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**The Relationship between Traditional Authorities and
Municipal Councillors and its impact on Local
Development: A Case study of the AmaNdebele Ndzundza
Sokhulumu community**

A research report submitted in partial fulfilment of the requirements for the degree of Master
of Arts in Development Studies in Faculty of Humanities, University of the Witwatersrand,
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DECLARATION

I declare that this research report is my own unaided original work. It is submitted for the degree of Master of Arts in Development Studies at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination at any other university.

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ABSTRACT

This study explores the relationship between traditional authorities and municipal ward councillors, in a democratic South Africa. The conflict between customary law and the Constitution of South Africa. The focus of this study is to investigate how this relationship impacts on local development of traditional communities by observing different government structures within the community who are responsible to bring about local development and services delivery. The objective is to understand and observe the process of how different components within this community relate, looking at the obvious and imperceptible factors which interfere with the functioning of the institutions. The interest of this research is centred on understanding how the interface between traditional authorities and municipal ward councillors is expressed at local sphere of government.

This study is based on detailed empirical work obtained through first hand research in KwaSokhulumi Traditional Community, using the case study design. This study is qualitative in nature and used in-depth, structured and unstructured interviews to collect data. This was beneficial to this study as it provided complex textual descriptions of how community members and leaders experienced the dual system of governance within their community. Further, providing information about the human side of an issues such as beliefs, emotions, behaviours, opinions and how they relate to these institutions. The methods used were effective in identifying intangible facts, such as social norms, gender roles, socioeconomic status, tradition and culture.

This study found that the relationship between traditional authorities and municipal ward councillor is not good and it is complicated by the fact the Constitution and other municipal Acts do not stipulate what are the roles of traditional authorities in local government. Worsened by the overlap in roles of traditional authorities and municipal ward councillor. This study also found that legitimacy contributes to the tension because both these institutions understand legitimacy different. Lastly, Hierarchy, of who comes first or who has the mandate to develop the community was a stumbling block to local development and resulted in breakdown in the relationship. The impacts of this tension are obvious and can be seen/experienced in the community of Sokhulumi. There is a breakdown in trust between community members, traditional authorities and municipal ward councillor. This study found out that developmental projects are delayed because of this breakdown of relationship and contestation of power.

ABBREVIATIONS AND ACRONYMS

ANC	African National Congress
CLARA	Communal Land Rights Act
CONTRALESA	Congress of Traditional Leaders of South Africa
CV	Curriculum Vita
DA	Democratic Alliance
IDP	Integrated Development Plan
MEC	Member of Executive Council
NGO	Non-governmental Organization
RSDF	Regional Spatial Development Framework
SAPS	South African Police Service
SGB	School Governing Body
TLGFA	Traditional Leadership and Governance Framework Act

CHAPTER 1

INTRODUCTION

INTRODUCTION

Since the advent of democracy in South Africa, traditional authorities and municipal ward councillors have been battling for power regardless of the provisions made by the Municipal Structural Act of 1998; Municipal System Act of 2000; and the traditional leadership and Governance Framework Act of 2003. There has been fierce debates over the role of traditional authorities in development and governance. Aggravated by the passing of legislation¹ providing for a restructured local government system, the demarcation of municipalities and the 2000 elections that steered in the new local government system. The tension was because the new municipalities were to cover the entire country. Including former homelands under the jurisdiction of traditional leaders. Now municipalities were going to have functions and powers that largely overlap with those of that are supposed to be executed by traditional authorities. For an instance, Section 153 of the Constitution puts forward that municipalities are to provide administrative systems in the form of plans and budgets, giving priority to the basic needs of the communities. The ultimate responsibility of municipalities is to promote socioeconomic development of communities. In the same way, the National House of Traditional Leaders Act 22 of 2009 prescribes that traditional authorities must promote, among others, socio-economic development and service delivery. The Traditional Leadership and Governance Framework Act 41 of 2003 also stipulates that traditional authorities are to play a role in land administration, art and culture, health, welfare, and economic development of the communities. Consequently, an overlap in some roles and responsibilities of the two institutions is clear.

As a result of this overlap, there are still fears from traditional authorities that municipal governments will be the end of traditional authority and the end of their influence in their communities. There is a critic that municipal government had to be established because traditional authorities were not well equipped to perform many of the functions set out in the constitution. Hence, extensive powers were given to the municipality. At local government, section 156 of the Constitution ascribes the functions and powers to bring about development as the responsibility of the national and provincial governments and may be assigned to municipalities. This is where the struggle rises: the functions and powers of traditional authorities overlap with those of municipal ward councillors. According to Kanyane (2017a:214-215) the theoretical association of tradition and modernity is difficult to reconcile

¹ Municipal Structural Act 1998
Municipal System Act 2000
Constitution of RSA

because of South Africa's development model wants to promote interaction between local government and traditional leaders. This is because of the assumption that traditional authority is pervasive and unlikely to disappear regardless of them being seen as anomaly in a liberal system of democracy. Ntsebeza (2006:15) argues that upholding a Constitution that treasures democratic principles in the Bill of Rights, whilst acknowledging a political and developmental role(s), for unelected and unaccountable traditional authorities, as in the 2003 Traditional Leadership and Governance Framework, is inconsistent and contradictory. The institution of Traditional authorities is recognised as part of the local government sphere, meaning that during planning and decision-making regarding local development, and service delivery they have to be taken into consideration.

The debate about the relationship between traditional authorities and municipal ward councillors is still relevant and important because South Africa has a population of 56, 5 million people and an estimated 14, 5 Million people of the total population are residents in areas falling under the jurisdiction of traditional Authorities (Community Survey 2016). It is primary in areas under the jurisdiction of traditional Authorities where people live in abject poverty and conditions of underdevelopment, and where there is a lack of access to economic opportunities, poor infrastructure and lack of access to basic services. Therefore, this is not only an academic debate but rather a reality that is affecting the quality of life of people under the jurisdiction of traditional authorities.

There are three different arguments about the role of traditional authorities in a post-colonial, post-apartheid democratic dispensation. Mamdani (1996) and Ratele (2016) leading the first camp argues for the dismantling of native authorities and transforming subjects into citizens and democracy. The second camp argues that the institution of traditional leadership can co-exist with liberal democratic institutions. Lastly, the integrated model argues that indigenous institutions were genuinely democratic. The purpose of this research study is to investigate the relationship between Traditional Authorities and Municipal Authorities and the impact it has on local development. Kanyane (2017a:200-210) argues that these relationships between traditional leaders and the modern state must be based on the local logic. The debate over the role of traditional leaders in rural communities rose as a result of the emergence of municipalities covering the whole country and those areas which were previously territory of traditional leaders. There is also contention of power struggle between traditional authorities and municipal ward councillors which has favoured municipalities since they have viable fiscal powers over traditional authorities. While traditional institutions claim stewardship powers over municipalities as custodians of African traditions, cultures and land in rural areas. The debate on the struggle over power is important as well as how it affects local development and delivery of services in rural communities. Whilst developmental local government is important in municipalities, it serves no purpose if the very development is overshadowed by conflicts between the two institutions. The argument that a traditional leader's role is not service

delivery but development is obviously vague and faulty as development itself is too broad a category and overlaps either that of the state. All stakeholders in society play an important role in fulfilling society's developmental aspirations, and therefore development cannot be delineated to one player, but to the state, business and civil society organizations, including traditional leaders themselves as custodians of their customs and traditions.

OBJECTIVES

Venter and Landsberg (2006:8) argue that traditional authorities were recognised into the democratic South Africa because the position of the ANC was that traditional leaders have a cultural role to fulfil in an African Society and that they should assist the democratically elected government and its officials in developing their respective communities. While Ntsebeza (2006:258-61) states that there are three connected factors which led to the recognition of traditional authorities into the democratic South Africa. Firstly, traditional authorities were recognised through The Congress of Traditional Leaders of South Africa (CONTRALESA). Secondly, it was the perceived importance of Inkatha Freedom Party (IFP) in KwaZulu Natal by the ANC and the national party in the political settlement. Lastly, the economic context within which the South African political settlement took place, influenced by the global and continental trends led to the re-emergence of traditional authorities as a political force from the early 90s. Moreover, it should be stressed that when the ANC was formed in 1912, traditional leaders were among the founding members and part of those who opposed the Union of South Africa in 1910. This therefore could be a much more compelling reason on why there are still traditional authorities in democratic South Africa. Goodenough (2002:29) argues that the policy and legislation on the roles and functions of traditional authorities mirror the political tension on what is the appropriate role for an institution that is deemed to be in contradiction with democratic principles.

It is against this backdrop that this research sets to explore the relationship between traditional authorities and Municipal ward councillors and the impact it has on local development. The factors and history which legitimised this institution are important to explore and understand, as they will help observe the implications of a dual system of governance on local development. The objective of this research is to therefore understand and observe the process of how these various components relate and the consequences of this dynamic for local development. Further, probing the conscious beliefs of institutional functioning, paying particular attention to the unconscious and unacknowledged factors at play which by large interfere with the functioning of the institutions. Lastly, the objective of this research is to investigate how the interface between traditional authorities and municipal ward councillors is expressed. This study is based on detailed empirical work obtained through first hand research in the KwaSokhulumu Traditional Community.

In order to achieve these objectives, this study asks the question: What is the relationship between Traditional Authorities and Municipal ward councillors, and its impact on local

development? In addition to this main question, the following secondary questions are central: how do traditional authorities and municipal ward councillors relate to the dual system of governance? What are the perceptions and experiences of community members? What mechanism are in place to enable the interface of traditional authorities in local development? What is the role of traditional authorities in local development? What is the role and position of women within the community? What is the role and position of the youth within the community? All of these questions are addressed in this research through the analysis of data collected during my visit to the community.

STRUCTURE OF THE RESEARCH REPORT

Chapter two presents the body of knowledge available on the relationship between traditional authorities and municipal ward councillors. A number of concepts that relate to the scope of this study are discussed, such as democracy, elections and the role of women within the community and how these concepts find expression in defining this relationship and as well as with the community. This paper firstly presents the debates about the resilience of traditional authorities and their role in a democratic South Africa. Secondly, looks at the debates around the co-existence of these two institutions at local level. Another bone of contention that this chapter looks at is the power struggle between the two institutions and the impacts it has on local development. Further, this chapter discusses literature which explores the relationship between Traditional Authorities and Municipal ward councillors. Lastly, the key debates about traditional authorities. A theoretical framework is also presented to highlight how the issue of relationship dynamics and dual governance are presented in relation to local development. The theoretical framework shapes the views on traditional authorities and local development.

Chapter three discusses the qualitative research methodology that is used to execute this study. This research uses a qualitative method to investigate the role of traditional authorities in the local development of their communities. This approach is best fitting for this study as I aim to locate myself as an observer of participants in their natural setting. This approach helped in making sense of the involvement of traditional leaders at local level and the relationship dynamics between them and municipal ward councillors. Key to this research is the impact this relationship has on local development. I chose qualitative approach for this study as it will afford me the opportunity to gather data and interact with participants in their communities where they experience traditional leadership, municipal councillors and development. To have a complete understanding of the issue at local level, we must interact with participants directly.

Chapter four presents the research findings and discussions based on the data collected from the community, which includes interviews with the senior traditional leader, the headmen, the traditional council, the community members and ward councillor. This chapter discusses the findings in relation to the objectives discussed above which mainly focuses on the relationship

between traditional authorities and municipal ward councillors and the implications this relationship has on local development. The analysis is utilised to determine if data collected answers the research questions. Furthermore, findings with specific focus on research conducted with the community members regarding their experiences and documenting their perceptions and experiences of a dual system of governance.

Chapter 5 presents conclusion drawn on the nature of the relationship between traditional authorities and municipal ward councillors and the implications it has on local development.

CHAPTER 2

LITERATURE REVIEW

INTRODUCTION

The democratization process of the institution of traditional authorities is seen as a risk with serious compromises. The paradox in these scholarly debates have been on how can upholding a Constitution that enshrines democratic principles in the Bill of Rights and at the same time acknowledging a political and developmental role, or roles, for un-elected traditional authorities. To understand the relationship between traditional authorities and municipal ward councillors and the impacts of this relationship on local development, this chapter will look at key concepts that frame the study such as traditional authorities, municipal ward councillors and local development. This study aims to answer the following key questions: What is the relationship between traditional authorities and municipal ward councillors and its impact on local development? What need or purpose do these institutions serve in their communities?

HISTORICAL OVERVIEW OF THE ROLE OF TRADITIONAL LEADERS

To understand the relationship between these two institutions, it is important to understand and trace the origins of traditional authorities and the roles it has played both in the past and present. This is imperative because the institution of traditional authorities is not only traditional but also a historical institution. Its historiography becomes central as it reveals the evolution of this institution.

