25

Source: Author, (2020)

In all three traditional leaders participated in the study and all were male. On average, all participated traditional leaders have been in leadership of their respected communities from a minimum of ten (10) years to the maximum of more than twenty-five (25) years. The interviewed traditional leaders represent different traditional councils and possibly play different roles in their communities and the way they lead or manage their community affairs is different. It is vital to acknowledge that traditional leaders who led before 1994 and those who led after having different experiences and views and have played different roles concerning that roles revolves with time.

4.2 Data Analysis

4.2.1 The Effectiveness of Land-Use Planning in Nqutu Local Municipality

South Africa like any other country has issues of land scarcity. Metternicht (2017) stated that "competition over land is increasing as demand for multiple land-uses and ecosystems services rises with land-uses putting other land-uses under pressure". He further stated that land-use planning can assist in finding stability among rival and inconsistent land uses, "promote sustainable development and reinforce land governance, improve economic opportunities based on management of land resources and develop land-use options that interlink conservation and development objectives" (Metternicht, 2017:4).

Various publications require that Land-use planning, or Land-use management and spatial planning should not only be practised in diverse urban areas but should also move to rural areas especially in areas under traditional authority. However, according to Charlton (2008), KwaZulu-Natal traditional leadership areas have different ground conditions and community attitudes towards how land is managed and used. "Land in these areas is held under communal tenure, with particular kinds of uses by community members permitted by agreement and land-use planning in these areas presents different challenges and issues to that of urban areas in these areas" stated (Harrison et al 2008: 212 cited in Charlton, 2008:9).

Nqutu Local Municipality have planning issues such as unplanned and dispersed settlements with some befalling in land not suitable for human settlement, service backlogs especially water and sanitation and poor access to public facilities amongst other issues; engaging in planning system to prioritise such is not out of place. Therefore, land-use planning is the remedy. According to Lier (1998:83), to create more sustainable rural areas is a very prominent item across the world and "land-use planning is one of the activities challenged to play an active role in obtaining sustainable rural systems". Respondents from Nqutu local municipality confirmed that land-use planning exists within the municipal area especially in Town, but in rural areas there has not been much planning enforcement or compliance with planning laws.

There's land-use planning enforcement within the municipality but most land-use planning projects are within Nqutu town, in rural areas there is not much enforcement and we face a lot of difficulties concerning land-use planning

The other municipal respondent further stated that compliance and enforcement of land-use planning – more particular in rural areas- depends on how much spatial planning and environmental legislative knowledge do the owners of the land (traditional leaders) have or if they are willing to comply. Hence, there are still areas in Nqutu local Municipality and under traditional authority with improper or inadequate planning. The following pictures show settlements allocated in environmental prone areas:

In my area, before inkosi allocate land for development purposes, he considers all social and environmental factors that might benefit or affect the surrounding community and the future of the area

There are various development planning projects around town such as the access roads from town to nearby suburbs, RDP social housing in ward 14 and traffic police offices. Traditional leaders emphasized on having access roads in rural areas and that throughout their process of allocating land, people only care about having big homestead and careless about access road.

"Access roads are important to consider during land-use planning, it helps a lot when development occurs" said one respondent

Figure 4.1: Settlements allocated in environmentally sensitive areas in Nqutu Local Municipality (Author, 2020).

Figure 4.2 Construction of Access roads in Nqutu Local Municipality (Author, 2020)

Figure 4.3: Construction of access roads and pedestrian friendly routes in Nqutu Town and surrounding areas (Author, 2020).

Figure 4.4: An almost complete Nqutu Local Municipality Traffic Police Offices (Author, 2020)

According to Nsele (2016:71), in order to have a more "sustainable relationship between human settlement and natural environment and ensure the efficiency use of natural resources", the 1996 Behrens and Watsons' six normative concerns to consider throughout layout planning including access and opportunity are very prominent. The construction of access roads in Nqutu local municipality maximise the level of access and convenience of the area. It allows the community to "access easily public facilities and that the location of public facilities match the needs of the community". It also ensures the network circulation enables communities to access public transport and pedestrian sidewalks (Nsele, 2016:72).

Figure 4.5 Nqutu Local Municipality Ward 14 RDP Housing Plan (Author, 2020)

Owing to the above statement, Nqutu Local Municipality has various challenges (incl. spatial, economic, social etc.) which stands as an obstacles to deliver on what people needs and desire, however the municipality is determined to confront and deal with such challenges to ensure a better living to it people and to develop a liveable town for all (Nqutu IDP, 2019/20:12). Some of the challenges include rocky terrain and unplanned settlement patterns, poor access to public facilities and disaster vulnerability and constrains capacity. Most areas in Nqutu local municipality are difficult to reach and to implement infrastructure development together with service delivery programmes resulting to high maintenance and logistic costs. Furthermore, the Risk and Disaster management department/service takes time or respond late to disaster incidents in dispersed settlements far from the roads. The above knowledge proves that Nqutu local municipality lacks or have no planning at all which is partially understandable because Land-Use Management (LUM) has been recently introduced. **Table 4.3** and **Figure 4.6** show the number and the percentage of the responses about land-use planning in Nqutu local municipality.

Table 4.3 shows land-use planning knowledge stats in Nqutu local municipality

Do you know what Land-Use Planning is?	Responses		
	YES	**NO**	**PARTIAL**
Traditional Leaders	-	-	3
Ward Councillors	-	3	6
Municipal Officials	2	-	-
Community Members	-	13	4
Sum	**2**	**16**	**13**
Percentage %	**6%**	**52%**	**42%**

Out of thirty-one respondent only six percent (6%) know what land use planning and how it works. The 6% comprises of municipal officials in the planning department in Nqutu local municipality. fifty two percent (52%) of the respondents have no knowledge of land-use planning at all and described it as a new thing – mostly in rural areas- which government hasn't discussed it with them whilst forty-two (42%) have partial information. Those with partial information understand land-use planning in a traditional indigenous system used by traditional leaders and their council to plan for the land every year.
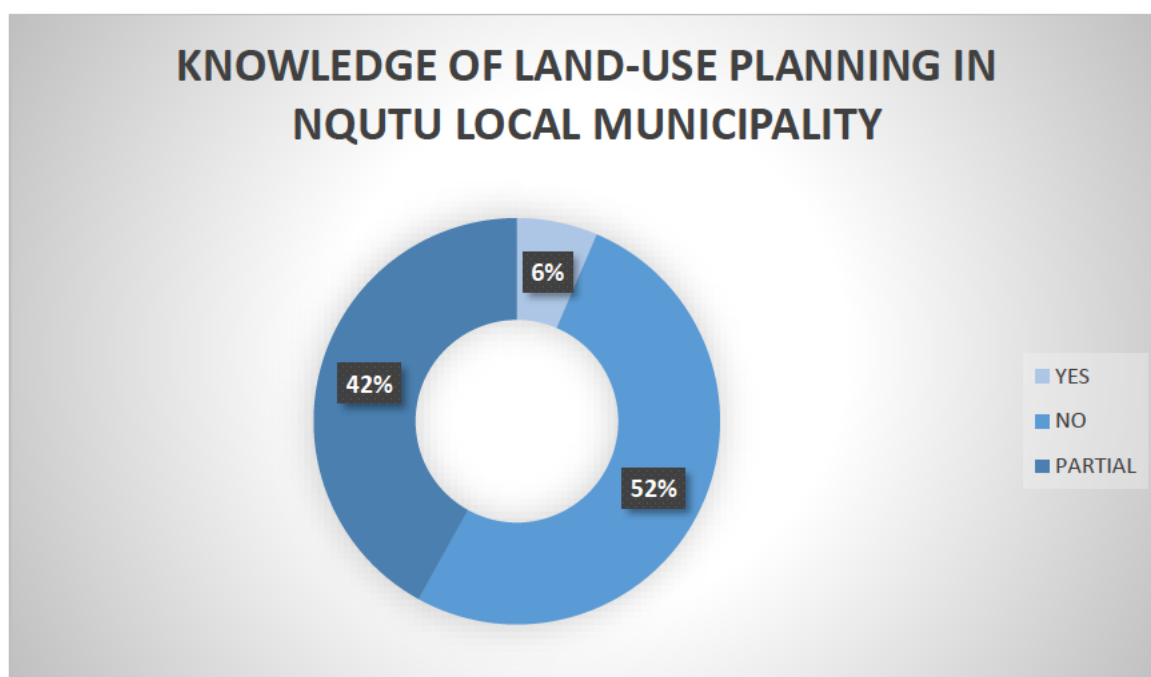

KNOWLEDGE OF LAND-USE PLANNING IN NQUTU LOCAL MUNICIPALITY

6%
42%
52%

YES
NO
PARTIAL

Figure 4.6 LUP information stats in Nqutu local municipality (Author, 2020)

I have never had of such thing

I would be lying if I say I know what land-use planning is

LUP is how we use spaces around us the best way we could considering environmental and economic benefits, how we allocate public services. LUP helps to avoid locating services in unreachable areas

One respondent reflected on the apartheid system of planning when asked about land-use planning, his response was:

In the past, years ago before you were even born, every land-use was allocated it space. The space South of Nqutu town was reserved for light industries not residential use, Casino and the vacant spaces near Nqutu Plaza were meant for small businesses to develop our town, white government did that. However, I heard that the space near Nqutu Plaza was sold to Jomo Sono to build expensive houses yet still today we have been waiting for those houses.

Nqutu local municipality had a Betterment Scheme which was approved during Apartheid era to regulate the use of natural resources including land in areas with limited agricultural potential and to separate residential land-use from other land uses. Nevertheless, this arrangement lost it course since many households were located on land reserved for agriculture which is still happening even today (Nqutu IDP, 2017). Together with other municipalities, Nqutu local municipality had to adopt a Wall-to-Wall scheme as per SPLUMA of 2013 to maintain planning and land-use management however its uncounted issues of implementation. One respondent stated that land-use planning is not taken seriously in Nqutu Local Municipality

I am aware of what LUP is and we have it but Land use planning in the municipality is only done for compliance, there is no corporation from the management, they do not understand it. Even the budget allocated for planning matters is limited.

He further stated the importance of LUP:

Land-use planning is very important especially in rural areas because development is at the beginning stage where one can plan properly. Ward councillors as service delivery agents, traditional leaders as custodians of land, should have a more understanding on land-use planning since they are the one who brings development to people, this will help to plan

accurately considering all necessary development controls such as distance when locating public facilities.

Nqutu local municipality is still in the verge of completing it single land-use scheme as per the land-use management system requirement from SPLUMA (Nqutu IDP, 2019/20). There are development projects that promote land-use planning such as Precinct Plans in various areas under traditional leaders, construction of gravel roads, RDP houses, and community halls. However, most communities are worried about other community developments that are left unfinished and white elephant developments.

The MEC has helped to build a new crèche and a park

The community hall has been left unfinished since 2017

The following picture **(Figure 4.7)** shows the community hall in Nqutu local municipality that has been abandoned and not finished since the year of 2017. Community members have not been told anything regarding this hall

Figure 4.7: an unfinished and abandoned Community Hall in Nqutu Local Municipality (Author, 2020)

Both traditional leaders and community members showed concern regarding the construction of development projects which are not necessary and not desired by the community. One of the respondents stated that during the implementation of IDP public participation is poor. Most services are built in the name of a certain political party to manipulate people into voting for them and without proper/any consultations/planning.

IDP is mainly created by the people of that area; however in our case it is created by politicians who are trying to fulfil a certain agenda. Therefore, it does not achieve what it meant for

He further stated that

During the administrative year of 2016 in my area, numerous community halls were built. If you asked who wanted these halls and why, we have more important things than that. We have schools, churches and crèches to hold meetings

The respondent stated that if there was proper planning and public consultations, the municipality would have known what the community desired before community halls. Now those community halls are not used by anyone (white elephant development).