Pre-colonial period

Before colonialization, South Africa and other parts of Africa were led by Kings, Queens and Chiefs, who today are known as traditional authorities/traditional leaders. Ntsebeza (2001:32) put it forward that during the pre-colonial period, traditional authorities had authority and power and controlled nearly all the parts of their subjects' lives. Their role during the pre-colonial period was to facilitate environmental, economic, and developmental matters, encompassing the powers to collect tax. Social functions included court decisions and implementation, judicial administration and health systems. Cultural functions were also under their care, which included spiritual and sacred leadership, tradition, custom and general cultural matters (Ntsebeza 2001:32-33). Mashale (2004:345) argues that in pre-colonial times, traditional authorities played a wide range of functions in their societies, ranging from guaranteeing stately to distribution and allocation of land. Ndlovu-Gatsheni (2008:77) concurs but stresses that these roles and function were merely theoretical and Kings did not carry all of them out on their own: "in theory, the king was the head of state, head of government, religious chief, commander-in-chief of the armed forces, and the supreme judge of all criminal cases. In practise, however, the king was basically a ceremonial head of state in all these posts and a source of unity in the state." Zibi (1998:6) is in one accord with the above claims that historically a king or Queen was the embodiment of all leadership functions of the community. They were considered to be a symbol of unity for the people. They were also considered to be religious

leaders, custodians of culture, defenders and a judicial officers responsible to carry out law and order. Took (in Ntsebeza 2001:33) strongly states that the king was not just the most important and powerful member of the tribe, but he was the tribe, the embodiment of all the values, emotions and attitudes that ensure its solidarity. He is considered to be the symbol of tribal unity. He argues that unity within the institution of traditional authorities was strengthened by the fact that leadership was heredity.

Rugege (2003) states that throughout history traditional authorities have been the backbone of local government. African communities in pre-colonial times were under the rule of kings supported by a hierarchy of chiefs, councillors or advisors, who were either their close relatives or selected from their communities. During this time traditional leaders or kings were not only regarded as custodians of the values of society but they were also served as political, military, cultural and spiritual leaders. Their role was to look after the wellbeing of their people by providing them with land for their subsistence needs through agriculture and for grazing. They also took care of the poor and orphans. Kings and Queens were responsible for the defence of their communities against external aggression and for keeping order in their communities. Further, they resolved disputes, with an aim on reconciliation, and thus ensure harmony among community members (Ndlovu-Gatsheni 2008:76). They inspired unity in their people. Rugege (2003) puts an emphasis that pre-colonial societies are known to have had a kind of participatory democracy through structures such as imbizo. He argues that the community partook in decision-making on important issues affecting the community. However, there is a caution that we should not make a generalization about all traditional leaders because some in the pre-colonial times were oppressive and autocratic. However, there were channels that community members could use if dissatisfied with their leader. They could desert him for another, arrange for his death or overthrow him through civil war. It can be said that in pre-colonial times, kings ruled largely with the consent of their people. Ndlovu-Gatsheni (2008:77) agrees that there was always tension between forces of centralization and those of decentralization of power and that Kings did try to keep as much power in their hands but leaders of provinces worked hard to gain more power as well. Therefore, it is evident that traditional authorities during pre-colonial period had far-reaching power and a wide range of functions. As an institution, every affair of the people and the community was under their jurisdiction and held the highest office within their communities.

Colonialism and apartheid

During the colonisation era, much of important the powers of kings and Queens were taken away the state of the time. This was done through indirect rule, which was a strategy for the British to take power without doing away with traditional authorities. This was also a way of dominating the indigenous people reducing chances of revolt. In order to minimise revolt, traditional authorities were used as a pawn in making them part of the broader colonial leadership structure to sustain the colonial system. Mashale (2004:349) argues that the task

of colonisers was to come up with a way of how best to pacify indigenous people, this was done through the policy of indirect rule. Traditional leaders were incorporated into the colonial hierarchy as subordinate rules. This was a way of legitimizing the British rule. Mamdani (1996:63) points out that the indirect rule at first it was a trial and error, as it only came into full force when the Black Administration Act 38 of 1927 came into effect. This Act afforded the Governor-General the powers to appoint and dethrone traditional authorities as he saw fit, making the Governor-General the supreme traditional leader in the land. This was done with an intent to ensure control over traditional institutions. Furthermore, the Act stipulated that traditional authorities were accountable to the colonial government. Historical reality confirms that the institution of traditional leadership survived the system of indirect rule, especially in regard to the boundaries. The colonialists yielded absolute political power over traditional leaders and all indigenous people in this era and subsequently traditional leaders lost control of their economic, military and political affairs of the indigenous population (Khan, Lootvoet and Mantzaris 2006).

Mzala (1988:42) argues that this was done with an intention to systematically convert the institution of traditional authority into an extension of the colonial government in the homelands. During colonialism the plan was to forcefully convince traditional authorities to cease their obligation to serve the people "a king is a king by the people", but rather now be the hands and feet of the colonial rule. The British colonial administration viewed the tribe as a basic unit to exercise authority and act as an agent of the colonial government. Because of this chiefs were accorded judicial functions under the control of magistrates, although the extent of their jurisdiction was not specified (Khan, Lootvoet and Mantzaris 2006). This resulted in people losing trust and confidence in their kings. For traditional Authorities this period was characterised by making difficult decisions, to choose between their people or betraying them to serve the colonial government. The decisions which each king or queen took had long lasting effects which are still haunting them in the democratic dispensation. Their decisions affected their integrity and that of the institution. Further, the new system made leeway for some traditional authorities to abuse their power, and for corruption since they were no longer accountable to the people (Ayittey 1991:41). Ntsebeza (2001:41) strongly argues that the long lasting effect of colonization on the institution of traditional leadership is that it was the first dent to the integrity of the institution, in that this was the first time that some higher authority was imposed above the institution. He argues that this authority radically changed and corrupted the institution. To the extent that the apartheid regime could not overlook traditional leadership. Mashale (2005) puts forward that Colonialism signalled a transformation that saw South Africa's traditional leaders being subordinated to an alien state. This subordination was made worse by the system of apartheid, which advocated for separate development introduced after 1948. He argues that it is not surprising that the advent of democracy has generated intense debate about the total that chiefs should play.

Rugege (2003) puts it forward that the apartheid regime weakened the role of traditional leaders and institutions in leading African people. But, the day to day activities of government were left to traditional leaders as agents of their colonial masters. During this period traditional authorities were no longer accountable to their people but to the apartheid state. Rugege (2003) argues that the institution of traditional leadership was transformed into tribal authorities of the alien state and more powers were accredited to these tribal authorities to control the African population in order to better serve the apartheid interests. One of the main reasons that the institution of the traditional authority was utilised is because the colonisers did not have enough personnel who could easily deal with social control of the 'natives'. The second reason was to mobilise natives for the labour requirements of settler farmers, for mining, construction of roads and railways. Therefore using existing institution was an easy way. This resulted in many kings and queens being oppressive towards their people, who were overpowered by the coercive machinery of the colonial state which protected traditional leaders. As a result many traditional leaders lost their legitimacy with their people. Mamdani (1996:90) argues that the long lasting legacy of the colonial and apartheid government is that it created two types of citizenships. It firstly created citizens, this refers to the population which was/is located in urban areas. Secondly it created subjects, this refers to the population located in homelands under traditional authorities. Rebirth (2000) states that the creation of homelands alienated these communities and people from their own country.

Rugege (2003) argues that the life and character of the institution of traditional authority under apartheid and colonialism was distorted, meaning the right to office of traditional leaders was no longer automatically based on hereditary rights. Even though this principle was at large kept in place, the state could appoint anyone to be a chief and had powers to dismiss a chief if they did not serve their interests. The apartheid regime had powers to grant jurisdiction and also to take it away. This power to grant or withdraw has survived into the post-apartheid political dispensation assigned to provinces. Mamdani (1996:72) argues that the apartheid government had to sustain indirect rule but rather intensified in order to be able to control the homelands. Ntsebeza (2006:82) concurs that hence the Bantu Authorities Act 68 of 1951 had to be created, to achieve its goals. During colonialization and Apartheid the institution of traditional authority was affected and impacted by laws such as the Black Administration Act 38 of 1927 which empowered the Governor-General the powers to appoint and dethrone kings or queens. Then the Bantu Authorities Act 68 of 1951 which saw the foundation for the creation of homelands and regional authorities which the aim to have self-governing homelands. The Promotion of Bantu Self-government Act 3 of 1959 was passed in order to classify black people into 8 ethnic groups, each group with its own commissioner-General. The Bantu Homelands Citizens Act 26 of 1970 forced all blacks to become citizens of homelands that reported to their ethnic group regardless of whether they had lived there or not. This did away with their South African citizenship. These are just a few of the many which were implemented to dent the institution of traditional authorities. Khan, Lootvoet and Mantzaris (2006) argue that

the institution of traditional leaders has been the centre of political manipulation and conflict before and after democracy. The British colonial administration viewed the tribe as a basic unit to exercise authority and act as an agent of the colonial government. Because of this chiefs were accorded judicial functions under the control of magistrates. Although the extent of their jurisdiction was not specified.

Sabelo Ndlovu-Gatsheni (2008:71) argues that “the current intellectual stampede over issues of governance in Africa has given birth to ahistorical evaluations of the crises bedevilling the African continent. Pre-colonial traditions and cultures have been unduly blamed for leaving politics of disorder on the post-colonial state without being prudently studied separately”. This is important for this discussion as it provides a rebuttal to the budding thought that holds responsible pre-colonial traditional and cultures for bad governance systems that are in Africa. Furthermore, it interrogates and rethinks the Ndebele system of governance in the nineteenth century. Ndlovu-Gatsheni’s (2008:71) rebuttal is vital because he argues that “one cannot generalize about pre-colonial African systems of governance as they were not only diverse but also complex, allowing for good governance and bad governance to co-exist uneasily and tendentiously across space and time. As such the single-depots model preferred by many Eurocentric scholars is too simplistic to explain the complexities and diversities of African political systems.” Therefore what Ndlovu-Gatsheni (2008:75) signals is that the argument that traditional leadership cannot be accommodated into the modernity or democracy is because history has been an unjust system of governance is incorrect, he argues that the system of governance of that time was and still is a complex one which allows for good and bad governance to co-exist as this is also possible in the modern state.

Post-colonial despotic rulers cannot give a good reason for dictatorship and infringement of their people's rights on the basis of pre-colonial African traditions, cultures and histories since human rights and democracy were initially built into pre-colonial African systems of governance (Ndlovu-Gatsheni 2008:71). In Ndlovu-Gatsheni (2008:73) rebuttal to what he terms as the ‘emerging African exceptionalism’ is that African political systems and forms of governance were divided into centralised and decentralised forms. Centralized forms were seen as undemocratic and decentralised were reduced to democratic governance. In the lead to democratization, the elite was concerned about why it is hard to institutionalise democracy in African political systems. Different explanations surfaced from Eurocentric and Afrocentric pessimist paradigms which held responsible African pre-colonial traditions for conferring on authoritarian forms of governance and chaos on the continent. Others argued that the crisis of democracy with African culture made way for patrimonial forms of governance

RESILIENCE OF TRADITIONAL AUTHORITIES

Chigwata (2015) observes that the 1990s for the African continent came with large scale political reforms announcing decentralization. Many of these reforms intended to bring in enhanced democracy and policy performance through creating and strengthening the local

sphere of government. Chigwata (2015) argues that these political reforms were a quest to bring instant solutions, with an emphasis on institutionally engineering best practices, often based on the usual ideas among the experts of development studies community. Further, arguing that in spite of the similarities in institutional design, the outcomes of these reforms show a discrepancy across African countries, and such discrepancy proposes that endogenous dynamics play a role. How the institution of traditional authority has survived different eras and made it into democracy has been of interest. According to Ismail (in Ntsebeza 2006) the institution of traditional authorities has shown a great degree of resilience however its survival has raised the question of their roles in a democracy. Chigwata (2015) observes that “in many of the countries that have undergone institutional reforms, the influence of traditional authorities at the local level has been a common endogenous factor influencing decentralization; or more precisely, influencing local government performance.” Further, arguing that because the powers of traditional authorities have been uncoded under modern law and subsequently, these powers relations have a tendency to be rather informal and culturally inaccessible to most outsiders, further lamenting that literature in development studies has not been competent to thoroughly acknowledge the pervasiveness and power of traditional authorities. He argues that even though traditional authorities differ across cultures and ethnicities, one thing that is common among them is that “due to their home-grown legitimacy and deep roots, these various traditional authorities play a pervasive and ever-present role in the lives of the people in rural areas, often far more than seemingly distant modern state, its bureaucrats and politicians” (Chigwata 2015).

Mamdani (1996) argues that African states failed to detribalise and democratize which is the reason behind the retaining and embracing traditional authorities within similar framework of colonial predecessors. Other scholars argue that the institution is still present because of political convenience, suggesting that it cannot be abolished easily because it will cause political disequilibrium in rural areas. Central to this debate about traditional authorities and their roles is the question of legitimacy. Chigwata (2015) argues that the problem with these reforms was that development was likened with replacement of those in rural areas, which had continued beyond the reach of modernization and urbanization. Thus, the design of formal institutions was done without the recognition and acknowledgement of traditional authorities, neither was the local context recognised in the design and reform programmes. Oomen (in Ntsebeza 2006) claims that the idea of the nation state forced the ANC to adopt a contradicting position of lambasting chieftainship in the liberating struggle period and embracing the institution when the ANC was involved in the political negotiations of the early 1990s and later became the leading political party in government since the 1994 elections. His view of the issue of the re-emergence and survival of traditional authorities that links the local, national and even the global. The resurrection of traditional authorities to the failure of post-colonial governments in Africa to present a better alternative to the rule of traditional authorities.

Responding to former President Motlanthe's comments describing traditional authorities as "village tin pot dictators". Mathekga (2018) argues that Motlanthe's remarks are correct, that at times traditional authorities are arbitrary in the way they govern largely this is because of the failures by the ANC led government. He argues that traditional authorities at the local sphere of government reclaimed legitimacy as titleholders of governance and development because of an increasing corrupt local government system in traditional communities. Traditional authorities "filled an institutional vacuum left behind by an ailing democratic local government structure". Thus, rural dwellers are left to choose between the corrupt ANC and disciplined traditional authority. "realising that a democratic local government structure has lost legitimacy due to ineffective and corrupt councillors, villagers had to defer to the devil they know; traditional authorities". Mathekga (2018) asserts that traditional authorities are not holding the government at ransom but the democratic government went to bed with traditional authorities because of traditional authorities still hold legitimacy in the eyes of traditional community members while government lost its legitimacy because of corruption. This is evident during elections, political parties are seen using traditional authorities as an access point. Mathekga (2018) argues therefore that the ANC led government has in actual fact empowered traditional authorities at the cost of traditional community members.

Chigwata (2015) argues that the reformist politics of post-colonialism was subjugated by the urban bias. Not only were traditional authorities reckoned backward, but historically they too had been co-opted into the system of indirect rule practised by British colonial rule throughout Africa. Reformist within liberation movements, traditional authorities were deemed the outsourced arm of colonial authorities and collaborators. Traditional authorities were also seen as a direct competition for legitimacy, leadership and support. Hitherto, traditional authorities did not wither away as a result of modernization and development. Logan (2013:354) argues that traditional authorities are resilient because they still exercise public authority in their communities and beyond their local communities. He argues that traditional authorities have been successful in reasserting themselves under the patronages of democratization, liberalization and decentralization, and often succeeding in modelling out new political space for themselves, especially in the local sphere of government. The study he conducted revealed that the reasons why traditional authorities are resilient is firstly, because majority of people under this institution still believe in it and that it should play a key and increasing role in the local sphere of government. Scholars such as Mamdani (1996) and Ribot (1999) argue that the survival of the institution can be attributed to the colonialist project of indirect rule, imposed by British governments. They both put forward that the system was created to manage Africans under administrative rule rather than to enfranchise them. Secondly, they have a widespread popular legitimacy which undergirds the institution's resilience.

Mamdani (1996) argues that traditional authorities are agents of the indirect rule because the authority of the chief was rooted in the fusion of various powers such as judicial, legislative,

executive and administration within their offices rather than the classic liberal democratic notion of a separation thereof. Riot (in Ntsebeza 2006) argues that chiefs are not essentially representative, legitimate or even liked by rural population neither are they essentially accountable to the rural population. Ntsebeza (2006) argues that regarding the colonial and apartheid, traditional authorities survived because they were part of the colonial scheme of indirect rule. He argues that traditional authorities existed because of colonialism and apartheid in particular. He further opposes the idea that traditional authorities survived because they opposed apartheid but rather argues that there was no room opportunity for traditional authorities to fight apartheid. Ntsebenza (2006) argues that traditional authorities deprive their legitimacy from their control of land allocation process, it is in the reserves that they were co-opted as an extended arm of the colonial powers, and given uncontested powers at local level to make recommendations in the process of the allocation of land. The findings of this study therefore, challenge the argument that resilience is at odds with the popular will, reflecting instead either the successful conspiracies, or the dismal failures, of self-serving state. The study found little evidence that that traditional authorities is as unpopular as this other research suggests. Instead, the research found that while there is a feeling that traditional authorities are flawed, even so communities still feel that they have an essential part to play in local governance. Logan (2013:356) argues that the public places substantial value both on the role traditional authorities continue to play in management and resolving conflict, and on their leadership qualities and their accessibility to ordinary people. His study found that traditional authorities “derive their legitimacy and with it, their resilience at least as much from who they are as from what they do” traditional leaders are valued at least in part for the essential symbolic role they play as representative of community identity, unity, continuity, and stability.” (Logan 2013:360).

Logan (2013:365) argues that there is a number of factors which might contribute to sustaining traditional authorities’ popular legitimacy. The first factor is their closeness and intimate familiarity with their communities. Ismaili (in Ntsebeza 2006) argues that the institution and some of its incumbents have survived regardless of colonial and post-colonial attempts to marginalise and abolish it. Further stating that indirect rule in some cases was eloquent testimony to how colonial powers recognised the strength of indigenous rulers. He puts forward that colonialists were forced to negotiate with traditional authorities. He is against the premise that colonialism destroyed the social fabric and the political system of the continent’s nations and that postcolonial African government stepped right into the shoes of their masters. Secondly, it is this close proximity that make them more effective in allocating land, adjudicating disputes, and advocating for their communities compared to municipal ward councillors. Thirdly, the institution of traditional authorities also function according to rules and norms, both formal and informal with which people are deeply familiar, easing both access and accountability (non-electoral accountability). His study found out that traditional communities wanted traditional authorities to continue not only for what they do but because

of what it meant to the community in the broader sense. In addition to resolving disputes or helping to provide development. Further, found that there was frequent reference to the role of the traditional authorities in securing dignity, discipline and respect for the community, and providing the foundations for communal unity and harmony. Therefore, both instrumental and intrinsic considerations could contribute to the popular standing of the traditional authority (Logan 2013:371). Bank and Southall, Tooke, Alexander and Bourdillion (in Ntsebeza 2006) hold the view that the reason why the institution of traditional authorities is resilient is because they were not collaborators but instead retained their legitimacy because the colonial state denied them administrative functions and powers.

RAINBOW NATION, A NEW DAWN

Former President Nelson Mandela (1997) in his address, at the inauguration of the house of traditional leaders in Cape Town said; the ANC and the government are committed to being true to their word and “true to our South African-ness, true to the traditions that form part of our rainbow nation”. Many years after the inauguration, President Cyril Ramaphosa (2018) opens his address by stating that “the institution of traditional leadership is a bedrock of South African’s constitutional democracy. It remains a vital resource in the hands of our people to repair the social fabric that colonialism and apartheid sought to destroy. It remains a potent instrument bequeathed to us by our ancestors to achieve accepted, inclusive social and economic development. [...] traditional authority exists not for its own sake, but to improve the lives of our people. It requires that we affirm and support the historical and contemporary independence between our kings, queens and chiefs and the people they lead. This relationship of mutual interdependence between the ruler and the ruled is captured in the ancient saying, *inkosi yinkosi ngabantu*. This meaning that for traditional authorities and government not to become despotic or tyrannical, its legitimacy and authority must be derived from satisfying the aspirations of governed.” Both these presidents advocate for traditional authorities to be both active and initiators of development and protect the democracy. Further, showing the continued support of traditional authorities by the ANC.

According to section 151 (1) of the Constitution, the local level of government consists of municipalities which must be recognised for the whole of the territory of the Republic. This section does not make any mention of traditional authority. Further, the role of the traditional authority is not defined and clear. Traditional authorities lament that their role is too vague and that the role needs to be clearly defined. According to Chapter 7 of the Constitution the municipality has sole jurisdiction over the matters. Rugege (2003) argues that there is a need for a working relationship between traditional leaders and municipal ward councillors to maximise benefits for the community. A model of cooperative governance is needed, that will be explicit and resolve the conflicts at local government. Under the democratic state, traditional authorities still have the powers and functions given to them under colonialism and apartheid in terms of various pieces of legislation. For an instance the system of hierarchal local

government in rural areas based on traditional organization but with statutory powers and functions was established by the Black Authorities Act. However, it was and still is evident that traditional authorities were never well equipped to perform many of their set out functions. Under the Black Authorities Act, the powers accorded to them were extensive and under the constitution such powers and functions are the responsibility of the national and provincial sphere of government and may be assigned to municipalities under section 156 of the Constitution. This is where the tension and conflict arises: The powers and functions of traditional leaders overlap with those of elected municipal ward councillors. Bank and Southall (in Ntsebeza 2006) doubt the capacity of traditional authorities in political administration because traditional authorities discredited themselves by collaborating with the apartheid regime. Further, arguing that there is a conflict between the patriarchal values of traditional leadership and gender equality that is entrenched in the constitution and therefore should be denied a role in the state constitutional matters. Ntsebeza (2006) argues that the only way traditional leaders can be democratic is if they abandon their hereditary status and subject themselves to election by their people, bringing along with them the participatory element embedded in traditional democracy.

He also cautions about incorporating values associated with indigenous institutions in post-colonial democratization project and saying the institution of chieftaincy is the sole bearer of these values (Ntsebeza 2006:33). Kargo (2007:3-4) argues that traditional leadership is compatible with modern democratic governance because it possesses certain democratic elements. It should therefore be integrated into the local government because the institution has maintained a system of governance based on accountability, consultation and decentralization. Rugege (2003) argues that since traditional authorities do not have any powers to tax community members and no government funds for development, are left starving of funds and are not able to show any justification for their continued existence. Sithole and Mbele (2008:8) argue that Traditional leaderships are important because they offers unique attributes of leadership that fulfils specific social and governance needs of people as a community. Therefore the location of traditional leaders in communities both physical and culturally supplement where municipal leaders are limited. Communities and people are entitled to these attributes. While western democracy is concerned about formation of institutions and how its leaders are elected. The argument is that traditional leaders should be accepted and envisions another form of democracy that is less occupied with how governance comes into being but occupied with how justice is fulfilled using cultural moral principles. The argument is that "traditional leadership is a facilitator of democracy more focused on issues rather than rigidified processes." Traditional leadership and customs has always been victim of cultural relativism that is engineered to disable people's ability to rationalize and change culture continuously with reference to specific circumstances. Traditional leaders are aligned with culture and custom and therefore it must not be taken for granted that culture and custom can be changed through legislations

Comaroff (2005:299) argues that the conflict within this debate about traditional authority and democracy stems from the fact that South Africa's liberal democracy cannot ethically or ideologically accommodate a politics of difference or an institution that does not fit within its definition of an institution. Vilakazi (2000:86) argues that modern democracy is a "terrible disease" that "The entire process of democratization and modernization, so far, has been a ruthless imposition upon rural people of the values and culture of urban elites". Comaroff (2006) state that for the fact that the constitution of South Africa is established upon the most enlightened notions of democratic pluralism; most comprehensive and most liberal is problematic because it "seems to inhabit the very idea of the Euro-nation in its twenty-first century guise". Further, stating that "from the start a 'crisis of culture', a counter-politics of ethnic assertion against the jurisdiction of the state, has rumbled beneath the surface of the new polity, threatening to disrupt the founding premises of its Bill of Rights". Vilakazi (2000:87) adds that Modernity has resulted in the holocaust that is executed by "city-based political parties and bureaucracies against traditional values and cultures" that existed way before colonization, values and cultures that were created by rural dwellers under traditional leaders. Vilakazi (2000:88) argues that the rejection of traditional leaders is not because they are incompatible with the modernist development project or the modern democracy. The rejection of traditional leaders within the modern development project is due to the prejudice and power hungry urban elites.

Comaroff (2005) call this the crisis of culture, they argue, this crisis of culture have led to the interrogations about the sovereignty of the African traditional authority and the kingdom of custom, in which ethnic subjects claim, and are claimed by, another species of authority. Therefore, there is an advent of vernacular praxis whereby traditional authority or custom does not exist easily with the hegemony of the liberal modernist government. They argue that ethno-institutions and traditional authorities express the language of subjects and shared being. It is therefore, the co-existence of citizen and subject that constructs the practical terms of national belonging. Comaroff (2005) put it forward that the constitution of South Africa was created to deal with such contradictions and tensions between democratically elected representatives and traditional authority. However, its "subservience of cultural particularity and the kingdom of custom to 'one law for one nation' seems unambiguous." Mathkga (2018) argues that the government has no enthusiasm to reform legislation with the real intention to empower traditional community dwellers since that would disempowerment to traditional authorities. And should traditional authorities be disempowered and community members empowered, then they will be able to demand fair treatment from government. Government would be under pressure from traditional community members and won't be able to turn to traditional authority to pacify community members. He concludes that sadly, some traditional authorities carry on to do the same job they did under apartheid. He asserts that Motlanthes's premise must be reformulated to say: "village communities are held ransom by some tin pot traditional authorities and a corrupt government that is struggling with its legitimacy" (Mothkga 2018).