Table 4.4 Responses of the effectiveness of Land-Use Planning in Nqutu Local Municipality

Respondents	Responses
Municipal Official	Nqutu Local Municipality is mostly rural and most of the land is under AmaKhosi, like any other rural areas, the area has not been subjected to land-use management/planning in the past. With the enactment of municipal SPLUMA by-laws as required by the Act, municipalities were required to comply with the requirements. Land-use planning has been effective mostly in Nqutu town and urban areas nearby. Traditional leaders were consulted in matters concerning spatial planning and land-use management and implementation of single land-use scheme. There are land-use planning development projects in rural areas but there is not much enforcement and compliance
Traditional leaders	As much as there are developments planning projects around traditional authorities' areas, land-use planning has not been really introduced and enforced in these areas. Traditional leaders outlined that only an indigenous traditional system/knowledge is used in these areas to plan for the land. No professional tools or guidelines are followed during the process. Nonetheless, traditional leaders see the prominent use land-use planning techniques in their areas and wish that municipalities would assist them in acquiring such skills.

4.2.2 The Roles of Traditional Leaders in Land-Use Planning and Municipal Governance in Nqutu Local Municipality

4.2.2.1 Involvement of Traditional Leaders in Land-use planning in Nqutu Local Municipality

Bikam and Chakwiriza (2014) emphasised that various development experts have been neglecting issues concerning the role and contribution of traditional leadership in land-use and rural development. Additionally, they view this as an injustice deed to the powers and functions of the traditional institution in matters concerning land administration. Traditional leaders partake in land management as the guardians of land and have dealt with land matters since decades ago with challenges as other institution would have. However, that role was believed to be dented after the introduction of democratic system in South Africa. The South African Constitution of 1996 as per Section 151 to 156 introduced municipalities in the whole

of South Africa and gave them exclusive powers to control local government matter listed in Part A and B of Schedule 4 and 5 respectively including governing 'municipal planning'.

Quoting from the Court Judgement Case Law between "*City of Johannesburg Metropolitan Municipality (City) vs. Gauteng Development Tribunal (Tribunal) and others [CCF89/09] of 2010*", the term 'municipal planning' according to Judge Jafta, had no specific or exactly what aspect of planning are included and is also not defined by the Constitution. Though, in terms of 'planning' settings of the municipal affairs, the term presumed a well-well-known meaning which included the land zones and development of towns. This raised concerns or questions such as what is going to happen in areas under traditional authorities, who is going to handle land-use planning developments in these areas, traditional leaders or the municipality? if traditional leaders or their institution are considered as a structure of local government to carry out duties meant by "municipal planning". To respond to this, one of the respondents from the municipality stated that:

"This is tricky, but yes I consider the institution of traditional leadership as the part of democracy and local government structures however, what differs is the role they should play in a democratic environment. Their roles need to be refined and should adapt to the current situation. They should not lust over the roles of politicians that would cause more chaos. To me democracy does not really mean electing, as long the majority of people still accept amakhosi as part of them; that is democracy"

Moreover, one respondent stated that traditional leaders –although they are not there yet- are part of democracy

Section 81 of the Municipal Structures Act makes them part of democracy

In terms of the policy shift from the formulation of the RSA Constitution in 1996 to the enactment of SPLUMA (Act 16 of 2013) which gives municipalities sole mandate in planning (incl. land development and land-use management), there's been a debate as whether traditional leaders are still suitable to continue their role as land bureaucrats or custodians especially in rural areas (Nel, 2015). According to Bikam and Chakwiriza, the contribution of traditional leadership and the functions they should perform as relevant stakeholders in land-use planning has been a vessel of debate because of its vagueness (2014:143). Most respondents had no clue about the roles played by traditional leaders in land-use planning matters except for land allocation which, however, is done by induna or chief's headmen on behalf of *inkosi* using indigenous knowledge. Despite land allocation,

respondents mentioned general roles of Traditional leaders which they have been performing guided by customary law such as preserving and being custodians of traditions and customs, resolving disputes, governing rural communities. The following table shows roles of traditional leaders in their respective areas

Table 4.5 point out roles of traditional leaders in Nqutu local municipality

Interview Question	Mentioned roles during Interviews
What roles to traditional leaders play in land-use planning in Nqutu local Municipality	-custodians of land -land allocation for different uses -Participate in the implementation of planning instrument such as IDP
Other mentioned roles were:	-governing rural communities -resolving disputes -custodians of traditions and customs

Source: Author (2020)

According to the table above, traditional leaders are more involved land administration guided by customary law than land use planning used by the municipality. The role to allocate land is not entirely done by chiefs/amakhosi themselves but headmen (*izinduna*). The chief grant permission to occupy after induna had submitted the request for land. According to land use planning roles, the participation of traditional leaders in implementing planning instruments only happens during participation forums where projects have already been approved.

Induna or chief's headmen is the one responsible for land allocation and reports back to the chief to get permission to occupy. The inkosi is only involved because he owns the land.

If you want a piece of land you go to induna

As a councillor of the chief's headmen, people come to me for land and I report back to induna. A chief does not allocate land but sends induna on his behalf.

I do not know any roles played by traditional leaders in land-use planning but I know that they keep the peace in our communities

Still, these were not the only views; other respondents felt that there is still a need for traditional leaders as they still play a huge role in their communities whilst others were not sure.

Others say there is no need to have traditional leaders anymore and others say they should interlink and work with municipal officials.

We still need amakhosi to govern our communities, municipalities cannot do that

AMakhosi are the ones that govern us as the people, municipalities are there for development purposes

Traditional leaders are the protectors of our traditions and beliefs, our heritage before development; municipalities are not responsible for that. However, in development matters, they make it easy to access and use land, even for municipal officials

As the custodians of land, they allocate land for different uses

Table 4.6 Summary of Responses on Roles of Traditional Leaders in Land-Use Planning within Nqutu Local Municipality

Respondent	Response
Traditional Leader	Although it is an informal process, amakhosi allocated land for different uses in their areas of jurisdiction using traditional system. They also allocate land for development planning projects that come with traditional council or the municipality and they automatically become key stakeholders in the life cycle of the projects however it depends on who is in charge of the project and how inkosi hold him/herself when it comes to such. Also, amakhosi play a prominent role during the implementation of planning tools within the local and district municipality as they are also involved in portfolio committees and strategic planning. Amakhosi lacks technical capacity, funds, and educational background to boost their capacity in land management matters *As amakhosi we do not have skills, funds (which the municipality have) and not well-informed when it comes to spatial planning, and it is hard to instil such information to other traditional leaders as they are old and not educated*

Municipal Official	The municipal officials confirmed that traditional leaders played a huge role during the implementation of a wall-to-wall scheme or single land-use scheme in the municipality and during the implementation of other planning instruments such as IDP. All traditional councils were consulted, and their cooperation was positive. Traditional leaders informally allocate land for different land-uses using traditional system/indigenous knowledge; hence they play a role in LUP. Although there were challenges regarding SPLUMA, Demarcation Act and land ownership and did not understand the importance of the scheme. Amakhosi are not well-informed lacks when it comes to compliance with some of the publications on land-use planning and the Constitution and there's still conflict over land ownership.
Councillor	Ward councillors knows little about land-use planning however understands it best as 'Community Best Planning 'in terms of the municipality. The councillors confirmed that without the permission from traditional leaders, service delivery in areas under traditional authorities is impossible. Amakhosi, as custodians of the communal land, are the one who allocate land for a certain development project desired by their community through izinduna/headmen's and traditional council governed by inkosi and that 'some' are mostly interested because they will benefit since sites are being sold and people rent for occupying the land where economic, environmental and social factors benefiting or affecting communities aren't considered. Councillors also confirmed that traditional leaders are mostly tangled in agricultural activities when it comes to land-uses by allocating land for ploughing and animal grazing.

Source: Author (2020)

4.2.2.2 Roles of Traditional Leaders in Municipal Governance in Nqutu Local Municipality

The Local Government: Municipal Structures Act (117 of 1998) Section 81 supports the concept of participation of traditional leaders in municipals 'council meetings. However, there is still a strong disagreement from traditional leaders and municipal councillors about who legally has powers to represent rural communities and which structures are responsible for their well-being. Nqutu municipality contains nine (9) traditional authority areas namely: Sizamile, Jama, Khiphinkunzi, Molefe, Emandleni, Mbokod'ebomvu, Vulindlela, Mangwe-

Buthanami and KwaZondi within seventeen (17) municipal wards according to the municipals

Demarcation Board (Nqutu IDP, 2018/19:7). Nqutu local Municipal has six of Amakhosi (traditional leaders) sitting on the municipal council representing their respective communities (Nqutu LM IDP, 2018/19:8/9), nonetheless, the attendance varies between amakhosi. The table below outlines the respondents from Traditional leaders and municipal officials on the roles of aMakhosi within the municipal governance. The following Map shows areas under traditional authority and ward numbers as per the Demarcation Board of Nqutu Local Municipality
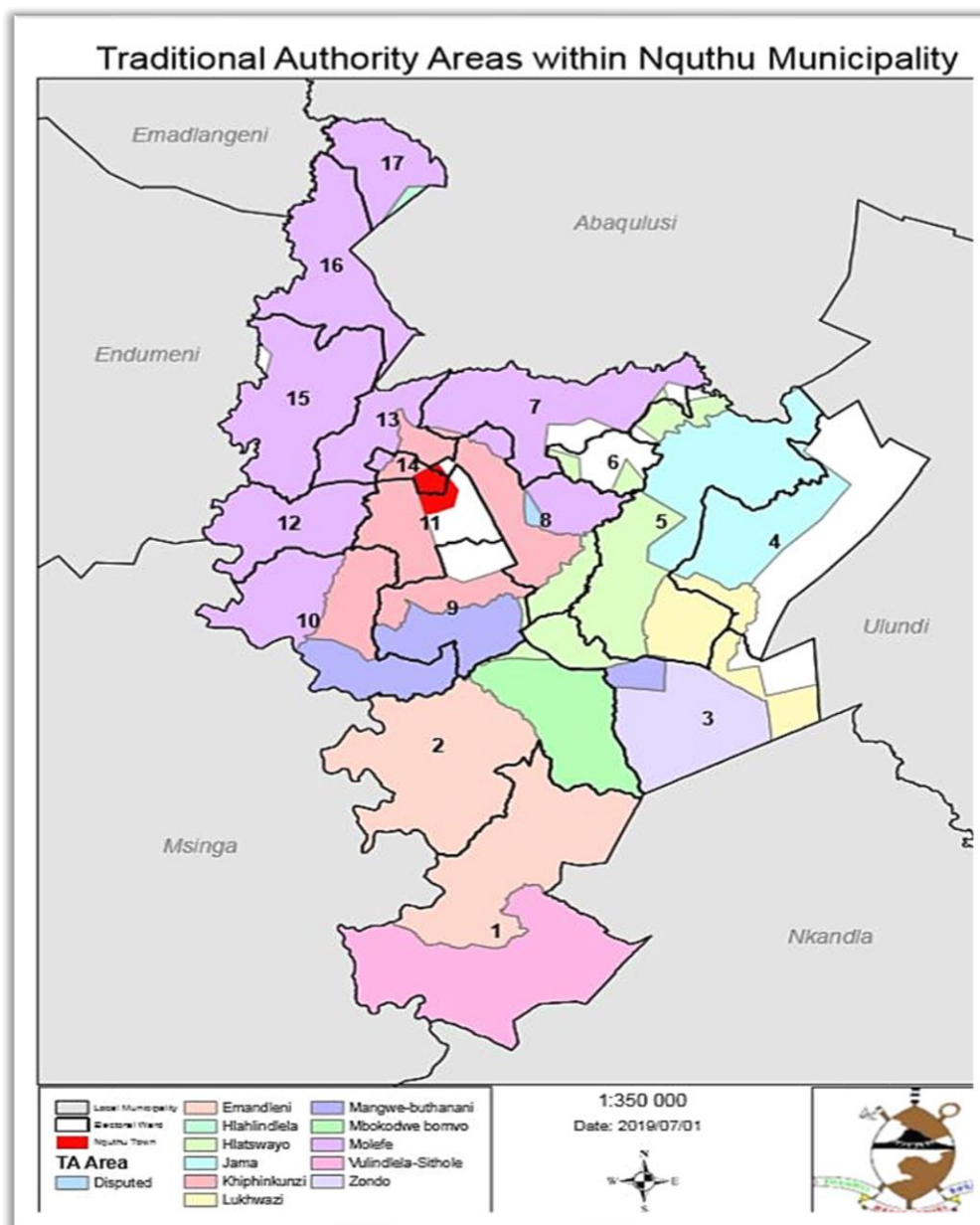
Map 4.1 shows Nqutu Local Municipality areas under traditional authority and ward demarcation (Nqutu LM GIS, 2019)