PARTICIPATION OF TRADITIONAL AUTHORITY IN LOCAL DEVELOPMENT

The constitution of South Africa envisioned a three sphere system of governance in which local government is an equally ranked sphere as the national and provincial ones. The idea of an autonomous local government with full administrative and management capacities finds its origins in the Reconstruction and Development Programme (RDP) of 1994 under Thabo Mbeki's administration. It is in the RDP that the high priority political objective of empowerment of individuals, communities and institutions was enshrined. These political objectives and principles shaped the constitution in such a way as to promote civil society's involvement in political decision making. The local sphere was seen best positioned for such an initiative. Through the RDP, it is at the local level consisting of rural and urban municipalities or other metropolitan structures, that the public authority, communities, economic actors and citizens in general were expected to group together in the most harmonious and efficient manner, in order to identify and implement the means of meeting the community's needs (especially services and infrastructure). It is against this context, that the transformation of local government in South Africa was pursued. The goals of the RDP to empower local communities and empower and enable them to participate in development issues at the local sphere in many provinces were challenged by the institution of traditional leaders. This opposing forms of modern systems and traditional forms of governance has been an ongoing source of political conflict since democracy between traditional authorities and the state on the question of the exact roles and responsibilities of the latter in service delivery at a local sphere of government (Khan, Lootvoet and Mantzaris 2006:175-175).

The Constitution of South Africa spells out to what extent that an institution such as that of traditional leadership can participate in the local government. Section 182 of the interim constitution of 1993 had afforded traditional authorities the right to be part of the council and partake in deliberations as full members who were entitled to vote on any decision of the council and eligible for election to office in a municipal government. However, the official 1996 constitution overturned this decision by granting traditional authorities a membership to the council which could be changed by statute item 26 (1) of schedule 6 which outlines that "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" which the Municipal Structure Act provided otherwise. According to Khan, Lootvoet and Mantzaris (2006) the institution of traditional leaders is marginalized, merely serving a symbolic rather than a functional role. Key to their marginalization is the debate that it is inconsistent with democratic principles of governance, despite their presence long before colonial rule became a historical reality.

The existence, status and role of the institution of Traditional Authorities is recognised according to the customary law but subject to the Constitution of South Africa. As a chapter 12 institution, the national legislation can ascribe a role to traditional authorities in matters pertaining to the local sphere of government. Further, the establishment of both the Houses of Traditional Leaders and council should be provided by the national or provincial legislation. In comparison to the national and provincial sphere the constitution has spelled out the roles, powers and functions but there is ambiguity on traditional authorities as part of governance (Constitution ACT 108 of 1996). The ambiguity of the constitution on the role of traditional authorities, in 2002 a draft of the White Paper on Traditional Leadership and governance was released. The White Paper set out a broad policy framework on the place and the role of the institution within the new democratic system of governance. In the body politic of South Africa the institution occupies an important place due to its history. It is seen as preserving culture, traditions, customs and values of the African people, simultaneously representing the early forms of societal organisation and governance. The White Paper recognises that the institution of traditional leadership has survived the successive colonial and the brutal apartheid regimes and that they were responsible for community development especially in rural areas as there were no local government structures. Furthermore, it recognises the need to transform the institution from an undemocratic, unrepresentative and unaccountable system of government in accordance with the democratic principles of the Constitution (White Paper 2003).

Subsequent to the draft in 2002, Traditional Leadership and governance Framework Act was passed. The ACT 41 of 2003 makes provision for the recognition of traditional communities and the establishment of councils. This act further outlines the functions of traditional councils and the partnership between municipalities and traditional councils. Chapter 5 of the act makes provision for the roles and functions of traditional leadership. Section 19 of the Act states that traditional leaders are to perform their function in accordance to the customary law and customs of the community concerned. Section 20 (1) provides for the guiding principles for the allocation of roles and functions of the traditional councils, but its roles and functions in as far as rural development and services delivery in general are not clearly defined. The National Traditional Leadership and Governance Framework Act, 2003, also recognises the establishment of Traditional Councils in a traditional community. The legal groundwork has been laid to give traditional leaders a formal role in government, although to some a move in this direction would appear to be a return to the country's pre-democratic days.

The house of traditional houses has the function to advise the government on matters affecting traditional leadership, traditional communities and customary law. However, it is not mandatory for government to seek the House's advice before or during the submission of legislation and policy documents to parliament. It is argued that for their traditional authorities to have an impact in national and provincial government they should be given a full time status. From the two key legal documents dealing with the institution of traditional leadership, the

constitution of South Africa and the White paper on local government, stipulate clearly that the roles and responsibilities of traditional leaders in the new political dispensation are of no particular importance. The roles identified in the white papers are very similar to those of the apartheid regime. The white paper acknowledges the importance roles played by traditional leaders in local government during the previous dispensation, but it dismisses this (Khan, Lootvet, Mantzaris 2006). A study conducted by Tshehla (2005) looking at the role of traditional leaders in justice and crime prevention. The study found that traditional leaders had dissatisfaction in regard to municipal ward councillors. Likewise, municipal ward councillors perceived traditional leaders as a stumbling block to local development. Tshehla (2005:18) suggests that the tension between these two institutions is as a result of the overlap in roles and that there are no guidelines as to how they should interact. He further argues that "it would be unfair to subject the electorate to an institution that might hinder service delivery or even challenge the authority of councillors to spearhead development. Equally, traditional leaders at least those belonging to the CONTRALESA would prefer traditional leaders to be the only structure of governance for traditional communities." (Tshela 2005:18). The study found that the participation of traditional leaders was limited since they do not know how the justice system functions.

For the local government to fulfil their developmental roles, the Local Government Municipal Systems Act, 2000 recommends that all municipalities to adopt Integrated Development Plans (IDP). The purpose of the IDP is to set out the vision, needs, priorities, goals and strategies of a municipal council to develop the municipality during its term of office, as part of a long term vision and plan for development. The municipal system Act of 2008 stipulates that members of the community must have a say in both the process through which it is drafted and the content of the IDP. The IDP is used as a tool for determining the budget of a municipality, it is also considered to a management tool and an aid to manage a municipality. Since the IDP is viewed as an important tool which assess the effectiveness of municipalities, it is therefore important for traditional authorities to be part of the forums because failure to involve them results in conflict and delay in implementation process for local development. The IDP and other pieces of legislations such as the Traditional Leadership and Governance Framework Act of 2003 advocate for co-operative governance between traditional authorities and municipal ward councillors (IDP).

The partnership between them could result in accelerating local development in these traditional or rural communities. However, traditional authorities put forward that municipal ward councillor's trespass on their traditional affairs by implementing developmental plans in their communities without first consulting with them. This is supported by the Traditional Leaders Workshop Report of 2005 that traditional authorities are only concerned about the way in which municipal ward councillors carry themselves in the approach of community development. Tshehla (2005) argues that the Act of 2003 does provide a framework for

cooperation between the institutions at local government. He states that the ball is in the court of both traditional leaders and municipal ward councillors to make sure that the spirit of the Act prevails. According to Tshehla (2005) this can be achieved through joint initiatives that identify priority areas in local development. Both these institutions must recognise their mutual dependence in their communities, and that tensions between them do their communities and no favour.

In a study done by Musitha (2013:181-184) looking at the role of traditional authority in integrated development planning policy implementation, focusing on the Limpopo province. His study showed that both traditional authorities and municipal ward councillors did not have enough knowledge and information on the role of traditional authorities in IDP policy processed, this resulted in tensions between the two institutions. Secondly, the study found that between these two institutions there existed animosity and resentment because traditional authorities felt undermined, insulted and overlooked. Thirdly, because of the tensions between traditional authorities and municipal ward councillors, traditional authorities ended up not participating in municipal IDP processes. Musitha (2013:184) also found that within the Limpopo province, the withdrawal of some traditional leaders from IDP processes had a domino effect, whereby other communities also withdrew simply because others did so.

TRADITIONAL AUTHORITIES AND GOVERNMENT POLICIES

The South African government under the ANC administration has been active in creating policies aimed at defining the role of traditional authorities at local sphere of government. Designed at prompting and regulating the institution of traditional leadership with the democratic dispensation. At the core of these policies is the requirement that the institution of traditional leadership must promote good and cooperative governance in matters relating to local government and traditional administration. Moreover, these policies have been central in trying to express the role of traditional authorities and to clarify the nature of its relationship with municipal ward councillors and other structures.

Municipal Structure Act of 1998

The Municipal Structure Act provides different because it changes the nature of participation of traditional authorities in the municipal government. This Act says nothing about traditional authorities being members in councils but rather says that traditional leaders may attend and participate in council meetings which does not include voting rights since these are only afforded to elected members of council. This can be seen as a reduction in the status of traditional authorities in the councils (Rugege 2003). The most controversial issue that escalated into conflict was the proposed amendment to the municipal structure act (1998) which aimed to restrict the role and functions of traditional leaders in local government to that of customary law and community matters. The municipal structures bill (1998) made no provision for traditional leaders to participate in municipal councils resulting from the demarcation of boundaries that included areas formerly under traditional authority. The bill

sought to give traditional leaders 20 percent representation on municipal councils, reducing them to a minority. Traditional perceived that the installation of municipal authorities will supersede traditional leadership roles and instead of people seeing them as agents of development, they will be viewed as part of the clientele system (Khan, Lootvoet and Mantzaris 2006).

Southall and Kropiwnicki (2003) argue that the Act from the beginning did not give effect to cooperative governance, because the views of traditional leaders were ignored. They argue that Act from its inception was unconstitutional and imbedded an alien system of governance. To change this, they propose that the role of traditional authorities should be transformed. They argue that traditional authorities do not have to share powers with municipal ward councillors, and should become the *de jure* as well as the *de facto* primary spheres of government in rural areas of traditional jurisdiction. In order to provide for gender sensitivity and democratization, the majority of members of such transformed traditional authorities should be elected, however all traditional leaders would be sit by right, so to enable an appropriately resourced traditional community to be managed without having to fall under the control of a town council, while heads of such traditional authorities would sit on district councillors. Williams (2009:206) argues that since the adoption of the Act, there has been an argument coming from traditional authorities that they want to be recognised as a separate tier of government because they are much closer to the people and that they should have fiscal power and control over development initiatives. This led to the argument that policymakers have failed to take into account the role chieftaincy played during apartheid to provide services to rural communities and safeguard them.

Mathenjwa and Makama (2016) argue that the contribution of traditional authorities in municipal council minus the power to vote may lessen their influence with regard to the decisions of the municipal council. Even the power given to the MEC to identify traditional leaders who may contribute in a municipal council might be unequal with the status given to the institution of traditional authorities. They argue that the problem with the recognition of traditional authorities in municipal councils presents two problems. The first problem is in regard to the status of traditional authorities in a municipal council. They argue that traditional authorities hold an esteemed position in their communities and are expected to lead. Therefore, the participation of traditional authorities in municipal councils without the power to vote reduced them to the status of mere spectators who may discuss matters but not be included in decision-making. Mathenjwa and Makama (2016) suggest that affording traditional authorities the privileges to vote in municipal councils will strengthen democracy. The second problem is regarding to the powers bestowed to the MEC to choose those traditional authorities who should participate in municipal councils and to regulate their partaking in keeping with the constitutional status of traditional authorities. They argue that “traditional communities themselves should, therefore, be best placed to identify their leaders, rather than

the MEC identifying leaders on behalf of the traditional authorities.” They argue that the powers given to the MEC are similar to the powers the colonial masters used to recognise traditional leaders. Further, this may lead to the MEC overlooking traditional authorities.

Rugege (2003) put forward that studies seem to suggest that traditional authorities are now more receptive to the idea of democracy; however they do not want to lose their influence and authority in their communities. Khan, Lootvoet and Mantzaris (2006) argue that the fragmented nature of management of this institution has brought about great complexities to bear in the administration of democracy. The corridors of modern politics are haunted by new challenges in determining the specific role and functions of traditional leadership in different areas, such as customary justice, land administration and welfare. Traditional leaders stressed that the bills and frameworks refer only to their functions not powers. Hence these demands were by oppositions from different sectors of society and the government. The proposal for semi-autonomy of traditional authorities in the local sphere of government is opposed by some scholars and civil society organizations putting forward the argument that is that this institution as retrogressive and subversive of democracy. They put forward that traditional authorities are fighting to keep their privileges (Rugege 2003).

White Paper on Local Government

The aim of the White Paper on Local Government was to create a system of local government in which traditional authorities and municipalities play an important role in service delivery and local development. The objectives of this white paper were founded on finding a way to accelerate and sustain local development and service delivery (Khunou 2011:281-282). Rugege (2003) observes that the White paper assumes a Conciliatory tone, even with the habitually combative stance taken by some traditional leaders over the issue of their powers and functions. He argues that the message by the White paper is that traditional leadership and customary law have to be transformed to be in harmony with the constitution and democracy. Khan, Lootvoet and Mantzaris (2006) concur that although much ambiguity exists on the exact roles and responsibilities of traditional leadership at a local level, provision is made for them to approach and lobby other agencies and spheres of government at both provincial and national levels through the houses of traditional leadership. He argues that this can be seen in the statement that the White paper states “traditional leadership and South Africa's present democratic order are not mutually exclusive”. It is also the White paper which mentions that traditional leadership was adversely affected by colonialism and warns that given the new order, it cannot be restored to its pristine pre-colonial form but has to adapt to change. Rugege (2003) points out that the white paper acknowledges that traditional leadership can still play an important role along with other institutions in achieving a better life for all, but makes clear the limits of its role. Khan, Lootvoet, Mantzaris (2006) make an observation in the White Paper is that traditional leaders do to have direct decision making powers on development issues although some of their roles overlap with municipal functions.