During data collecting, both amakhosi and municipal had different views and opinions regarding the role that traditional leaders play within the municipality of Nqutu. One respondent from amakhosi stated that they do have a role to play as amakhosi as they advise and engage in the political debate in the municipal council however the law doesn't allow them to vote or make decisions on the matter addresses in the council. Most candidates in the council are political party representatives, if the law were to allow them to vote it would be in conflict with what they stand for as amakhosi (conflict of interests). Section 81 of the Municipal Structures Act protects their dignity as amakhosi since it limits them from being involved in the political dilemmas

Being involved in a political debate means a lot, voting is not important, as it allows us to voice out our opinions. If we were allowed to vote, there would be a conflict of interests

He further stated that:

I do not want to say we play no role, but no one will put you in an institution if you have no role to play.

Another respondent agree with the first respondents in terms of sitting in the council, however had different views when it comes to participating and he further stated that the situation becomes better on the district level during portfolio committee meetings and strategic planning where they are allowed to voice out their opinions and are taken seriously.

We are just spectators; we do advice however it is up to that person if he/she takes the advice or not

Table 4.7 Responses on the Roles of Traditional Leaders in Municipal governance within Nqutu Local Municipality

Participant	Response
Municipal Official	Amakhosi are represented in the Nqutu local municipality council by six traditional leaders but they do not have voting rights. As custodians of the land, they are always informed and consulted if there is something the council wants to do but only to authorise land. When it comes to community development projects and so forth, decision-making is vested in

	the council, as much as they are in the council they are not allowed to vote or make any decisions or changes, their decisions are limited to the land they own. *"Amakhosi are not political figures, they are above politics. Once they are involved in decision-making, they are involving themselves in politics; they will be forced to choose between being politicians or representatives of our communities. This will dilute their respective roles as traditional leaders"*
Councillor	Six of amakhosi sits on the municipal council as representatives of their respective communities but some of Amakhosi does not attend municipal council meetings because they do not see a need, and this somehow affects development processes. *"This extremely affects community development, for example, if the municipality/ wants to initiate a project in the area under inkosi and resources to achieve that are in the area under traditional leaders, it is hard to access those resources because inkosi would request payment. This causes put a strain in development and municipal budget"*
Traditional leader	Amakhosi do realise their involvement in the municipal council however some had issues regarding decision-making and voting rights whereas some had no issues at all with not voting as this conflict with what they stand for as amakhosi and protect them from involved in political dilemmas within the council. Them being able to participate in the political debate is more than enough however their engagement or advices might not be considered

Source: Author (2020)

4.2.3 *The Relationship between Traditional Leaders and Municipal officials in Land-Use Planning*

For the community to prosper, a mutual understanding and a healthy working relationship between the local government structures and traditional leaders should be maintained. Section 81 of the Local Government: Municipal Structures Act of 1998 has provisions that promote the relationship between the municipal governance with traditional leadership institution and traditional leaders to participate in the municipal council. Oomen (2005:59) refers this with "two bulls in one kraal" as tension and conflict characterise their union. According to Nqutu IDP (2019/20:230), the municipal area still has challenges regarding land ownership between the municipality and the institution of traditional leadership; however the municipality

appreciate the authority of traditional leadership as custodians of the communal land of Nqutu people.

Table 4.8 shows the total number of traditional council's under each ward

Ward No.	Ward Councillor(s)	Traditional Council(s)	Traditional Leader(s)
Ward 1	Cllr. Sithole	Vulindlela TC Emandleni TC Mbokodo-ebomvu TC	Inkosi Sithole Inkosi Zulu Inkosi Mncube
Ward 2	Cllr Langa	Emandleni TC Mangwebuthanani TC Zondo TC Hlatshwayo TC Mbokodo-ebomvu TC	Inkosi Zulu Inkosi Mazibuko Inkosi Zondo Inkosi Hlatshwayo Inkosi Mncube
Ward 3	Cllr Mkhwanazi	Hlatshwayo TC Lukhwazi TC Mbokodo-ebomvu TC Mangwebuthanani TC Jama TC	Inkosi Hlatshwayo Inkosi Ntombela Inkosi Mncube Inkosi Mazibuko Inkosi Zulu/Usuthu
Ward 4	Cllr Mnguni	Hlatshwayo TC Lukhwazi TC Jama TC	Inkosi Hlatshwayo Inkosi Ntombela Inkosi Zulu/Usuthu
Ward 5	Cllr Shabalala	Jama TC Hlatshwayo TC Molefe TC Zondo TC Lukhwazi TC Mangwebuthanani TC	Inkosi Zulu Inkosi Hlatshwayo Inkosi Molefe Inkosi Zulu/Usuthu Inkosi Ntombela Inkosi Mazibuko
Ward 6	Cllr Gumbi	Hlatswayo TC Jama TC Molefe TC	Inkosi Hlatshwayo Inkosi Zulu/Usuthu Inkosi Molefe
Ward 7	Cllr Buthelezi	Hlatshwayo TC Khiphinkunzi TC	Inkosi Hlatshwayo Inkosi Ngobese

		Molefe TC	Inkosi Molefe
		Hlahlindlela TC	Inkosi Mdlalose
Ward 8	Cllr Buthelezi	Hlatshwayo TC	Inkosi Hlatshwayo
		Molefe TC	Inkosi Molefe
		Khiphinkunzi TC	Inkosi Ngobese
Ward 9	Cllr Mathe	Hlatshwayo TC	Inkosi Hlatshwayo
		Khiphinkunzi TC	Inkosi Ngobese
		Emandleni TC	Inkosi Zulu
		Mangwebuthanani TC	Inkosi Mazibuko
		Mbokodo-ebomvu	Inkosi Mncube
Ward 10	Cllr Hlatshwayo	Khiphinkunzi TC	Inkosi Ngobese
		Mangwebuthanani TC	Inkosi Mazibuko
		Molefe TC	Inkosi Molefe
		Emandleni TC	Inkosi Zulu
Ward 11	Cllr Kunene	Molefe TC	Inkosi Molefe
		Khiphinkunzi TC	Inkosi Ngobese
Ward 12	Cllr Khoza	Molefe TC	Inkosi Molefe
		Khiphinkunzi TC	Inkosi Ngobese
Ward 13	Cllr Ndima	Molefe TC	Inkosi Molefe
		Khiphinkunzi TC	Inkosi Ngobese
		Hlahlindlela TC	Inkosi Mdlalose
Ward 14	Cllr Masimula	Molefe TC	Inkosi Molefe
		Khiphinkunzi Tc	Inkosi Ngobese
Ward 15	Cllr Zulu	Molefe TC	Inkosi Molefe
Ward 16	Cllr Molefe	Molefe TC	Inkosi Molefe
		Khiphinkunzi TC	Inkosi Ngobese
Ward 17	Cllr Zikode	Molefe TC	Inkosi Molefe
		Hlahlindlela TC	Inkosi Mdlalose

Source: Author, 2020

Table 4.5 shows the number of traditional councils or traditional leaders which falls within each ward. According to the table some of the wards falls under more than four traditional councils represented by one councillor; this automatically establish or enforces a working relationship between ward councillors and traditional leaders/councils in development

projects and land use matters of their respective communities. The disadvantage of having various T. Cs under each ward is that it can cause communication breakdown and clash of opinions not only between a ward councillor and traditional leaders but also between traditional leaders. This may lead to delaying or sabotage of projects. Ward councillors had similar responses regarding consulting traditional leaders with regards to permission to use land

Well areas are not the same and also amakhosi and headmen are different. Where I come from, I work very well with amakhosi and their headmen thanks to good communication between us

There is no project that is done without the knowledge of traditional leaders/council, before the project starts the council has to be inform

Most of the land in Nqutu is under Ingonyama Trust hence it means in every development we have for the community we first need permission from amakhosi before using the land

We consult with amakhosi for permission and site allocation afterwards we introduce the constructor to the community through community meetings

Additionally, a respondent from the municipality raised a concern which was often raised by amakhosi in terms of consultation with respect to the use of land by the municipality, which has also put a strain in their working relationship

When we were meeting with amakhosi they raised that the municipality is doing things in their areas without any consultation which led us to have challenges with the project we were working on

Other ward councillors consult with the chief before initiating a project that impact on the chief's land and others do not.

During data collection, both traditional leaders and municipal officials had different views on the subject of their working relationship in matters concerning land-use planning or land administration. Both parties confirmed that they have a good working relation however there are still challenges

If you do not touch powers regarding land, the relationship is good but if you touch on those sensitive issues, you will see that there is still a long way to go.

The IDP is done with some of them not present in the council meetings since only six of amakhosi sit on the council

They treat us with no respect since we are in the position for five years and their positions are generational

One of the respondents stated that their relationship is a two-way street relationship; henceforth both institutions need each other. The municipality deliver services and have more skills regarding LUP and traditional leaders own the land, municipalities require land to pursue development and traditional leader's desire development for their respective communities. Amakhosi outlined that sometimes development comes through the traditional council and it requires infrastructure from the municipality. Therefore, the municipality is required to recommend or comment or give input on the Ingonyama Trust Board Application form about the project. As much as amakhosi do allocate land for different uses, it is informal. They do not have professional skills hence they end up allocating land-uses that might have a negative effect on the environment and the society, without considering the economic benefits of that piece of land and this might lead to encroachments of land-uses by other land-uses. They agreed that they do not understand or have partial information on how land-use planning works, professionally as they still use indigenous knowledge/traditional system to allocate land.

In matters regarding land-use planning, respected respondents stated that

Amakhosi do not have funds and skills in land-use planning, therefore they need municipal officials with expertise to provide proper planning

Amakhosi owns the land, municipality comes with development, both institutions have different roles but that complements one another therefore requires both institutions to work together

Traditional leaders confuse planning with land ownership which causes conflict between the two institutions in land-use planning

We have a good working relationship with traditional leaders but there are those who still do not understand the way we do things

There is a need for municipalities for development purposes or to deliver services to our communities and their skills on land-use planning

To back the above statement, the municipal officials agreed that they have a good working relationship with amakhosi however there are still those who have issue regarding land ownership and who does not understand what SPLUMA stands for and lack of communication between both institutions. Additionally, the conflict between the two institutions is caused by the lack of understanding of legislations such as the former, amakhosi being deprived the rights to make-decision in the council and the lack of communication between them

The lack of understanding for example, the issues of SPLUMA where amakhosi are not allowed to take decisions or take part in the MPT frustrate amakhosi

most of the land is under amakhosi, they do hold meetings, but we don't go to those meetings or get an update on what they discuss which makes it difficult for them to ask questions if they don't understand the way we work

Development occurs on the land under amakhosi, so we need permission from them to pursue development. Our working relationship is good, and they showed interest during the implementation of the single land-use scheme however some of amakhosi still lacks knowledge when it comes to SPLUMA

Furthermore, the issue of SPLUMA and amakhosi have been on debates since it was presented in 2014. Dubazane and Nel (2016:224) stated that SPLUMA failed to realise that South Africa have issued caused by two parallel existing systems controlled by municipal officials and traditional leaders which have left the country with unsustainable practices and that little is known about traditional land administration processes. SPLUMA demanded that spatial planning should be inclusive and be controlled by municipalities (Afesis-corplan, 2015) and land-use management applications should be handled by Municipal Planning Tribunals which does not include traditional leaders (Nkosi, 2016:8). Moreover, SPLUMA and SPLUMA Regulations contain no provisions or guidance on how to deal with land development applications in areas under the ownership of traditional leaders. This led to a huge debate which left traditional leaders confused and furious and defied SPLUMA.

Amakhosi agreed that they lack information about SPLUMA but have no issues with it; reason being the way it was presented to the people and them as amakhosi.

SPLUMA was presented by people who had different interests and agenda form that of its context which made it hard to clearly understand it

The respondent further stated that:

SPLUMA was presented as the tool to bring back the land to the people, they wanted to take the land from amakhosi and give it to the government, that is where the conflict started and the perspective of SPLUMA was lost

They also rose that municipal officials especially ward councillors use SPLUMA in a wrong way that causes their working relationship to be bitter-sweet. Amakhosi stated that ward councillor do as they please on the land under traditional authorities. They initiate development project without consulting traditional leaders in the name of SPLUMA. A respective inkosi stated that

SPLUMA is obvious if you have more and clear information. Ward councillors confuses spatial planning with land ownership; wall-to-wall municipality does not mean ownership but service delivery/development.

He further stated that, I quote*, "amakhosi confuses spatial planning with land expropriation that's why they don't want SPLUMA"*

The working relationship between traditional leaders and municipal officials is not limited to development but they also have a lot of input during the implementation phase of planning instruments such as the Spatial Development Framework, Land-Use Scheme, and Integrated Development Framework. Data collected showed that traditional leaders are only involved or consulted during implementation phase instead of initiation phase of the planning tools. Both Amakhosi and municipal officials outlined that amakhosi were involved during the processes of implementing single-land-use scheme.

Since development occurs on the land under amakhosi, every traditional council was consulted during the implementation of the municipal IDP

Amakhosi were involved and showed interests during the implementation of the single-land-use scheme

The evidence from the field displayed that respondents from both institutions realise the importance of both institutions especially in rural communities however other respondents had different opinions.

Some say abolish the institution of traditional leadership and some say they should work together with the municipality, working together is a great idea

Some of the traditional leaders have a good working relationship with the municipal officials but not all of them including ours. He does not attend municipal meetings.

The institution of traditional leaders/traditional leaders are not democratic, they impose things on people, make decisions on their behalf without any consultations

Recommendation on ways to amend the relationship between traditional leaders and municipal governance were raised by different stakeholders during data collection.

I feel like if we can avail ourselves (municipal officials) to them everything will go smoothly.

One should understand that land ownership and development comes with different stakeholders who should work together going forward.

What is important is enforcement on both institutions where they must learn each other's ways of doing things and how they need each other

Table 4.8 outlines the general viewpoints concerning the Relationship between Traditional Leaders and Municipal governance especially in Land-use planning within Nqutu Local Municipality. Both stakeholders representing the institution of traditional leaders and municipal governance were given a chance to explain their working relationship. The municipality confirmed that without the permission from traditional leaders to use land or initiate development nothing happens whilst traditional leaders emphasise the importance of municipal institution in their communities.

Table 4.8 Responses on the Relationship between Traditional Leaders and Municipal Governance in Nqutu Local Municipality

Respondent	Response
Traditional Leaders	Traditional leaders are the representatives of rural communities and messengers between the communities and the municipality in terms of service delivery. amaKhosi have a good working relationship with municipal officials in land-use planning however it depends on individual, hence they have challenges especially on land ownership. amaKhosi are involved in every development planning that comes with the municipality for their respective communities *Amakhosi do not have resources to bring development to people and skills that municipal officials have when it comes to planning and without*

	planning it is hard to bring development to people Furthermore, amakhosi uses informal planning to allocate land using their own opinions which mostly lead to allocation of settlements in environmentally sensitive areas, therefore they see the need to work with municipal officials
Councillor	Municipal/ward councillors as messenger between the municipality and their respective communities in terms of service delivery have a working relationship with traditional leaders. Ward councillors cannot deliver services or meet with the people without consulting amakhosi or izinduna, in that sense cooperative governance is required. However, there are challenges still haunting their relationship such as lack of spatial planning knowledge and communication issues between ward councillors and izinduna or traditional leaders *"amakhosi are different, also izinduna are different, some understand the constitution of South Africa clearly; how it works and comply, but others do not. They do not understand what cooperative governance is which causes conflict between them and municipal officials"* He further stated that: *"To have a healthy working relationship, workshop programmes and training for all stakeholders incl. amakhosi and municipal officials about cooperative governance is required"*
Municipal Official	The responses from municipal officials confirmed the working relationship between AmaKhosi and the municipality of Nqutu. The municipality raised two reasons that cause conflicts between the two institutions: (i) traditional leaders confuse planning with ownership of land; they do not look things in a planning perspective. AmaKhosi sometimes do not look at the benefits of how land is used which the municipality emphasizes more. *"Originally, they think land is for residential, cemetery and agricultural purposes. They do not consider planning principles when allocating land for public services, for example, people have to walk long distances to reach a community hall".* (ii) The municipality do as they please in the land under traditional authority without consulting or involving traditional leaders.

	"this caused havoc during the implementation process of the single land-use scheme" Nevertheless, the municipality still appreciates the presence of traditional leaders. Although municipalities were introduced, there is still a need for Amakhosi, most of the land in South Africa is govern by amakhosi under land boards, for the communities and municipalities to access land they need amakhosi. *"because we cannot hold amakhosi accountable, we need municipalities for accountability"*

Source: Author, 2020

4.2.4 Community Participation in Land-Use Planning in Nqutu Local Municipality

Publications such as the Local Government: Municipal Systems Act of (32 of 2000) where one of the e key mechanisms for community participation or citizen stakeholder engagement at local level is the Integrated Development Plan (IDP) that revolves around participation. The Act describe the IDP as "the principal strategic planning instrument which guides in pursuit of responsible and responsive Local Governance and informs all planning and development, and all decisions with regard to planning, management and development in the municipality" (RSA, 2000). Afesis-Crplan of 2015 encourages people to participate in municipal affairs and be given opportunities and stand to ensure that local concerns are secured and worked on. The respondents had different opinions and views when asked about their involvement in community development projects, ways that emphasize public participation more particular in land-use planning. Others complained about how public meetings are being advertised.

There are community meetings called by induna or a ward councillor to discuss matters of the community, including projects such as the renewal of the gravel road and EPWP projects that create employment for the people in the area.

There are community meetings called by a ward councillor or induna every now and then, but I do not attend sometimes because I was not informed or heard late, or the announcement did not reach this side

They do call for meeting but sometimes they are just inconvenient,

Sometimes the car goes around announcing the meeting, sometimes they put advertisement in schools and public clinics and transport, if you do not –by any chance- see the post then you will not attend.

Nevertheless, other respondents had other views regarding community participation. They feel excluded because of the political issues that revolve around the issue of participation, getting information and being consulted during the process of development.

There was a construction of a crèche, we were not told about it we just saw people building. The problem in this community is that we are not told about the meetings, only people who are close to the ward councillor get to know about them

Because of our 'tribe' in most things concerning development we are left out. There are lot of meeting that have been called to discuss youth development only certain people who knows someone at the top knows about them

You need to have connection to know about the meetings and to get opportunities

Since the IFP oversees the municipality, it has been hard for us

The concept of traditional leaders being involved in land-use planning and development has been a matter that has caught attention in all compasses of government especially in local government. According to Chakwiriza and Bikam (2014:143) "the involvement of traditional leaders in land-use planning and development refers to the need for mutual understanding between local government structures involved in planning and implementation of development projects and functions given to traditional leaders". Nonetheless, government have faced difficulties on what roles should they play and how they should differ from those of municipal officials. Respondents had different views about how traditional leaders reassure and promote community participation in their areas of jurisdiction.

Most of the community meetings are called by induna on behalf of inkosi

We only gather once in a year with inkosi during December to discuss yearly matters

It has been long since inkosi called a meeting with his people; I once heard that he does not live here anymore

There is community meeting called by izinduna monthly to discuss community matters as per the requirement made by CoGta

One respondent from the traditional council begged to differ from other respondents as he commented that:

People only attend meetings based on the agenda or if they are going to benefit, they do not attend important meeting that might affect their lives in future, like the meeting called by inkosi once in a while which causes confusion and conflict within the area

Different responses were gathered from different stakeholder regarding community participation in land-use planning and community development in Nqutu Local Municipality.

Table 4.9 summaries of responses gathered from different stakeholders involved in community participation processes in land-use planning.

Respondent (s)	Response(s)
Community member	The community members ensured that there's community participation in all community development matters however not all community members gets to know about them. The ways of getting the community to know about the community meetings are limited to some people and some of the structures of communication between them, the municipality and traditional leaders concerning development planning are not that effective. *"to know about the meeting, you have to know someone in the council"* *"sometimes we don't see those advertisement on clinic walls, some of us are illiterate"*
Councillor	The ward councillors confirmed the development projects in the municipal area and that every stakeholder has been involved in many of them. Community meetings are called by ward councillors and induna to discuss community development matters and the attendance is very positive. However, people attend based on the agenda of the meeting and if they will benefit. Induna calls the meeting monthly to discuss community development matters on behalf of *Amakhosi/Inkosi* and make reports guided by laws made by CoGta. There is also a Community Committee that assures community well-being and reports back to induna. Before the initiation phase of the project or any form of service deliver in areas under traditional authorities, traditional leaders are consulted first, for the sake of seeking permission and land.

Municipal Official	The consultation and involving of the community depend on the nature of the projects in land-use planning. Certain projects directly affect the community then communities are consulted or involved. The municipality uses clinics, libraries, and schools as ways of conveying the message to the people about community meeting; however, in issues concerning of land-use planning and Integrated Development Planning attendance/participation is partially positive. Complains and comments only appear after submission. The municipality has come up with a new structure (not yet published) of communication so that community members may forward their comments to the municipality.
Traditional Leader	Traditional leaders confirmed that they are highly involved when it comes to development in their areas of jurisdiction especially on matters involving land. Before the initiation of development planning development, the developer or municipal official requires permission from the traditional council/traditional leader/induna to occupy land. Traditional leaders see themselves as key prominent stakeholders throughout the development planning projects happening in their areas, as custodians of the land, as individuals who allocate the land and grant permission to use the land. However, some complained about the bad behaviour of ward councillors (from municipalities); these stakeholders have been declared as people who uses power to do as they please on the land under traditional leaders without any consultation or permission from inkosi or traditional council.

Source: Author, 2020

4.3 Study Findings

The section assembles the collected studied data to support a final perspective of the study as per the main research question of the study. It also outlines whether the research results managed to deliver or meet the research objectives and provide information on the loopholes/uncertainties identified in the literature as per the existence and future of traditional leaders in land-use planning and municipal governance.