The existing legislative frameworks politically emasculate traditional leaders. The draft of the White paper argued that since traditional leaders during apartheid did not have autonomy but were under the supervision of homeland departments, magistrate or national departments. Therefore, they cannot legitimately claim autonomy in those areas. The draft further stated cooperative relationships will be encouraged but local government powers and functions will not be shared. It suggested that certain functions may be delegated where provided by law (Rugege 2003).

White Paper on Traditional Leadership and Governance

This White Paper which is currently in the process of being amended to include the Khoi and San people. The Paper is a product of about four stages of research, debates, discussions and far-reaching consultation. The first stage engaged on the national audit on the institution of traditional authority, resulting in Status Quo Report (SQR). The second stage resulted in the production of the discussion document titled "Towards a White Paper on Traditional Leadership and Governance". The third stage was characterised by consultations. After much consultations, the discussions lead to a two day national conference on traditional leadership. Further, the discussions resulted to the creation of a Draft White Paper on Traditional Leadership and Governance where preliminary policy positions were outlined. The fourth stage saw the launch of the White Paper on Traditional Leadership and Governance which made a way for the drafting of the Traditional Leadership and Governance Framework Act.

The White Paper makes a few changes to the proposals in the Draft white paper but more detailed on some matters. It proposes that there be an introduction of partly elected, partly nominated traditional councils to substitute existing traditional authorities in traditional communities. Also that membership of traditional council, at least a third of which must be women, comprises traditional leader, members of the community selected by the principal traditional leader in terms of custom, and other members who are democratically elected by the community. Rugege (2003) argues that this is an essential change that presents a democratic component in traditional institutions and thus seeks to espouse the traditional and the modern. However, The Commission on Gender Equality (CGE) argues that this does not transform or democratises traditional institutions but rather leaves the status quo interrupted. Further describing this provision as mockery of democracy, the National Land Committee concurs, describing it as merely symbolic with no real impact. Kariuki (2004:16-17) in his working paper discussing the Communal Land Rights Act 11 of 2004 puts it forward that traditional councils have always been and still are inherent with gender inequality that even Acts such as those who aim to "transform these gendered old orders into new order rights" only go as far as getting statutory recognition. He argues that regardless of gender awareness reflected in the Act, there are no provisions made for securing the rights of (single) women when it comes to using and occupation rights. Therefore it will be difficult to create a balance with respect to gender inequality in areas where traditional authorities have authority.

Ndlovu-Gatsheni (2008:84) argues that when discussing gender relations as an aspect of governance within this institution we should consider that the "Ndebele state was a male-dominated society and as such women were perpetually considered to be minors. Their custody before marriage was vested in their fathers or eldest brothers where the fathers were deceased. Upon marriage, the custody of women was transferred to that of their husbands. Women were always subordinate to men. Women were not allowed to partake in national issues such as war and they were not represented in the public forums. Politics was the preserve of men. Women could, however, affect national policy and politics in general indirectly through their husbands, brothers and sons who were prominent. He further argues that women in the past and today are not a monolithic group of dominated and oppressed people in society. The category of women followed the pattern of the social division or stratification of society. The divisions in the social divisions afforded women different rights and privileges and were affected differently by male domination and oppression. Ndlovu-Gatsheni (2008:85) argues that the "consensus on female subordination and powerlessness was a twentieth-century creation".

Power struggle

Despite the provisions of Municipal Structures Act of 1998, Traditional Leadership and Governance Framework Act of 2003 and Municipal Systems Act of 2000, there is still tension and strife between municipal ward councillors and traditional authorities. Both these two institutions have the same locale and focus, which is serving the same citizens in one jurisdiction. This paradox is a cause for concern, since it impacts and compromises local development. According to Kanyane (2007b, 318–319), municipalities have more viable fiscal powers over traditional leaders. Contrariwise, traditional leaders claim stewardship powers over municipalities as custodians of African traditions, cultures and land in most rural areas. The paradox of power relations is critical; neither fiscal nor stewardship powers should obstruct service delivery whilst it is desperately expected by the communities within the municipal area and traditional leaders' presence. Whilst developmental local government is a key focus in municipalities, it serves no purpose if the very development is obstructed due to some local municipalities' lack of consultation and co-operation with traditional leaders, and equally, where traditional leaders impose their views without consulting communities. In the long run, the prevailing power struggle is symptomatic of potential obstruction and collapse of service delivery, resulting in community protests.

Kanyane (2007:318) further argues that this contestation over power relations in these traditional communities between traditional authorities and municipal ward councillors is a potential cause for concern because at times, the developmental mandate of local government is obstructed as municipal and tribal councils do not always see eye to eye whereas service delivery is desperately expected by the communities they serve. This tension is caused by failure to apply principles which are embedded in the constitution. J.J Comoroff counters this

by explaining that these principles cannot resolve this tension because the founding values of these institutions are not mutually nor compactable. Traditional leaders have viewed and reviled the election of ward councillors in rural areas as a threat as they are also expected to perform the same functions of development. It is evident that the willingness and capacity of both ward councillors and traditional leaders to work together are problematic in most situations. What is necessary is a mutual respect for each other and the commitment to work jointly to improve people's quality of life in these rural areas, but little impact is evident. For example, the backlog in service delivery in traditional leaders' areas is quite revealing, for example, being especially high in the KwaZulu-Natal region (Reddy 2004, 35).

Often, seniority between municipal office bearers and traditional leaders is an issue.

Khan, Lootvoet, and Vawda (2006, 97) argue:

The chiefs wanted vigorously to defend their status. They claimed that they were still very powerful amongst their subjects. Claims such as: 'I always ask myself who is senior in terms of status: the chief, mayor, councillor and the president, and I always believe that it's the chief', is suggestive of their self-image. Claims that the apartheid government was much better ... 'I really miss the old government', are not only politically spectacular coming from leaders in this institution but are tantamount to rubbing salt into the wounds of their political counterparts.

RELATIONSHIP BETWEEN TRADITIONAL AUTHORITIES AND MUNICIPAL WARD COUNCILLORS

Today, traditional leadership has gone through colonial and post-apartheid governments and is currently caught up in the quagmire between modernity and tradition, role clarity, parallel administrations, power struggles and court battles. When the day-to-day running of government activities was left to traditional leaders during the colonial and apartheid era, traditional leaders were no longer accountable to their people but to colonial and apartheid government as agents and puppets of the colonial masters, hence many leaders lost their legitimacy and hegemony with their people. In the post-1994 democratic dispensation, it was intended that elected local government should extend to all areas of South Africa, including those under traditional leaders. It was unbeknownst that the Constitution's intention to grant elected local government jurisdiction to function in areas of traditional leadership would bring tensions and unintended consequences. Community leaders such as traditional leaders, ward councillors and community development workers (CDWs) need to be hybridised to avoid conflicts, but this is often easier said than done due to overlapping roles. Shabangu and Khalo (2008, 329) argue that the relationship between ward councillors and traditional leaders remain strained. Rugege (2009, 178–179) writes that giving traditional leaders a role with regard to functions already allocated to elected local government would require amendment of the Constitution. What is needed, however, is a working relationship among traditional leaders, elected local representatives such as mayors and ward councillors as well as CDWs.

Part of ensuring co-operation between the various institutions is the inclusion of traditional leaders as participants at meetings of municipal councils so that the concerns and needs of the people may be communicated.

Contrary to Rugege's (2009) argument that to bring about cooperation, traditional authorities must be included in meetings. The analysis herein argues this will not hold and solve the problem because traditional leaders always take the suggestion with a pinch of salt as they cannot bow down to the instruction of the so-called subjects to attend their meetings. As the Constitution is not clear about the role of traditional leaders, they demand that the same Constitution should be amended to reflect and provide specific functions and powers succinctly delineated from that of their municipal counterparts. Rugege (2009, 182–183) expresses that currently, traditional leaders see their powers and functions slipping through their fingers and their legitimacy falling through the cracks. According to Rugege (2009), Mbeki pointed out that apartheid had distorted the institution of traditional leaders by allocating to them functions that traditionally did not belong to them in the first place, as most of these functions are now performed by local government structures in terms of the constitution. However, one could argue that traditional leaders cry foul against Mbeki's insinuation, pointing out that their role pre-existed that of colonial, apartheid and current democratic dispensation.

For the purpose of this paper I will use Ratele's definition and that of the Traditional Leadership and Governance Framework (TLGF). Ratele (2016:72) Tradition can be understood as a "self-reflexive symbolic resource handed down from the past revolving around beliefs, practices, statements, customs, rituals, and so on, which individuals are members of groups engaged in as part of "speaking: to their pasts (and other's past) in the present". TLGF Act [No.41 of 2003] defines a traditional leader as "... any person who, in terms of customary law of the traditional community concerned, holds a traditional leadership position, and is recognised in terms of this Act". Section 2(1) of the Act defines a traditional community as "a community may be recognised as a traditional community if (a) is subject to a system of traditional leadership in terms of that community's customs; and (b) observes a system of customary law.

Ratele (2016:91) notes that the effort to bring back pre-apartheid African traditions to their original state is just an exercise marked by fantasy of a pre-colonial, non-conflict and homogenous Africa. Further adds that this desire to return to pre-colonial Africa can result in traumatising those who identify with those every traditions, or reproducing the traumatising structures, the institution of traditional leaders can be said to be an example of this structure. Ratele (2016:93) argues that this has created a dilemma for policy makers in the new democratic South Africa. The first dilemma is that new legislators and traditional leaders could not avoid and have had to accept categories of identification which were recognised by the colonial and apartheid law. An examples of these categories of indemnification include tribes. According to the TLGF Act [No.41 of 2003] a tribe "means a tribe that was established or recognised under legislation in force before the commencement of this Act". What was before

this Act were many apartheid laws on natives, on tribal administration and on homelands, such as the population Registration Act (1950), the Bantu Authorities Act (1951), the Native Administration Amendment Act (1956), the promotion of Bantu Self-governance Act (1959), and the Bantu Homelands Constitution Act (1971). This post-apartheid framework Act accepts conceptual frameworks of identities of an apartheid era even while seeking to renounce this regime. Ratele (2016:94) argues the reason why there is this dilemma of recognizing the very things recognised by colonialism and apartheid is because the definition of tradition was not articulated.

NHLAPO COMMISSION JUDGMENT ON AmaNDEBELE

Peires (2014) through history inspects the practices of the commission on Traditional Leadership: Disputes and Claims, which were set up under the Framework Act of 2003 to 'Cleanse' the institution of traditional leadership by ridding it of the illegal traditional leaders installed during the colonial and homestead eras. The institution of traditional leadership was deemed necessary of cleansing because of its colonial accretions so as to officially recognise traditional leaders as shining lights of pre-colonial African democracy. Chapter 6 of the Framework Act, this cleansing act was assigned to a commission on Traditional Leadership: Disputes and Claims, usually referred to as the Nhlapo Commission after Professor Thandabantu Nhlapo, its chairperson. Twelve commissioners were appointed on the basis of being knowledgeable regarding customs and the institution of traditional leadership. The judicial status of this commission rendered it entirely independent of government, in line with the thinking of Section 5.10 of the White Paper, which had noted the tendency of former commissions to be influenced by vested interests.

The National House of Traditional leaders, which would have much preferred to settle all traditional disputes according to its own discretion, regarded the Commission with deep suspicion, and there was a general perception that Former President Mbeki had set it up to serve his own purposes while preserving the fiction of deniability, which was such a hallmark of his political style. Section 5.10 of the White Paper states that customary law of African communities was characterised by a lack of effective mechanisms to deal with claims and disputes resolutions, section 25 (3) of the Framework Act nevertheless instructed the Commission to consider and apply customary law and the customs of relevant traditional communities, and to be guided by customary norms and criteria. Custom was never defined in the Framework, and customary institutions or structures was defined merely as institutions or structures established in terms of customary law, a sophistically pronouncement of classic proportions, the problem of applying customary law to historical events was left to the commissioners to work out for themselves. He argues that the commission's hearing violated not only the historical past but even the limited constraints of binding legislation, in order to impose its own preferences in the name of custom. Peires (2014:8) argues that the commission insisted on using custom but not defining it. It has been said that the commission

was singularly ill equipped to meet this challenge, although Nhlapo had been chair of the Project Committee on Customary Law at the South African Law commission.