Table 4.10 Responses to the Study Questions

Research Questions	Findings from Interviews
Main Research Question: What	The general outcome from the study showed that traditional leaders still

are the roles played by traditional leaders in Land-use Planning and Municipal Governance?	plays a huge role of allocating land for diverse land uses, however their system of allocating land is informal as it does not include any professional environmental and spatial planning and land-use management tools. Traditional leaders also acknowledged their participation in the implementation phase of the formulation of planning tool such as an IDP and single land-use scheme however there was dissatisfaction about their involvement during the compilation of the Spatial Development Framework. The outcomes displayed that six of amakhosi sits and participate on the municipal council with no voting rights however the municipal officials voice out that other traditional leaders do not attend the council's meetings which makes it hard to maintain communication structures. Amakhosi had different opinions on being limited to vote, it as a disadvantage and an advantage simultaneously.
Sub-Questions: How does traditional land ownership/allocation affect the efficiency of land-use planning within Nqutu local municipality?	With traditional leaders being the custodians of the land under Ingonyama Trust; land allocation/administration remains their role. The study showed that traditional leaders still allocate land for different uses more particular for residential, agricultural, grazing, burial and sometimes development purposes however because they do not have spatial planning training or skills, they do not consider environmental planning or any spatial planning and land-use management tools during the process. These actions lead to environmental issues, congestion, overcrowding, and unplanned and continual fragmented settlements a characteristic of rural communities.
What is the relationship between traditional leaders and modern local government in land-use development planning?	Both traditional leaders and municipal officials showed a positive atmosphere regarding their relationship especially in land-use planning. The study showed that their relationship is sustainable however they still have issues of communication and land ownership with SPLUMA being the number one problem. Both institutions have problems being limited from making decisions more particular in matters that include land; municipal officials being limited where land is concerned, and traditional leaders being limited in issues involving land-use planning in areas under their jurisdiction. Traditional leaders complained about ward councillors using constitutional powers to do as they please in rural communities without seeking for permission. The other issues that causes conflict between the institutions is the lack of spatial planning knowledge and training by traditional leaders which leads them to misunderstand processes and provisions guiding spatial planning and land-use management.
What is the relevancy of	As per the Constitution of RSA and other relevant legislations supporting

Traditional leadership within the democratic governance of Nqutu municipality with regards to land-use planning?	the institution of traditional leadership gives the institution the platform to be part of democratic governance however, their roles are not certain. The community of Nqutu Local Municipality had conflicting and different views concerning the relevancy of traditional leadership in the modern governance. The study showed that rural communities under Amakhosi still value traditional leadership for the following reasons: governor, uniting and keeping peace of rural communities, as custodians of our heritage and custom and to make sure that development reach their people as they desire it. As far as land-use planning is concerned, modern legislations guiding land use management and development planning in South Africa acknowledges the presence of traditional leaders and traditional communities to also undergo building-plan processes. Some of the traditional leaders showed interest in using municipal expertise to enhance the development in their areas and the municipality has devoted itself to work with traditional leaders and acknowledge their significance and roles culturally, historically and as custodians of communal land. Traditional leaders are also in control of traditional communities and land allocation in these areas, therefore their relevancy in land-use planning is essential. This proves that the existence of traditional leadership within the modern governance of Nqutu local municipality is still relevant.

Source: Author (2020)

The complete result of the study demonstrate that the community of Nqutu local municipality is unaware of what really land-use planning is and how it works; as one of the respondents confidentially stated that government is just imposing things (legislations guiding spatial planning and land-use management etc.) on them without any explicit clarification on the context. The study shows that all stakeholders excluding municipal officials are either not informed at all about land-use planning or they understand planning done by traditional leaders using indigenous knowledge/traditional system (informal planning) to allocate land for different purposes. The results also expressed that land-use planning is a fresh development in Nqutu local municipality and most land-use planning development and enforcement has been subjected to Nqutu town, which leaves rural communities under traditional authority in the cold. Nonetheless, informants' incl. traditional leaders see the importance of land-use planning in rural communities and pleaded to be well-appointed about socio-economic and environmental planning side of land use plans to consider during land allocation.

Concerning the relationship between traditional leaders in land-use planning, the study shows that there were different versions regarding the relationship mentioned in provision 81 of the Municipal Structures Act of 1998. Even so, the overall outcome showed their relationship is sustainable yet shakeable due to challenges such as power dynamics over land ownership, traditional leaders' not being capitated on regulations guiding land-use planning, lack of communication, inadequate resources, overlapping of roles, and lack of inclusive decision-making regarding rural communities. Both institutions showed interest in knowing how the other works and what could strengthen their relation since they both complement one another on issues of land and rural development.

Local Government: Municipal Structures Act (117 of 1998) Section 81 supports the concept of participation of traditional leaders in municipals 'council meetings yet, there's still a strong disagreement from traditional leaders and municipal councillors about who legally has powers to represent rural communities and which structures are responsible for their well-being. This is where power and domination -who is powerful and dominant than who? - plays a huge role. As per the above section, both traditional leaders and municipal officials confirmed their participation in the municipal governance as six respected amakhosi sits on the municipal council however no voting rights have. The study shows that some of amakhosi and municipal officials support the law that limits amakhosi from making-decisions/voting during the council meetings as this will dilute their roles and what traditional leaders stand for in our communities.

The study shows different views concerning the roles played by traditional leaders in land-use planning. It shows that traditional leaders in most cases are consulted during the implementation phase instead of the initiation phase of the project processes of introducing planning laws in their areas. Although it is informal, the study also showed that traditional leaders play an important part in allocating land for different land-uses including being key stakeholders in development planning projects since history, yet they internal issues such as they lack capacity, information, skills or tools/resources, of infrastructure and funds, managerial skills that will assist in making informed decisions regarding land use management and in land-use planning processes. This has led to land being allocated without considering any building plans or environment planning relevant to development of the land in question. Not only do they pose as land custodians, cultural and heritage gurus or peace makers in their communities but they also played a huge role during the formulation of the Wall-To-Wall land use scheme and Integrated development Planning (IDP) of Nqutu local

municipality. The study showed that traditional leaders were only consulted for public participation and during the implementation phase instead of the initial phase of the project, where they'll be able to acquire the ins and out of the project and be able to make voice out their concerns before it goes to implementation phase.

Reflecting on the former statement, Critical theory analysis power and how it shapes the decisions made by those with power. Based on the study, the theory recognizes power dynamics within both the foundation of traditional leadership and municipal governance. The study showed that municipal officials are limited when it comes to making decisions in matters involving land administration under traditional authorities as traditional leaders have the upper hand, whatever they say or decide goes. Whilst on the other hand, municipal governance has the upper hand in municipal governance affairs -although traditional leaders can participate in the council's meetings- such as development/service delivery concerning traditional communities. Both critical theory and collaborative planning theory emphasize on people being able to voice out their opinions, bringing new ideas on the table without being overpowered by others and feeling endangered. This is very important in the context of community participation whether generally or in land-use planning per se.

Community participation is intended to be a fundamental piece of local government matters and a consistent theme in the RSA Constitution, related legislations, and more recent government plans. Integrated Development Planning is one of the popular tools influencing public participation within municipalities to flourish development and practise democracy. The study resulted displayed that Nqutu local municipality still lacks reliable and adequate structures of communication between the community, amakhosi and municipal officials. Community members complained about the inconvenience of the meetings called by izinduna or ward councillor and the structure they use to communicate with then regarding community gatherings. The issue of being connected with high position people, mostly politicians, to get information and opportunities in development projects was also raised. However, it was also brought to light that the community attends meetings according to the agenda, more particular when there are possibilities of them getting jobs and missed out on the meetings that touch issues that affects them directly such as imbizo where traditional leaders addresses issues of land allocation, leases, rentals etc. In cases of land-use planning, the study revealed that consultation of community members depends on the nature of the projects, if the projects will affect them anyhow. This also applies with traditional leaders, consultation or involvement

happens most in projects that involve land nonetheless, and there would be no consultation at all.

4.4 Conclusion

Owing to the above discussions, this chapter outlined both data analysis and study findings using different themes and interpretive language relevant to the study aim and objectives. A sample size of 31 participants was interviewed to assess roles of traditional leadership in land-use planning and municipal governance within the jurisdiction of Nqutu local municipality.

Data analysis and study findings displayed that traditional leaders are fully acknowledged as an institution in the democratic era and have been given a role -among others- of being land custodians and to allocate land for their respective communities in terms of land administration supported by various legislations including TLGFA. However, their roles in land-use planning remain lawfully undefined and this caused overlapping of roles between them and the municipal governance officials and an application of dual land use management systems working parallel to each other exists. Henceforth, tension, sabotage, and conflicts remain the characteristics of the relationship between both institutions. But, there is still a room for growth for both stakeholders.

The study results also showed that traditional leaders experiences challenges of literacy, lack of LUP information, funds and resources, managerial skills and this affect their capacity to participate in land use planning processes and blend and work well with municipal officials in development projects. Furthermore, despite being consulted for public participation purposes in rural development projects, and being able to sit on the municipal council, other traditional leaders find it insulting and ceremonial to be present in the council without any voting rights. It was observed that each institution has limited powers when it comes to the affairs of the other institution; power over who should govern rural communities prevails even today. Moreover, Traditional leaders were given an opportunity to participate in the implementation phase of the formulation of the municipal's IDP and Wall-to-Wall land-use scheme however, they still face challenges of abuse of power by municipal officials in particular ward councillor as they have turned traditional communities their playgrounds by undermining the authority of amakhosi. This among other issues such as lack of clarity by traditional leaders in land-use planning, land ownership issues, lack of communication and demarcation processes has been a thorn in the relationship between the two institutions.

Nqutu local municipality lacks communication structures between traditional leaders, municipal officials, and community members which reflect negatively on community participation. The study concluded that despite the consultations (which vary with cases) of traditional leaders by municipal official to reach a mutual understanding in community development matter and their recognition by various legislations, traditional authorities have no legally defined roles in land use planning and municipal governance affairs which had led to them being side-lined or have a minimal impacts in both areas.

CHAPTER 5

RECOMMENDATIONS AND CONCLUSION

5   Introduction

In the previous chapter, data was analysed, interpreted and the findings were discussed to obtain a more meaningful understanding of the information gathered. The purpose of this chapter is to present conclusions and recommendations of the study. The chapter commences with a brief overview of the research problem, followed by an overall of the findings based on the research objectives (Chapter 1: Section 1.2.2) and how they were achieved. Lastly, recommendations and points for future studies based on the study limitations and findings are specified.

5.1 Overview

The main purpose of the study was instituted on assessing the role of traditional leadership in land-use planning and municipal governance within Nqutu local municipality. The study was motivated by the unplanned settlement patterns and developmental issues with respect to how land is used and distributed in rural areas under traditional leadership working parallel to local municipalities. Furthermore, to achieve the above aim, the study also considered other elements that might affect the performance of traditional leadership in land use planning and municipal governance. Sub-objectives such as the influences of traditional land ownership/allocation in the effectiveness of land-use planning within the municipality, the relationship between the institution of traditional leaders and municipal governance, and the relevancy of traditional leadership in modern governance of Nqutu local municipal concerning land-use planning were examined.

With the above short overview, it is clear that research is required with regards to traditional leadership in land use planning and local government with the insights that will emphasise on legally and explicitly find solutions of the above issue. The overall findings based on certain research objectives and how they were achieved will now follow. Traditional leaders have been in control of land administration or allocation since history; however according to the study findings, land management and distribution under their authority have been haunted by challenges such as unplanned settlement patterns in rural communities such as Nqutu local municipality. This has extremely affected the application and effectiveness of land use planning in other areas. According to the study results, traditional leaders lack managerial

skills, competences, resources, and knowledge to capacitate them in matters regarding LUP processes. This had caused traditional leaders' lack of insight, and expertise of regulations and strategies used in LUP and application of dual land use management systems.

Regarding the relevancy of traditional leadership, the overall results showed that traditional leadership is a legitimate and a recognized institution which serves as the upholder of customary law and land administers according to the RSA Constitution of 1996 and other relevant policy. However, there has been a contradictory in the policy framework guiding land use management and local governance with regards to what roles/powers do traditional leaders should actually have or play in both departments. Their involvement -even when consulted- depends on the authority of the municipality. They are only recognized as supporting members of local municipalities in LUP and development of rural communities.

As a relevant institution in municipal governance with regards to land use planning and community development, the results showed that Traditional leaders are allowed to sit on the municipal council not as members of the council but as community representatives with no voting rights. This put them in a tight position of not being able to reverse or change decisions made in the council. The study showed that traditional leaders are only consulted during participation platforms in land use planning processes and municipal governance affairs, unfortunately for them; in projects/matters already decided on. Thereafter, the study concluded that the institution of traditional leadership remain vital and relevant organ to many South African communities (in rural development and land administration) but have no clear and legally defined roles in land-use planning and municipal governance. Subsequently, traditional leaders have been using neither functions nor powers assumed to local authorities or vice versa. This had led to the corresponding roles between the two institutions and has affected their relationship negatively and traditional leaders playing minimal or no role in lup or local governance at all.

5.2 Recommendations

Owing to the previous chapter on data analysis and study findings, key challenges associated with traditional leader's role in land use planning and municipal governance were presented. This section outlines recommendations they will impact positively and bring change in land use planning of Nqutu local municipality and future studies to be conducted.

Based on the conclusions that traditional leaders are excluded and underestimated in development planning decisions due to illiteracy, lack of skills, resources and competencies

to carryout land use planning projects, their capabilities require great enhancement through workshops and training. More educational programmes for traditional leaders should be offered to assist them gain literate skills to understand 'technical jargons' used by planners and officials that complicates the municipality's intentions, and leaves traditional leaders perplexed. Government should adopt or refine policies (such as the RSA Constitution, SPLUMA, TLGFA, Municipal Structures Act) to be more inclusive and transparent with respect to the roles and responsibilities of traditional leaders to avoid conflicts and must be suitable for rural conditions. Such policies must explicitly specify responsibilities for each institution without undermining the powers and legitimacy of the other. Therefore, both institutions would be aware of their powers and responsibilities and where they are being limited.

Furthermore, the KwaZulu-Natal Legislature, CoGta and other involved departments should introduce and implements trainings, workshops and educational bursaries to educate involved stakeholders on legislations and policies guiding land use planning and local government, on what 'cooperative governance' stand for in terms of the RSA Constitution and how it can be achieved without having any conflict. Government should also release funds to assist traditional leaders in partnership with municipal officials in service delivery and development activities for rural communities.

To better understand the implications of communication breakdown between traditional leaders, municipal officials and community members in land use planning; future studies should study the relationships between all involved stakeholder and the causes of the problem. Additionally, both institutions with their respective communities should sit down with equal empowerment and debate possible futures and collaborate to change current conditions through dialogues, sharing information, learning new ideas, and create innovative outcome to satisfy all parties. A strong, collaborative working relationship between the community, traditional leaders and municipal officials in land-use planning matters is essential. Furthermore, Nqutu LM must encourage (Lutabingwa et. al, 2006) 'shared governance' where traditional leaders and municipal officials create a good and close working relationship with adequate communication structures. 'Shared governance' would mean sharing responsibilities, passing information and being transparent about land development applications and decisions.

Based on the conclusions that there's a lack of communication structures between rural communities and their seniors with respect to planning and development matters, Ward councillors and traditional leaders should -at all times- give feedback on development projects to local citizens, give them a chance give sustainable and constructive input based on their experiences and needs. This will avoid practitioners and planners to implements impossible plans that are not suitable for the needs of the people and build on what is already there. Traditional leaders are also considered as part of the community therefore should be involved in community participation despite being enforced by regulations guiding their institution. As community representatives, they should also act as key participants in informing and conveying sources of information for their respective communities guided by the principles of truthfulness, transparency, accountability, inclusivity, community empowerment and improvement and informed decision-making.

To avoid the non-participation of traditional leaders in municipal council, traditional leaders should be allowed to be part of the non-municipal structures where their constructive input is encouraged and government should reconsider amending Section 81 of Municipal Structures Act (1998) and allow all traditional leaders to sit in the council instead of being represented by others. This will advance public participation in development planning, promote mutual understanding, accountability, and transparency and open a window of opportunities for traditional leaders to share information on indigenous traditional land use management systems used by the institution to administrate and allocate land. On the other hand, municipal officials should also be allowed to sit on the traditional council meetings and be given powers to voice out their concerns in developmental matters of rural communities without being enforced by the Service Level Agreement by SPLUMA. This will strengthen their communication structures.

5.3 Conclusion

The main purpose of the study assesses the involvement of traditional leadership in land use planning and local government in rural communities. The study set out to test the hypothesis that: 'The ambiguity of roles of Traditional leaders within the sector of Land-use development planning poses a development planning challenge in Nqutu local municipality' which proved to be half true. According to the study result there were challenges that institution of traditional leadership face in the hands of local government, the application of planning laws, illiteracy and other challenges that pose as a threat to development planning in their communities. In assessing the roles of traditional leaders in land use planning and

municipal governance, the study was conducted through the application of Qualitative methodology in the form of in-depth interviewing and participant observations. All collected data was analysed using thematic analysis from purposively pre-selected informants and those selected through snowballing sampling method. Informants were selected by means of a specific criterion and were informed about study and their rights before signing a consent form.

With the power to administer land and as a legally recognized institution in history, the study findings indicated that traditional leaders remain the essential institution in rural communities as custodians of land and heritage. Also, the results showed that traditional leaders play a huge role in the use and distribution of land for different uses and are consulted as land upholders for development projects that require land use. Additionally, traditional leaders are also considered during the implementation and review of land use apparatuses. The study concluded that despite the above, their role in land use planning ends there. Furthermore, the study showed that traditional leaders are allowed to sit in the municipal council to debate on matters involving their communities however they have no voting rights. Their involvement in the municipal council does not guarantee them any role in any municipal affairs unless it concern rural communities under their jurisdiction. Traditional leaders are not capable of making sound decisions when it comes to land use planning decisions due literacy issues, competition of power between them and the municipal officials, inadequate skills. As a result, they have a little or limited impact when it comes to roles they have in LUP; even them being consulted depends on individual in charge of the project. With the overview of the study finding, the study concluded that traditional leaders play a minimal or no role in Land use planning and municipal governance.

REFERENCES

Afesis-Corplan. (2013). Transformer: The journal for development and governance issues. Vol. 19 no. 1

Eglin, E. and Ngamlana, N. (2015). *Responsive Planning and Responsible Implementation: Improving Good Local Governance in the Integrated Development Planning*. Afesis-Corplan.

Ainslie, A. and Kepe, T. (2016). Understanding the Resurgence of Traditional Authorities in Post-Apartheid South Africa. *Journal of Southern African Studies*. Vol 42(1), 19-33. https://doi.org/10.1080/03057070.2016.1121714. [accessed on 25 May 2019].

Amoako, C. and Adom-Asamoah, G. (2019). From the seat of a traditional Kingdom to a Garden city: *the socio-spatial politics of managing green areas in Kumasi, Ghana*. African Geographical Review. Vol 38:4, 310-325.

Behrens, R. and Watson, V. (1996). Making Urban Places: Principles and Guidelines for Layout Planning. University of Cape Town, South Africa.

Berrisford, S. and Kihato, M. (2008). Local government planning legal frameworks and regulatory tools: vital signs? Chapter 17. In: Van Donk, M., Swilling, M., Pieterse, S., Parnell, S., (eds) Consolidating Developmental Local Government. Lessons from the South African Experience. Cape Town: UCT Press

Berrisford, S. (2011). *Unravelling apartheid spatial planning legislation in South Africa*. In Urban Forum, Springer Netherlands. Vol. 22(3), pp. 247-263.

Berrisford, S. (2015). Preparing for SPLUMA implementation: An introductory course for lawyers and planners. Unpublished lecture notes. University of Cape Town.

Bikam, and Chakwiriza, (2014). *Involvement of Traditional Leadership in Land Use Planning and Development Projects in South Africa: Lessons for Local Government Planners*. International Journal of Humanities and Social Science. Vol. 4 (13). University of Venda, South Africa.

Bob, U. (2000). *Gender: the role of the chieftaincy and rural women's access to land under the Land Reform Programme in KwaZulu-Natal*. Alternation, Vol. 7(2), 48-66.

Branson, N. (2016). Land, Law and Traditional Leadership.

Bulhan, H. A. (2015). Stages of colonialism in Africa: From occupation of land to occupation of being.

Cartwright, *et. al*, (2018). Developing Prosperous and Inclusive Cities in Africa - National Urban Policies to the Rescue? Coalition for Urban Transitions. London and Washington, DC. Available at: http://newclimateeconomy.net/content/cities-working-papers.

Charles, C. M. (1995). Introduction to educational research (2nd ed.). San Diego, Longman.

Charlton, S. (2008). The state of land use management in South Africa. *Second Economy Strategy: Addressing Inequality and Economic Marginalisation, Urban Landmark.* [Internet:] http://www. tips. org. za/files/2E_Charlton_Landuse_April08. [Accessed 09/08/2019].

Chigwata, T. C. (2016). *The role of traditional leaders in Zimbabwe: are they still relevant*? Law, democracy, and development. Vol 20(1), 69-90.

Chigwata, T. C. (2015). Decentralization in Africa and the Resilience of Traditional Authorities: *Evaluating Zimbabwe's Track Record*. Regional and Federal Studies. Vol 25(5), 439-453.

Coetzee, J. (2012). The transformation of municipal development planning in South Africa (post-1994): *Impressions and impasse*. Town and Regional Planning. Vol 61, 10-20.

Congress of Traditional Leaders of South Africa (CONTRALESA). (2011). [online] http://contralesa.org/html/about-us/index.htm. [Accessed on the 29 October 2019].

Cornwall, A. (2008). Unpacking Participation: models, meanings, and practices. *Community development journal*. Vol 43(3), 269-283.

Cousins, B., and Claassens, A. (2004). Communal land rights, democracy, and traditional leaders in post-apartheid South Africa. *Securing land and resource rights in Africa: Pan-African perspectives*, 139-54.

Creswell, J. W., Plano Clark, V. L., Gutmann, M. L., and Hanson, W. E. (2003). Advanced mixed methods research designs. Handbook of mixed methods in social and behavioural research 209-240.

Cypress, B. S. (2017). Rigor or reliability and validity in qualitative research: Perspectives, strategies, reconceptualization, and recommendations. *Dimensions of Critical Care Nursing*, *36*(4), 253-263.

Dipholo *et. al.* (2014). Traditional leadership in Botswana: *Opportunities and challenges for enhancing good governance and local development.* Journal of African and Asian local government studies. Vol 3(2), 111-132.

Dos Santosab, M. R., and Ranieria, V. E. L. (2014). Contributions to land use planning of rural areas.

Du Plessis (2018). An overview of land use management and the roles of traditional leaders in terms of SPLUMA. North West University.

Du Plessis, D. J. (2014). *A critical reflection on urban spatial planning practices and outcomes in post-apartheid South Africa.* In Urban Forum, Springer Netherlands. Vol. 25, No. 1, pp. 69-88.