Bozzoli (1992:193) argues that the commission legitimised the notion that the state had the knowledge to speak on behalf of the people, and in doing so silencing African political voices, not only through despotism, but through establishing an official way of knowing and speaking of the native. Further suggesting that through the commission the state disguised its voice through the deployment of the notion of the independence of the commission. The state therefore was thought of as behind the veil of the commission operating freely under its pretence while it actively ordered the lives of the natives undetected. It was clear that the state settled in the position of establishing an authorized discourse on the native question. Bozzoli (1992) hold that the state developed more imposing ways of speaking about the native question. Devising structured ways of speaking of, for and to the native. Meaning that the commission facilitated state access to its own technologies of ordering natives, which was an apparatus of the state to penetrate the natives undetected through the veil of the commission. Ashforth (1987) in stabilising the commission, the state wanted to find ways to legitimise its authority. The commission therefore becomes a vehicle to the state finding itself speaking on behalf of the people. Stoler (2010) argues that state reports and commissions and other documents are part and parcel of archival sources that relate to state's aims of knowledge production and can be seen as monuments of states, which must be subjected to close examination. Stoler (2010) argues that commissions have an ambiguous status. Therefore, former president Thabo Mbeki by establishing a commission of enquiry in a post-colonial, post-apartheid South Africa reinvents the wheel

The first hearings of the commission were held at KwaMhlanga in Mpumalanga province, taking a full week from 17 June 2005. The Manala speakers were straight forward and smooth. They had a good case, and they made the most of it. According to the Manala there could only be one kingship, Nzunza had departed with nothing more than the chieftaincy. It was a strong argument, which Nzunza did not even try to contest seriously. The Sokhulumi, Litho and Pumgutye branches of the Nzunza has acquired their own lands independently of the senior Nzunza line and were primary concerned with maximising their autonomy. The majority of the commission had no qualms about embracing the Manala position in its entirety. The determination for the Nzunza was that having made a determination that the kingship of AmaNdebele as a whole resorts under the lineage of Manala-MbhoKo, the only other available positions of leadership within the traditional institution of AmaNdebele in terms of the framework Act, are senior tradition leadership and headmen (Peires 2014:12). Mr Nakedi adds "it was the Nhlapo commission which recognised Nzunza-Sokhulumi as a traditional leader, a title that we do not understand and which does not exist in our culture"

The Commission's determination on the Ndebele case found that:

This suggests that the post-apartheid state under Mbeki does not invent a new way of doing things by establishing the Nhlapo commission of enquiry, instead it reinvents the old order. However, Stoler (2010) states that commissions commanded "more moral authority" when they are critical of the state by scrutinizing state practice and uncover bureaucratic shortcomings. She advances the notion that such a close interrogation process produces "new truths about the workings of the state itself." Commissions of inquiries, while appearing to be not involved from the state and therefore independent of it, are in fact intrinsically tied to the state apparatus. Therefore, these commissions become quintessential "quasi-state" technologies, both part of the state and not, at once a product of state agents but constituted invariably by members outside it. Their specific subjects were generated but often researched and written by those not in its permanent employ. In fact, their very terms of reference and configuration determine the desired results in favour of the state. The argument is therefore that the configuration and terms of reference are carefully constructed by the state to reach the desires of the state while creating a pseudo distance from it. Which imply that when enough guidelines are put in place the outcomes of the investigation are inevitably going to satisfy the wishes of the state.

The Nhlapo commission follows the same trend, where the most of the commission semidetached from the state. The Nhlapo commission therefore become a space to create truths while disguised as platforms of collecting evidence. The process of interrogating evidence then become the process of meaning making unfolding to inform how th state can intervene and get a foot hold. Commissions are means by which the state hide behind independence while usurping the investigated institutions of its authority and organize knowledge, rearrange its categories, and prescribed what state officials were charged to know. The Nhlapo commission was reconfigured the space of traditional leadership in South Africa when it declined claims of kingship by some royal families. The Nhlapo commission follows other commission from the apartheid era whose aims were to interfere with royal family trees and seniority. Kompi, Twala and Selesho (2014) argue that the establishment of the commission on disputes and claims of traditional leader was an attempt by the state to make good to its promise in the Kempton Park political transition negotiations of the early 1990s.

In line with customary law, kingship remained with Manala even during the colonial and apartheid years although there was no official recognition of the institution of ubuNgwenyama. Secondly, officially, the institution of ubuNgwenyama for AmaNdebele was created by section 6 and recognised under section 7 of the KwaNdebele Authorities Act. Thirdly, whilst official recognition of the institution of ubuNgwenyama was laudable and in line with the historical and customary evidence presented, the creation of dual kingship was irregular. This was because it is not in line with the customary practice of the community of AmaNdebele. Therefore, the commission concluded that the Kingship of AmaNdebele was established by Ndebele through

conquest and subjugation. Secondly, the kingship has been passed on from one generation to another, according to the custom of AmaNdebele. Thirdly, when the split occurred, Manala retained kingship of AmaNdebele as a whole. Fourth, AmaNdebele kingship exists under the lineage of Manala. Lastly, in terms of customary law, and the Framework Act, Nzunza-Mabhoko paramount is not kingship (Peires 2014:13-14).

CONCLUSION

The institution of traditional authority is one that is historical and has survived colonialization and apartheid. In the present day, there are different contesting views about its existence. Some scholars argue that this institution has been weakened by colonization and Apartheid, hence it should be done away with. While, others argue that though it has went through colonization and apartheid, it has managed to re-model itself to survive but still keeps its essence. Because of its past, it has been difficult to prescribe roles and functions for this institution and this as literature has shown, has affected the relationship between traditional authorities and municipal ward councillors. This chapter has provided some of the debates which have been ongoing about how can this institution be integrated into the local government.

CHAPTER 3

RESEARCH METHODOLOGY

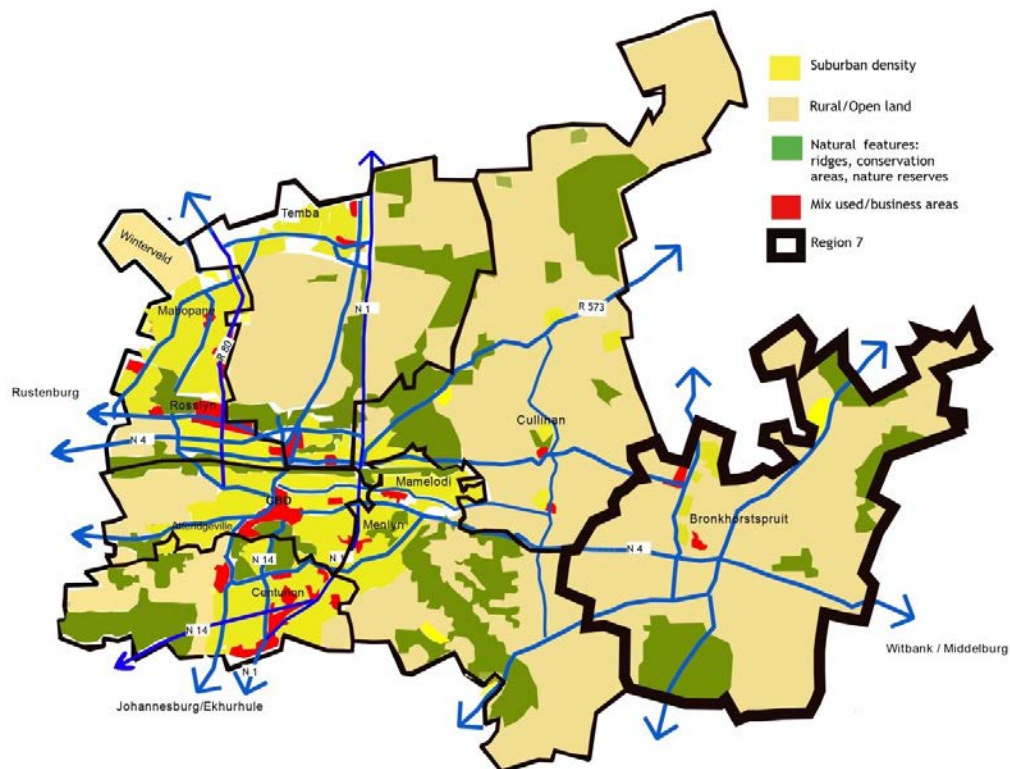
INTRODUCTION

According to Bless, Higson-Smith and Sithole (2013:12) research comes as a result of a need from society and therefore is done to investigate the make-up of society. The aim of research in Social Sciences is for management, development, and manipulation of social affairs. Further, research is integral to the progress of society, as it produces new knowledge, through the method of formulating research questions and finding solutions to them and using systematic rational thought and observation to understand how individuals relate to their environment (Bless et al 2013:1).

The Sokhuluni Traditional Community is in ward 105 of the City of Tshwane in Region 7. It is part of Enkangala section D. The municipality is under the City of Tshwane and controlled by the Democratic Alliance (DA) but the ward is under the African National Congress. Sokhulumi is located south of Tshwane just after a small town called Bronkhorstspuit. Region 7 is considered to be an "extensive rural region" that has a low population density, high unemployment and close to a quarter of the dwelling units are informal. The population of ward 105 is 26 119 with 7 048 dwelling units and an average household size of 3.5. The region has got a low education level, with only a few people with a tertiary qualification, according to the RSDF report, 7 percent of adults within the Region 7 have no schooling, 19 percent of adults have grade 12 education. The report further states that approximately only 26 percent of economically active persons are permanently unemployed. The report states that the location of the Sokhulumi Traditional Community away from urban settlements makes the consolidation development of the settlements difficult. The report further states Sokhulumi is underprovided with both service and social infrastructure (RSDF 2013).

The traditional community is largely Ndebele speaking but with an increasing number of seTswana, Venda and Tsonga speaking among other languages. I found it to be difficult to get the profile of Sokhulumi community because the municipality does not profile municipal areas on the basis of villages but on the basis of wards. Therefore information pertaining to planning is based on wards which do not take into consideration of the existing area of jurisdiction of the Sokhulumi Traditional community. This can be regarded as the failure to integrate traditional authority into local government. Even the area of jurisdictions of the traditional authority is contested as there are no clear boundaries. Ward 105 has four sections under it; Sokhulumi, Enkangala, Bronkhorstspuit and farms. The traditional authority believes that; Sokhulumi, Enkangala, farms and Bronkhorstspuit are all under their jurisdiction, while the municipality holds that only Sokhulumi is under the jurisdiction of the traditional authority. The traditional authority also stated that it has headmen in all the areas within ward 105.

Therefore this in my view further intensifies this power struggle and puts a strain on the relationship between these two institutions (RSDF 2013).



Map taken from IDP 2013

RESEARCH APPROACH

The study of KwaSokhulumi Traditional Community is a social science research which locates itself in the qualitative research method. 43 people were interviewed for this study (see Appendix 1 for a table of participants). On the appendix CL is an abbreviation for community leader/s, this refers to individuals which form part of the traditional authority. GS is an abbreviation for government structures, this refers to individuals who are community members of Sokhulumi and who are employed by the Government. CO is an abbreviation for community organizations, this refers to individuals who are part of NGOs or CBOs. Lastly, CM is an abbreviation for community members, this refers to individuals who are residents within the community of Sokhulumi. According to Denzin and Lincoln (in Creswell 2007:36) define qualitative research as research which “is a situated activity that locates the observer in the world. It consists of a set of interpretive, material practices that make the world visible. These practices transform the world. They turn the world into a series of representations, including field notes, interviews, conversations, photographs, recordings, and memos to the self. At this level, qualitative research involves an interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their natural settings, attempting to make

sense, of or interpret, phenomena in terms of the meanings people bring to them". This research will use a qualitative method to investigate the role of traditional leadership in the development of their communities. This approach is best suited for this research as it has an ability to provide complex textual descriptions of how people experience the dual system of governance within their rural community. Further, it gives information about the human side of an issue such as behaviours, beliefs, opinions, emotions and relationship of individuals within KwaSokhulumi. This method is further effective in identifying intangible factors, such as social norms, socioeconomic status, gender roles, ethnicity and religion whose role in research may not be readily apparent. This method, therefore, will help me understand the complex reality and implications of a dual system of governance in KwaSokhulumi (Mack, MacQueen, Guest and Namey 2011:1). Furthermore, this approach locates me as an observer of participants in their natural settings. This approach will help me makes sense of the relationship between Traditional Authority and Municipal Ward Councillors and how their relationship impacts on local development. According to Creswell (2007:37), qualitative research starts with an assumption about our surroundings, and the meaning that individuals or groups attribute to a social or human problem, guided by a theoretical framework. Creswell (2007:37) describe research as a process starting from philosophical assumptions to worldviews and through theoretical frameworks, and on to the procedures involved in studying social or human problems.

Participation observation, in-depth interviews and focus groups are the three most used qualitative methods. Participation observation is usually used when collecting data on naturally occurring behaviours in their natural contexts. In-depth-interviews are best for when collecting data on individual' personal histories, perspectives, and experiences, particularly when sensitive topics are being explored. Focus groups are effective when prompting data on the cultural norms of a group and in generating broad overviews of issues of concern to the cultural groups or subgroups represented (Mack, Woodson, MacQueen, Guest and Namey 2011:2). I chose a qualitative approach for this study as it afforded me the opportunity to gather data and interact with participants in their communities where they experience this relationship between traditional authorities and municipal ward councillors and the impacts of thereof in local development. To have a complete understanding of the issue at the local level, it required that interact with participants directly. In studying the KwaSokhulumi Traditional community, the research involved different roles players in the community such as Municipal ward councillor, the youth, women, the chief and the members of the tribal council.