Dubazane and Nel. (2016). *The relationship between traditional leaders and municipal council in land use management in Inkandla local municipality.* Thesis. University of Free State, South Africa

Eberbach, K., Kubera, A., Okoth, N. L., and Watanabe, A. (2017). Contemporary Traditional Leaders a Study on Land and Governance in South Africa. In: *African Meeting Process for Debate and Proposals on Governance in Africa: The Southern African Perspectives*, 185.

Freundlieb, D. (2000). *Rethinking critical theory: Weaknesses and new directions.* Constellations. Vol *7*(1), 80-99.

Galbraith, L. (2014). *Making space for reconciliation in the planning system.* Planning Theory and Practice. Vol 15(4), 453-479.

George, and Binza. (2011). The roles of traditional leadership in promoting governance and development in rural south Africa*: a case of the Magwalana traditional authority.* Vol 46 (2)

Golafshani, N. (2003). Understanding reliability and validity in qualitative research. *The qualitative report.* Vol 8(4), 597-606.

Goodspeed, R. (2016). The death and life of collaborative planning theory. *Urban Planning.* Vol 1(4), 1-5.

Harrison, P. (2006). Integrated development plans and third way politics. Democracy and delivery: Urban policy in South Africa, 186-207.

Harrison, P. (2008). The origins and outcomes of South Africa's Integrated Development Plans. In: Parnell, S., Pieterse, E., Wooldridge, D., Swilling, M. and van Donk, M. (Eds.). *Consolidating Developmental Local Government: Lessons from the South African Experience*. Cape Town: UCT Press.

Harrison, P., Todes, A. and Watson, V. (2008). Planning and transformation: Learning from the post-apartheid experience. London, Routledge: Taylor and Francis Group.

Harry, D,. (2008). No Social Science Without Critical Theory. Vol 25 of Current Perspectives in Social Theory.

Haub,. (2009). *Understanding of land use planning and its relevance in Namibia*. Namibia land management series no. 1. Integrated expert, Namibia Institute for Democracy.

Healey, P. (2006). Relational complexity and the imaginative power of strategic spatial planning. *European Planning Studies*. Vol 14(4), 525-546.

Hemson, D. (2015). Helping or hindering? Traditional leaders and water delivery in rural KwaZulu Natal.

Horkheimer, Max. (1982). Critical Theory Selected Essays. New York: Continuum Pub. [online] https://courses.lumenlearning.com/introductiontocommunication/chapter/critical-theories-paradigm/

Innes, J. E., and Booher, D. E. (2010). Planning with complexity: An introduction to collaborative rationality for public policy. Routledge.

Introduction to Communication: Critical Theories Paradigm

Jones B.T.B,. (2009). *Policy and legislative review on land use planning in Namibia*. Prepared as the background document for the development of a regional land use planning framework for the Karavango Region within the Okavango Integrated River Basin management project: Windhoek.

Joscelyne K. (2015). *The nature, scope, and purpose of spatial planning in South Africa*: Towards a more coherent legal framework under SPLUMA, University of Cape Town, South Africa.

Kabane, N. (2012). Active citizen participation through ward committees. *Transformer: the journal for development and governance issues*. Vol 18(3), 10-13.

Kaur, G. (2007). Participatory approach/community involvement in planning. In *43rd ISOCARP Congress*.

Keller, R. (2011). The sociology of knowledge approach to discourse (SKAD). *Human Studies*, *34*(1), 43.

Khunou, S. F. (2013). The Origin and Nature of Traditional Leadership in South Africa. *Matatu: Journal for African Culture and Society*. Vol 41, 293-320.

Kitchin, F., Ovens, W., and Turpin, M. (2013). *Capacity building through knowledge management: a toolkit for South African municipalities*. South African Cities Network.

Koelble, T. A., and Li Puma, E. (2011). Traditional leaders and the culture of governance in South Africa. *Governance*. Vol 24(1), 5-29.

Koenane, M. L., Mojalefa L. J and Olatunji, C. M. P. (2017). Is it the end or just the beginning of ubuntu? Response to Matolino and Kwindingwi in view of Metz's rebuttal. *South African Journal of Philosophy*. Vol 36(2), 263-277.

Lamond J., Awuah B. K., Lewis E., Bloch R., and Falade B. J. (2015). Urban Land, Planning and Governance Systems in Nigeria. Urbanisation Research Nigeria (URN) Research Report. London: ICF International.

Logan C. (2008). Traditional leaders in modern Africa: can democracy and the chief co-exist? Working paper no. 93, Aflobaromete working papers. A comparative series of National public attitude

Majola, N, (2018). Land occupiers caught in battle between private KZN landowner and tribal Council. [Online] https://www.news24.com/SouthAfrica/News/land-occupiers-caught-in-battle-between-private-kzn-landowner-and-tribal-council-20180830. [Accessed on the 15 of November 2019]

Maluleke, M. N. (2017). Implications of Spatial Planning and Land Use Management Act (16 of 2013) (SPLUMA) on land allocation in areas under traditional authorities. Doctoral dissertation.

Mathonsi, N., and Sithole, S. (2017). The incompatibility of traditional leadership and democratic experimentation in South Africa. *African Journal of Public Affairs.* Vol 9(5), 35-46.

Mawere, M., and Mayekiso, A. (2014). Traditional leadership, democracy, and social equality in Africa: The role of traditional leadership in emboldening social equality in South Africa. *International Journal of Politics and Good Governance*. Vol *5*(5.3), 1-11.

Metternicht, G. (2017). Land use planning. *Global Land*.

Ministry CoGta (2017). Indigenous and Traditional Leaders Indaba with Government and Stakeholders. Birchwood Hotel, Johannesburg South Africa

Mngomezulu, B. R. (2007). Ntsebeza, L. (2006). Democracy compromised: chiefs and the politics of land in South Africa. [Book review].

Montgomery, A. D. (2000). Management and Regulation of Rural Land Use*: A Model for Traditional Land Tenure Systems in KwaZulu-Natal.* Doctoral dissertation. University of Natal, Pietermaritzburg.

Morse JM, Barrett M, Mayan, Olson, Spiers J. (2002). Verification strategies for establishing reliability and validity in qualitative research. Int J Qual Methods. 13-22.

Mosha, (2007). The Experience of Sub-regional Planning in Botswana: *Achievements and Challenges 93*. Regional Development Dialogue. Vol. 28 (1), 93-110.

Musarandega, H., Chingombe, W. and Pillay, R., (2018). Harnessing local traditional authorities as a potential strategy to combat the vagaries of climate change in Zimbabwe, Jàmbá: *Journal of Disaster Risk Studies*. Vol 10(1), a651. [Online] https://doi.org/10.4102/jamba. v10i1.651

Musitha, M. E. (2013). *The role of traditional authority in integrated development planning policy implementation with reference to Limpopo Province.* Doctoral dissertation. University of Pretoria.

Mwalukomo, H. (2008). *The role of traditional leaders in environmental governance in the context of decentralization: a case study of grass utilization in QwaQwa, Eastern Free State.* Doctoral dissertation. University of the Witwatersrand.

Mwalukomo, H., and Patel, Z. (2012). Chieftaincy and democratic local governance in rural South Africa: Natural resources management in QwaQwa. *Development Southern Africa*. Vol 29(2), 259-272.

Myeni S. (2017). Political decentralisation, dependence, and marginality of women in rural politics in South Africa. *Journal of Public Administration.* Vol 52(3), 520-536

Nel, V. (2016). Spluma, zoning and effective land use management in South Africa. In Urban Forum. Vol. 27 (1), 79-92. Springer Netherlands.

Nkosi, S. A. (2016). *Participation of traditional leadership on spatial planning and land use management matters in the Mpumalanga province Republic of South Africa*. Doctoral dissertation. University of the Free State.

Nqutu Local Municipality. (2015). Nqutu local municipality final draft Spatial Development Framework

Nqutu Local Municipality. (2017/18). Nqutu local municipality Integrated Development Plan

Nqutu Local Municipality. (2017/22). Nqutu Local Municipality Integrated Development Plan

Nqutu Local Municipality. (2018/19). Nqutu local municipality Integrated Development Plan

Nqutu Local Municipality. (2019/20). Final Integrated Development Planning

Ntsebeza, L. (2004). Democratic Decentralisation and Traditional Authority: Dilemmas of Land Administration in Rural South Africa. *European Journal of Development Research*, Vol 16(1), 71-89.

Ntsebeza, L. (2006). Democracy Compromised: *Chiefs and the Politics of Land in South Africa.* Human Science Research Council. Vol 5: 156-157.

Ntsebeza, L. (2006). Rural development in South Africa: tensions between democracy and traditional authority.

Ntsebeza, L., (2001). Rural governance in post-1994 South Africa: Has the question of Citizenship for rural inhabitants been settled 10 years in South Africa's democracy? [Online] http//dlc.dliab.indiana.edu/dlc/bitsream/handle [accessed on the 14 June 2019].

Nxumalo and Whittal (2013). Municipal Boundary Demarcation in South Africa: Processes and Effects on Governance in Traditional Rural Areas. *South African Journal of Geomatic.* Vol 2(4). University of Cape Town, Cape Town, South Africa

Nzimakwe T.I. and Reddy P.S. (2008). Community participation in Ethekwini Municipality with particular reference to ward committees. *Journal of Public Administration*. Vol 43(4.1), 667-679.

Obeng-Odoom, F. (2012). Land reforms in Africa: Theory, practice, and outcome. *Habitat international*. Vol 36(1), 161-170.

Oomen, B. (2005). Chiefs in South Africa: Law, Power and Culture in Post-Apartheid Era. Oxford and Pietermaritzburg: James Curry and University of KwaZulu-Natal Press

Otoghile, A., and Edigin, L. U. (2011). Local government administration and development: A survey of Oredo local government area of Edo State, Nigeria. *African Research Review*. Vol 5(3).

Palmary, I. (2004). Traditional Leaders in the eThekwini Metropolitan Region: Their role in crime prevention and safety promotion. *Johannesburg: Centre for the Study of Violence and Reconciliation.* [Available online: www. csvr. org. za].

Rangen and Gilmartin,. (2002). Gender, traditional authority, and the politics of rural land reform. *Development and change*. Institute of Social Studies, Blackwell publishers, USA. Vol 33(4), 633-658

Reddy P.S. and Sikhakane B.H. (2008). Public participation: a case study of ward committees in the Buffalo City Municipality. *Journal of Public Administration*. Vol 43(4.1), 680-697.

Republic of South Africa. (1996). The Constitution of the Republic of South Africa, 108 of 1996. Pretoria: Government Printers

Republic of South Africa. (2003). Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003). Pretoria: Government Printers.

Republic of South Africa Communal Land Rights Act (11 of 2004)

Republic of South Africa KwaZulu-Natal Ingonyama Trust Act (Act 3 KZ of 1994)

Republic of South Africa Municipal Structures Act (117 of 1998)

Republic of South Africa Municipal Systems Act (32 of 2000)

Republic of South Africa National Environmental Management Act (107 of 1998)

Republic of South Africa Spatial Planning and Land Use Management Act (16 of 2013)

Rugege, S. (2003). *Traditional Leadership and Its Future Role in Local Governance*. University of the Western Cape, South Africa

SALGA. (2012). Challenges regarding the participation of Traditional Leaders in Municipal Councils.

Schmidt NA, and Brown J. (2015). Evidence-Based Practice for Nurses: Appraisal and Application of Research. 3rd ed. Burlington.

Seale, C. (1999). Quality in qualitative research. *Qualitative Inquiry*. Vol 5(4), 465-478.

Sharma, K. C. (2010). Role of local government in Botswana for effective service delivery: Challenges, prospects, and lessons. *Commonwealth Journal of Local Governance*. p135-142.