DATA COLLECTION

A case study design permits for the deployment of different data collection technique. According to Creswell (2007:38), the researcher is a key instrument as they will be collecting data themselves through examining documents, observing behaviour, and interviewing participants. This is the advantage of qualitative research as the research is able to collect

rich descriptive data. In carrying out this study I employed the following data collection techniques

Interviews

This study made use of interviews as a basic data collection technique. Interview “is a technique designed to elicit a vivid picture of the participant’s perspective on the research topic” (Mack, Woodsong, McQueen, Guest and Namey 2011:29). Interviews are helpful in getting people to talk about their personal feelings, opinions, and experiences. Granting us an opportunity to gain insight into how people interpret and order the world (Mack, Woodsong, McQueen, Guest and Namey 2011:30). For the purpose of this study, I used interviews as a technique to collect data. As a researcher, both structured and unstructured interviews were used with a research schedule to guide me or just allow the research to flow as it might produce desired results. I developed a research with open-ended questions to allow participants to expand and explain further points that I would have missed.

It is usually a norm that qualitative research involves a smaller sample size as compared to quantitative research. The reason being that sampling in case studies is flexible as it allows for the researcher to increase the sample size while on the field until data reaches data saturation, this is the point where there is no emergence of new themes (Maree 2007:789). In total 43 participants who were above the ages of 18 were interviewed including community leaders and community leaders. Beforehand I designed an interview schedule to guide me during interviews to help keep me on the research objectives. This method helped with getting more information from the participants with regard to their experiences and perceptions. This further allows my participants not to be restricted. During some interview sessions, I had to accommodate family members and friends who wanted to join the interview while it had already started or leave it in the middle. I had different interview guides for traditional leadership and municipality, and as well as community members. Purposive sampling was used with those known participants such traditional leaders and representative of local government. Random sampling was used for the community members so as to give them as an opportunity to participate. During my sampling, I also took into consideration gender representation as there is an obvious overwhelming opposition against traditional authorities because it is considered gender discriminating. Therefore my sample constituted of more women than men, so to investigate their roles, understand gender relations and marginalization if there is any. However, the traditional council lacked representation of women. On average, an interview lasted for an hour and a half.

When I was planning I had identified various key institutions which are important to achieve the objectives of this study. To gain access to this community I wrote an email to a friend who works at the city of Tshwane who connect them with another colleague who then connects me to Mr Nakedi who is a member of the traditional council. I failed to gain access to the District municipality as I was sent from one official to another with no fruitfulness. When I got to

KwaSokhulumi I had underestimated the distance between various key people and institutions, such as the District municipality, the police station and other locations. I could not access some of the headmen because they were far from KwaSokhulumi and transport was another limitation as SoKhulumi has problems with transport. Another challenge was trying to gather information to profile the community, the district's website is not updated. This, therefore, limited me as I could not get information about council sittings which would be a source of great information on issues discussed. I could not interview the Nurse in charge of the local clinic because I did not receive letter permitting me to interview her regarding the services they offer and the relationship with the community. Another challenge I faced is that some community members refused for me to interview them as they were not trusting.

Participation Observation

The aim of the study is to record first-hand accounts of the process that promotes participation and cooperation within KwaSokhulumi in relations to the two government systems. For the purpose of this research, participant observation was used as a data gathering technique. Participant observation "aims to gain an insider's perspective of a study community" (Laws, Harper, Jones and Marcus 2013:217). This technique has to be located within a community where the research is interested in and demands the researcher to become directly involved in the community's daily life. This technique has its roots in ethnographic studies (Laws, Harper, Jones and Marcus 2013:27). The beauty of this technique is that it is a combination of methods, for this research I combined direct observation, participation, interviewing and casual conversation to triangulate my findings. This technique suits this research because I wanted to gain an understanding of the social, cultural, economic, and physical context of the community, the relationships between the traditional authority, municipal ward councillor, and the community, and how this relationship can impact of the local development.

Further, this technique helped me to gain an understanding the community's behaviours, interactions and activities (Laws et al 2013:217). Participant Observation was useful for this research as some behaviour and beliefs can be understood only in closer, day to day relationships and being present in the community as things happen. This technique further helped me to generate a rich source of highly detailed, in-depth information about the people's experiences, behaviour and community. I attended one tribal council meeting and travelled around the community with Mr Nakedi, who was my host while I visited the community. During our drive in the community I got to see the different projects which are still underway in the community such as the Early Child development centre, the sports facility which has been completed but in a power state due to vandalism and the expanding of the community in terms of building or adding new houses as the demand for housing grows. Further saw other structures that the community have. What was more interesting about our drive is that as we were driving community members would bring their complaints to Mr Nakedi about water, tanks housing and other community-related problems. During these conversations most of the

community members did not know why I was there; so they were free to talk. What I further experienced is the scarcity of water in the community, most of the community members complained that the water was not clean and it made them sick. The community has no flushing toilets and households which do have them cannot use them because there is no water.

My role as a participant observer during the drives and the conversations which occurred between Mr Nakedi and community members enabled me to hear and comprehend the day to day struggle and experiences of the community members. During my visit the administrative office was not busy as there were a meeting which had to be attended in Tshwane, therefore, I could not observe the day to day experiences of the community members when interacting with the office. However, there were complaints about how the office is under-resourced and therefore could also serve the community in its full capacity. The administrative office of the traditional authority is a mobile office that is divided into other different offices and next to it a building structure which is a bakery that is not working. This bakery was built for women within the community to start a project whereby they bake goods and sell them to the community. The councillor pointed up that the building is not being used because there are not absolution facilities inside it, while one member of the tribal council indicated that the project had not started because the women had also interest and were delaying. While the women in the community believed that the project had not started because they always push their needs and wants backwards. I could not attend municipal council meetings due to permission not granted and because of the distance between these different structures.

Document Analysis

This study also explored documents such as newspaper articles, official communication, policies and plans on governance in relation to traditional communities. The use of documents as a data gathering technique includes a focus on all types of written communications that may shed light on the topic underway. Using documents to gather data also helped this study to corroborate the evidence from other sources. In this study, an analysis of the Integrated Development Plan (IDP) reports helped me to gain an understanding of concerns that participants raised during interviews about issues pertaining to land administration. Primary data, in the form of documents relevant to the study, were analysed. Documents that I have analysed include the IDP of municipalities in order to determine the extent to which they have addressed the needs of the community, the submissions and minutes of meetings of the traditional council to determine the issues discussed on community development. I further analysed the TLG framework and the constitution to determine if they act according to the conditions stipulated. Newspaper articles on traditional authority and governance were analysed and were also done to understand the Nhlapo Commission. These documents were accessed from government websites and from different online news publications.

DATA ANALYSIS

The analysis of my data focused on three techniques, interviews, observation and document analysis. During interviews and observations, I took field notes as an addition to the recording of the interviews. The field notes were of great help when people decided against being recorded during the interview. Some of the participants would agree to be recorded doing the interviews than when discussing things which they deem discreet they would ask for the recorder to be switched off or would wait for the interview to end and the recorder switched off to give me information which is considered to be discreet. I transcribed and translated all the data including the conversations during our drive in the community. By carefully reading through my transcripts I was able to develop meaningful analytical units. This form coding helped me to unity themes coming out of the data. This is known as thematic content analysis as it enables the researcher to group and distils a list of common themes from the texts in order to give expression to the commonality of voices across participants.

ETHICAL CONSIDERATIONS

This research focused on individuals who are 18 years and above and therefore did not have any ethical challenges regarding minor participants. Before the commencement of this project, I received an ethics clearance from the University of the Witwatersrand, Johannesburg which is attached as an appendix. When I went to the community to collect data, before every interview with participants I explained what the purpose of this study was, read to them the consent form and asked them to sign it. Usually, the consent form was read and explained in IsiZulu which is similar to IsiNdebele which is the common language in the community; this was done to make sure that the participants understood what they were consenting to. The participant information sheet and informed consent form are also attached as appendices. Informed consent is important because participants should not be forced to participate in the study. I stated upfront that participation in this study is voluntary and that participants can withdraw at any point during the interview or even request for their interview not to be utilised. I further explained that I am obliged by research ethics to protect their identity and the contents of the interview. I gave participants to decide whether they wanted to hide or reveal their identity especially to other who are officials or are part of the leadership structure in the community. Lewis (2003:67-68) define anonymity as meaning the identity of those partaking not being known outside the research team. From my first-hand experience, the Sokhulum Traditional Community is not a homogeneous ethnic group as there are also Tswana, Tsonga and Sepedi speaking community members. I did not have any challenges regarding the language, because even though there are other languages, IsiNdebele and IsiZulu were the most spoken. I also requested consent with regard to the recording of the interview, this was done because I wanted to be transparent and adhere to research ethics. Lastly, I respected the decisions of participants who allowed interviewing them but refused to be recorded.

In negotiating access to this community I was sensitive to the hierarchy structure and getting clearance from the senior traditional leader and municipal ward councillor. What was further important was to communicate well the objectives and purposes of the study and why I have chosen their community. It was further my duty as a researcher to be open and consistent about what is required, in terms of the number of visits envisage, the amount of time required the range of the people the study will involve. Further, be clear about how the findings will be used – plans for reporting, disseminating and conditions for anonymity and confidentiality but more importantly being responsive to concerns and sensitivities raised. Since there are a lot of contestations within rural communities, conflicts between traditional authority and municipal ward councillor, in negotiating access I tried to have a single point of contact within the community to avoid mistrust and gaps in communication. What is important to consider is how the findings can be shared and at what stage.

CHAPTER 4

POWER STRUGGLE AND

EXPERIENCES OF THE COMMUNITY

INTRODUCTION

This chapter explores both the roles of the traditional authority and municipal ward councillor in the community in relation to the existing government structures in the community. This chapter is based on interviews conducted with community members, senior traditional leader, traditional council and organisations. This chapter pays specific attention on the relationship between traditional authority and municipal ward councillor; government structures; and community members. This is done with an aim to understand how the relationship between the two institutions affects local development. Furthermore, discuss how these government structures perceive and experience this dual system of governance. Also discuss the perceptions community members have of the relationship between traditional authority and municipal ward councillor and how their experiences as community members. This chapter further looks at how government structures in the community experience and see the role of traditional authority and how it relates to their mandates. The study shows that the relationship between traditional authority and municipal ward councillor is riddled with power struggle. The objective of this study is to understand and observe the process of how these various component parts relate and the consequences of this for local development. This chapter will moreover pay attention to the presence and representation of the youth and women with the institution of traditional authority.

Sokhulumi has great agricultural and tourism potential and needs infrastructure investment to unlock this potential. The region 7 is the gateway to Gauteng from Mpumalanga via the Maputo corridor. The Spatial Development Framework identified Sokhulumi as an Agri-village meaning that it is a sustainable rural settlement which integrates residential development with agriculture in order to ensure the creation of vibrant, equitable and sustainable rural communities and food security. According to the document "an agri-village is intended to improve the livelihood of rural communities by meeting the basic human needs by building the person, the household and the community as well as providing the required social for improved access to services. Secondly, agricultural development to ensure food production and food security for both the community and the market. Lastly, entrepreneurial development through which the rural community will be encouraged to participate in livestock and cropping value chain development, thus jobs will be created by the community for the community". In region 7 there seem to be coal reserves since the place is located between Bronkhorstspuit and Witbank, there have been proposals for the establishment of two coal mines, around Wachtenbietjieskop farms. During my visit to the community one proposal of the mine had been approved and is considered to be under the traditional authority (RSDF 2013).

The Sokhulumi Traditional community does not have a regular supply of water. There is a schedule of when water is opened for the community. According to community members, they only get water three times a week. This is said to be because there is no proper infrastructure. The local government through municipalities is responsible for the provision of water, electricity and sanitation. As the community is expanding there is a greater need for water and sanitation. Households within this community have Jojo water tanks which they use to store water. This stored water is then used for daily activities such as cooking, cleaning, washing, and drinking and for other needs. Participant GS18 to map out the community and the challenges it has in terms of provision of services. *“Ward 105 is divided into 4 sections or blocks, the composition of it, you have rural farms which have no electricity. Enkangala which has services. Bronkhorspruit which also has all services. The fourth block is Sokhulumi. The only critical part we having is rural farms. The municipality is only providing water trucks to provide them with water. Working with the traditional authority has benefits because we have received 50 Jojo water tanks to close some gaps, whereby people were not having tanks, so we closed that gap but what we can say we closed that gap but there are some households who are still struggling. Sokhulumi is struggling with a police station because the police station is 45 to 50 kilometres away”.*

The community has reported of cases of being sick from drinking this water. The community of Sokhulumi also does not have flushing toilets, they use pit toilets. These may cause some health issues and dangerous for young children. The issues of water and sanitation cannot be discussed as a standalone as it affects almost all areas of living within the community. In discussing the different government structures within the community, effects of not having water and sanitation will be discussed in relations to these structures, and the community. It will be difficult therefore to reach the goals which are set out on the RSDF because for them to come to pass, there has to be proper infrastructure and water. The community is classified as an agri-village meaning that it has potential to be a farming community, that there is a great demand for water in this community for current and future uses and projects. The community is already set to establish two coal mines, and mining requires a lot of water, therefore, how will the opening of these mines pollute current and future drinking water sources.