Sharma, K. G. (2005). *Role of Traditional Structures in Local Governance for Local Development: The Case of Botswana*. World Bank, Washington DC. [Retrieved on 11 October 2019].

Siddle, A., and Koelble, T. (2017). Local government in South Africa: Can the objectives of the developmental state be achieved through the current model of decentralised governance*?* e-Social Sciences.

Sikander, T. (2015). A theoretical framework of local government. *International Journal of Humanities and Social Science*. Vol *5*(6), 1.

Silverman, D. (2008). Interpreting qualitative data, 3rd Ed. London: Sage.

Sithole, P., and Mbele, T. (2008). Fifteen-year review on traditional leadership: A research paper.

South African History Online (SAHO). (2019). The roles of traditional leaders during apartheid. [Online] https://www.sahistory.org.za/article/role-traditional-leaders-during-apartheid. [Accessed 25 July 2019].

Sowetan live. (2015). Traditional Leaders Vow to Defy Government Over New Land Law. [Available at: http://www.sowetanlive.co.za/news/2015/07/04/]. [Accessed on 6 July 2019].

Department of Environmental Affairs. (2007). *Land use planning and environmental sustainability Contributions to an analytical framework for sustainable land management*. Research discussion paper 76, Namibia.

Tshitangoni, M., and Francis, J. (2017). Relevance of Traditional Leadership in Rural Community Development amidst Democratic Institutions in Southern Africa: A Critical Review.

Turok, I,. (2014). Settlement Planning and Urban Transformation, A paper presented at a conference on spatial transformation. *South African Cities Network (SACN).* University of Natal Press. p13.

Van Wyk, J., and Oranje, M. (2014). The post-1994 South African spatial planning system and Bill of Rights: A meaningful and mutually beneficial fit. *Planning Theory*. Vol 13(4), 349-369.

Weideman, M. (2004). *Land reform, equity, and growth in South Africa: a comparative analysis*. Doctoral dissertation.

Williams, A. D. (2015). *A framework for a sustainable land use management system in traditional Xhosa cultural geo-social zone of the rural Eastern Cape South Africa*. The Development Decade. Doctoral dissertation. University of the Free State. p444-460.

Williams, J.J. (2000). South Africa: urban transformation cities. Vol. 17(3), 167-83.

World Bank. (2012). Guidance notes on tools for pollution management. *Getting to Green: A Sourcebook of Pollution Management Policy Tools for Growth and Competitiveness*.

Yodiansyah, H. Methodology Communication; Strategy and Planning Communication Research.

APPENDIX 1/ ISITHASISELO 1

QUESTIONS FOR TRADITIONAL LEADERS (INCLUDING BACKGROUND QESTIONS).

- How long have you been a chief or traditional leader in this area?

- What roles do you play as a leader of the community in your area and other areas in Nqutu municipality?

- In your own opinion, how do you describe your relationship with municipal officials or the municipality when it comes to matters concerning the well-being of your area particularly, land-use planning matters?

- Drawing from your knowledge as a traditional leader, in your opinion, what is land-use planning?

- Were you involved in the process of implementing land-use planning instruments/ by-laws affecting your area?

- Do you think it is necessary for rural areas such as your area to be subjected to such spatial transformation? If yes, why?

- What are your views on the newly enacted legislations (SPLUMA) and the provisions of the Constitution (section 151 to 156) which give power to municipalities to manage anything concerning land administration?

- Do you think there is a need for municipalities since we have the institution of traditional leaders?

- Are there any activities/projects more especially on land-use planning (past/present) within this area? And what role do/did you play as a leader of the society/T. L?

- How do you ensure that communities within your area are up to date when new development projects are to be initiated?

- As a traditional leader, do you get consulted when new projects are to be initiated in your area? If not, how do you feel about that?

IMIBUZO EQONDENE NAMAKHOSI (KUFAKA IMIBUZO EBANDLAYO)

• Ngabe ungumholi oyinduna noma wendabuko isikhathi esingakanani kule ndawo?

• Yiziphi izindima ozidlalayo njengomholi womphakathi endaweni yangakini nakwezinye izindawo kumasipala waseNqutu?

• Ngokubona kwakho, ubuchaza kanjani ubudlelwano bakho nezikhulu zikamasipala noma umasipala uma kuziwa ezindabeni eziphathelene nenhlala-kahle yendawo yakho, izindaba zokusetshenziswa komhlaba?

• Ukudweba olwazini lwakho njengomholi wendabuko, ngokubona kwakho, yini ukuhlela ukusetshenziswa komhlaba?

• Ngabe ubambe iqhaza ohlelweni lokusebenzisa amathuluzi wokuhlela ukusetshenziswa komhlaba / imithetho kamasipala ethinta indawo yakho?

• Ngabe ucabanga ukuthi kuyadingeka yini ukuthi izindawo zasemakhaya ezifana nendawo yangakini ziguqulwe kanjalo? Uma kunjalo, ngani?

• Ngabe yini imibono yakho mayelana nemithetho esanda kumiswa (i-SPLUMA) nezinhlinzeko zoMthethosisekelo (isigaba 151 kuya ku-156) ezinikeza omasipala amandla okuphatha noma yini ephathelene nokuphathwa komhlaba?

• Ngabe ucabanga ukuthi kunesidingo somasipala njengoba sinesikhungo sabaholi bendabuko?

• Ngabe kukhona imisebenzi / amaphrojekthi ikakhulukazi ekuhleleni kokusetshenziswa komhlaba (okwedlule / okwamanje) ngaphakathi kule ndawo? Futhi wadlala yiphi indima njengomholi womphakathi / i-T. L?

• Uqinisekisa kanjani ukuthi imiphakathi esendaweni yakini isesimweni lapho kuzoqalwa khona amaphrojekthi amasha entuthuko?

• Njengomholi wendabuko, uyabonisana lapho kuzosungulwa amaphrojekthi amasha endaweni yangakini? Uma kungenjalo, uzizwa kanjani ngalokho?

QUESTIONS FOR MUNICIPAL OFFICIALS (INCL. BACKGROUND QUESTIONS).

- What is your position within the municipality?

- How long have you worked for the municipality?

- Can you describe your working relationship with traditional leaders? (if there is any)

- Do you consult traditional leaders if there is a project that will take place within their areas of jurisdiction?

- In your opinion, what is land-use planning and what are the required deliverables in order to achieve local development and make sure that rural areas are liveable spaces?

- Which activities/projects/program do you have as a municipality to promote land use planning and to make sure that people are aware of what is happening around them?

- What role do traditional leaders play in the municipality and in land-use planning?

- In your own opinion, do you consider the institution of traditional leaders as part of democratic governance or as a structure of government? If not/yeah why?

- After the introduction of municipalities, do you think there is still a necessity for traditional leaders?

- Do you think, in your own opinion, that land-use planning is necessary in rural areas concerning the existing indigenous traditional authority system of land administration?

- Looking at the future, do you think that municipal officials can have a healthy working relationship with traditional leaders without any conflict arising?

- The newly introduced publications such as SPLUMA emphasizes on public participation, how do you assure that this requirement is given attention especially in land-use planning? And how are people taking it?

IMIBUZO YEZIKHULU ZIKAMASIPALA (I-INCL. IMIBUZO EMISELAYO).

- Sithini isikhundla sakho kumasipala?
- Usebenze isikhathi esingakanani kumasipala?
- Ungabuchaza ubudlelwano bakho bokusebenza nabaholi bendabuko? (uma Bukhona)
- Ngabe uthintana nabaholi bendabuko uma ngabe kukhona iphrojekthi ezokwenzeka ezindaweni zabo?
- Ngokombono wakho, yini ukuhlelwa kokusetshenziswa komhlaba futhi yiziphi izinto ezidingekayo ukuze kufinyelelwe intuthuko yasendaweni futhi uqiniseke ukuthi izindawo zasemakhaya ziyindawo enokwenzeka?

- Yimiphi imisebenzi / amaphrojekthi / uhlelo onalo njengomasipala ukukhuthaza ukuhlelwa kokusetshenziswa komhlaba futhi uqiniseke ukuthi abantu bayakwazi okwenzekayo ngabo?

- Iyiphi indima abaholi bendabuko abayidlalayo kumasipala nasekuhleleni ukusetshenziswa komhlaba?

- Ngokubona kwakho, ngabe uthatha isikhungo sabaholi bendabuko njengengxenye yokubusa ngentando yeningi noma njengesakhiwo sikahulumeni? Uma kungenjalo / yebo kungani?

- Ngemuva kokwethulwa komasipala, ucabanga ukuthi ngabe kunesidingo sabaholi bendabuko?

- Ucabanga ukuthi, ngokubona kwakho, ukuthi ukuhlelwa kokusetshenziswa komhlaba kuyadingeka ezindaweni zasemakhaya maqondana nohlelo olukhona lwendabuko lwabaphathi bendabuko?

- Uma ubheka ikusasa, ngabe ucabanga ukuthi izikhulu zikamasipala zingaba nobudlelwano obuhle bokusebenza nabaholi bendabuko ngaphandle kwezingxabano?

- Izincwadi ezisanda kwethulwa njenge-SPLUMA zigcizelela ukubamba iqhaza komphakathi, uqinisekisa kanjani ukuthi le mfuneko inakwa ikakhulukazi ekuhleleni ukusetshenziswa komhlaba? Futhi abantu bayithatha kanjani?

QUESTIONS FOR COMMUNITY MEMBERS (INCL. BACKGROUND QUESTIONS).

- How long have you resided in Nqutu?

- Do you by any chance have a working relationship with member (s) of traditional council or municipal officials? If yes, please specify

- Are there any development projects currently taking places in your area? If so, were you aware of the project before it started?

- What role do you play as a member of the society in development projects and how do they benefit you?

- Before the existence of municipalities, what role did traditional leaders play in land-use planning? And what roles do they play now that there is a municipality in the area?

- Since we now have municipality, do you think there is still a need for traditional leaders?

- Do you have any idea of what land-use planning is and how it works? If so, please explain

- Do you think there is a need for land-use planning in rural areas such as your area? If no/yes, why? (Only if the respondent knows what LUP is).

IMIBUZO YAMALUNGU EMPHAKATHI (INCL. IMIBUZO EMISELAYO).

• Uhlale isikhathi esingakanani eNqutu?

• Ngabe kungenzeka ukuthi ube nobudlelwano obusebenzayo namalungu (wom) womkhandlu wendabuko noma wezikhulu zikamasipala? Uma kunjalo, ngicela usho

• Ngabe kukhona amaphrojekthi wentuthuko owenzeka endaweni yangakini? Uma kunjalo, bewuwazi iphrojekthi ngaphambi kokuthi iqale?

• Ngabe ubamba liphi iqhaza njengelungu lomphakathi kumaphrojekthi entuthuko futhi akusiza kanjani wena?

• Ngaphambi kokuba kube khona omasipala, iyiphi indima abaholi bendabuko abayidlalayo ekuhlelweni kokusetshenziswa komhlaba? Futhi badlala yiphi indima manje njengoba kukhona umasipala endaweni?

• Njengoba manje sinomasipala, ingabe ucabanga ukuthi sisekhona isidingo sabaholi bendabuko?

• Ngabe unawo umbono wokuthi ukuhlela ukusetshenziswa komhlaba kuyini nokuthi kusebenza kanjani? Uma kunjalo, ngicela uchaze

• Ngabe ucabanga ukuthi kunesidingo sokuhlelela ukusetshenziswa komhlaba ezindaweni zasemakhaya njengendawo yangakini? Uma kungenjalo / yebo, ngani? (kuphela uma ummangalelwa azi ukuthi iyini i-LUP).