² HISTORY OF AMANDEBELE NZUNZA

This section will focus on the history of AmaNdebele of the Transvaal. Firstly, this is important because their history captures the different contesting accounts about AmaNdebele. Secondly, the history is important as it will paint a picture of how they got to be recognised as senior traditional leaders. Lastly, this history is important in understanding the judgement passed by the Nhlapo commission set up by former President Thabo Mbeki. According to Lekgoathi (2009:63-64) the Ndebele are scattered communities with their origins from the

² The section on history is a combination of Peires work on AmaNdebele Nzunza and oral narration

Nguni people. The largest polity which is the Hlubi migrated from KwaZulu Natal midlands between 300 and 500 years ago, settling in groups of varying sizes in parts of the Transvaal. The size of the total population was estimated to be 750 000 mid 1980s, they were named the Transvaal Ndebele to escape mix-up with the Zimbabwean Ndebele. The Zimbabwean Ndebele arrived in the Transvaal in 1816 as refugees fleeing Mzilikazi during Mfecane wars. He further argues that “the death of historical scholarship on the local Ndebele stands in sharp contrast to the scholarly attention that has been focused on other groups affected.” (Lekgoathi 2009:64). The Nzunza form part of three kin groups of the Southern Transvaal Ndebele; the Nzunza, the Manala and the Hlubi.

The history of AmaNdebele Nzunza begins between 1620 and 1680, at the time Musi was the king of AmaNdebele. King Musi is known as the founder of the Transvaal Ndebele Kingdom. King Musi had two sons; the first son was Manala from the main house (Ndlonkulu). Nzunza who was the junior son stole the succession from his senior brother Manala by deceitful means (Peires 2014:11). The narrator from the Tribal Council adds “*Nzunza was assisted by his mother, and part of the reasons that Nzunza succeeded in stealing chieftainship is because by the time this stealing took place, Manala’s mother had already passed on and King Musi was old and blind. Manala is the senior son as he was born from the senior house.*” (CL7). When Musi realised what had occurred he told Manala to go and catch up with Nzunza and bring him back, should he refuse then he must kill him. Manala was furious and Nzunza judged it wiser to run away with intonga yobukhosi. Three wars were fought between the two brothers before peace was made at the Bhaluli River, now known as Oliphant through the mediation of a man known as Mnguni. At Bhaluli it was resolved that Manala was to rule west of Bhaluli and Nzunza east of it; and that in a conscious deviation from the normal exogamy rule, Manala could marry a wife from Nzunza and Nzunza could marry a wife from Manala. This was done was a symbol of end of relationship between the two, “*it was through Manala’s mercy and kindness that Nzunza was spurred, the whole nation of AmaNzunza is indebted to him.*” (CL1). From the time in memorial to the present the issue of seniority remains something of a grey area. This account makes it clear that Manala was the rightful heir to Musi but what it does not make clear is whether he did retrieve intonga yobukhosi from Nzunza because he did not then it can be concluded that Nzunza is by default an heir (Peires 2014:12).

By the end 1823 Mzilikazi had rebelled and fled from Zululand and fought his way north along inner slopes of the Drakensberg until he reached the Olifants River, where he settled temporarily (Lye 1969:88). The narrator of KwaSokhulumu adds that “*Mzilikazi killed both Magodongo and his son who was not in line to become a king*” Ingonga yobukhosi disappeared, never to be seen again. Both kingdoms were destroyed, but Nzunza survived under their capable leader, Mabhoko. According to the narrator Mabhoko was a regent “*Magodongo had two sons, Mloyi and Bharhuza. When Mzilikazi and Bharhuza were killed by Mzilikazi, it was concluded that Tjambowe could not become a king because he was partially*

blind. Mabhoko was from the most junior house, it is still a mystery how chieftaincy skip the two middle houses to the junior house." Junior house from which Mabhoko came from became powerful and passed down chieftaincy among them refusing to return it back to Sokhulumi. Mabhoko was a regent from 1839 and they stayed in power for long because they were powerful and used violent tactics to keep it. *"They had power because their father was ingwenyama and the son was in parliament"* (CL10). As the Bantustan project began, some Ndebele areas found themselves incorporated into Lebowa, others into Bothuthatswana. In July 1974 the Nzunza Tribal Authority was excised from Lebowa and reconstituted as KwaNdebele. There more Tribal Authorities, namely two Nzunza and Manala from Bophuthatswana were added in 1977.

The question of the two paramount was problematic from the very earliest stages of this consolidation. The Manala faction, knowing its numerical weakness, initially avoided a vote, but a compromise was eventually reached by the KwaNdebele Traditional Authorities Act 1984 (Act 6 of 1984), which recognised four tribes and two kings. One for Nzunza and one for Manala. Independence, scheduled for December 1986, was approved by the KwaNdebele legislature but opposed by the Nzunza-Mabhoko Royal Family, allied with youth organizations and the United Democratic Front. More than 160 people were killed in the bloody civil war mid-1986, which pitted the pro-government Mbokotho vigilantes against the Ndebele youth. In July 1985 the KwaNdebele government withdrew its recognition of the Mahlangu chieftainship. The role of the Manala family was, sadly, rather less glorious; when the independence issue emerged in the early 1980's. In early 1986, Rhenosterkop, previously under the Nzunza regional region was handed over to the Manala tribal authority, the Manala paramount was both a businessman and an enthusiastic member of Mbikitho. The headmen for Rhenosterk were forced to sign papers agreeing to move to Manala under the threat of a sjambok beating. Shortly thereafter the headmen and his council were deposed, young men were expected to join the Mbokotho and older men the Manala (Peires 2014:13).

ROLES OF THE TRADITIONAL AUTHORITY AND THE MUNICIPAL WARD COUNCILLOR IN GOVERNANCE

The existence, status and role of traditional authorities as an institution is acknowledged according to the customary law but then subject to the Constitution. This institution is recognised as a chapter 12 institution meaning that the national legislature can impute a role to the institution in matters regarding to local government (Constitution Act 108 of 1996). The point of contestation is the ambiguity of the Constitution concerning the powers and functions of traditional authorities. The TLGFA states that the government has an obligation to recognise the necessity to provide appropriate capacity building and support to the institution of traditional leadership. It further, expects traditional authorities to play a role in regard to the management of natural resources; the economy; safety and security; welfare; health; local development, etc. the overlap in roles therefore creates a dual system in rural communities,

government by municipal ward councillors and traditional authorities. Even though the Constitution demands that there be cooperative governance, this system of dualism presents serious challenges in these communities. The South African Government Association (SALGA) recognises these challenges, describing them as strains that perpetuate confusion and contradictory practices in rural communities (SALGA 2006). The White Paper (2003) stipulates that the role of traditional authorities is to advise, partake in policy-making and legislation matters affecting traditional communities. Further, the institution of traditional authorities must build relationships with government at all levels in development and service delivery. Khan, Lootvoet and Mantzaris (2006) argue that the failure by the state to express explicitly the roles of traditional authorities can be seen as attempts to annihilate them through frustrating and complicated legal frameworks. Ntsebeza (2006) argues giving traditional authorities a developmental role is contradictory and inconsistent since they are unelected and unaccountable leaders. Kanyane (2007b) argues that for traditional authorities to fulfil their developmental role, all municipalities must adopt IPDs.

The traditional authority believes that it has a role to play in the development of the community, far greater than that prescribed by the Constitution and the subsequent government policies prescribe. This research found that in Sokhulum Traditional community there is a strain of relations between the traditional authority and municipal ward councillor. However, there is also tension in how the institution of traditional authority also relates to the Constitution and other pieces of legislation that have been passed to govern at a local level. This is evident in their responses; *“it in the constitution and the TLGFA that the powers of the traditional authority are being limited because they have no fiscal power, if you have money, you have power. They disempower us so to appear as if they have more power. Chieftaincy is oppressed because the people who make decisions on our behalf know nothing about us. Therefore it looks like the traditional authority does not have power because they have been disempowered financially and land wisely. Once the land has been restored to kings things will go well”* (CL6). adds *“ours is to see to it that our community is being developed, it can be developed in terms of the economy, it can be developed in everything but traditional leaders are always supposed to be there as the head of that particular community. The wellbeing of the members of the community is led by the traditional authority. The traditional leader is like a father at home, taking care of the family”* (CL1). This confirms what Shabangu and Khalo (2008); Rugege (2009); and Kanyane (2007b) that this breakdown in relationship is because of overlap in roles, assigning traditional leaders roles that are already allocated to municipal ward councillors. This strain is also exacerbated by the fact that municipal ward councillors have fiscal power, which is seen as legitimacy. Findings concur that this paradox of power relations is critical because it can obstruct service delivery and are symptomatic of potential collapse of service delivery.

This research found that the municipal ward councillor understands the role of the traditional authority in the community as one that is to help him to identify the needs of the community: *"it is easy, to escalate these issues [community issues]"* (GS 18), This is interesting that he reduces the role of traditional authority only to reporting matters and issues which are affecting the community. From the above responses from the traditional authority and from the municipal ward councillor it is apparent that there is tension or that tension is bound to happen because of the different understanding of each one's role in the community. Furthermore, little is mentioned about the prescription of policies about how these two institutions should be working together. The municipal ward councillor understands his roles to be identifying, reporting and solving community issues, this is evident in his response: *"my responsibilities as a ward councillor is to solve the issues around the community and serve the community and to bring service delivery and take note of the issues to different departments so they can resolve the issues"* (GS18). In discussing his role as a municipal ward councillor in this community with a dual system of governance, he does not mention anything about co-governing, this can be because even at the local level there is the perception that the traditional authority only serves an advisory function and this is the contestations even in the community of Sokhulumi. Moreover, this adds to the argument that made by scholars that there should be a much more detailed Act which prescribes and describes cooperative and how it should function.

The traditional authority wants to play an active role in the development of their community. When this research probed further about whose responsibility it is to identify needs of the community, there is an understanding that there is a working together that has to happen however seniority comes up in their responses and this can also be the cause of this tension in their relationship. Seniority is one factor which scholarship has identified to be the reason in breakdown in relationship between these two institutions. In the Sokhulumi traditional community this is true because the municipal ward councillor is young and therefore considered to be subordinate to the traditional leader and the council. As it can be observed in this response *"Working together we can identify but at the end of the day, the ward councillor is responsible to resolve those issues"* (GS18). Further, there seems to be no clarity about the identification process between these institutions, for an example, when Participant G18 is asked about the procedure he responds: *"remember the traditional authority is having a role because he accounts to parliament. My role is to call public meetings and take those issues to the different government department. The tribal council also has the authority to call public meetings"*. Juxtaposing this response to the one given by members of the traditional council, they hold that *"whatever that has been raised in the community, ours is to just raise it with the government of the day and nothing more, there is nothing that we can do beyond that, it is only a matter of identifying and raising but there is nothing you can say or do because you know you don't have the muscles* (CL1), continues *"ours because we are there daily, we do not wait until after 12 months, waiting for a person who will come up with a document saying*

can you throw in somethings into the wish list. We meet with our community quarterly or in many cases frequently more than that. Every time community members are raising issues, we must take them seriously, so we take everything at any time. We are not confined to a particular time to say at this time we will be given a chance and that chance will be closed, ours is to elevate them to local government or provincial government" (CL1). Two things are obvious in these responses between the municipal ward councillor and the traditional authority.

Firstly, is that the ward councillor does not view traditional authority as a legitimate institution and he holds that this institution is not accountable to the community but to the house of traditional leadership. Secondly, the traditional authority perceives itself as boundless and not restricted by anything, however in this imagined boundlessness there is a feeling of helplessness due to lack of fiscal power. However, believe that being their nearness to the people gives them an advantage and legitimacy. Both these responses do not show any intention of working together in order to bring about local development but each institution wants to champion development individually so to emerge as champion. As a result of these contestations about the roles of each institution, there are tensions when it comes to the co-existence to bring about local development. The study findings that co-exist is something that might be desired by these institutions, as long as that each is acknowledged and respected, *"when it comes to development, as long as ubukhosi (loosely meaning chieftaincy) is acknowledged as the one who keeps customs and traditions then we won't stop development or to work with municipal councillors"* (CL10). The analysis notes that tradition and customs are used to express the desire to have power or the power that they have, seniority and the desire to be active in decision making and in the actual local development.

The idea of *ubukhosi* as the keeper of custom and tradition can also be interpreted as owners of land and therefore powerful or legitimate to govern. There is a deep feeling that they being disempowered and undermined by the municipality because they do not have fiscal power, this has also been argued by scholars such as Kanyane that at the core of this paradox between traditional authority and municipal ward councillors is fiscal power. Participant CL8 expressed that the relationship between them should be based on mutual respect *"Let the relationship not be based on one begging the other"* continues *"The relationship does not function well because ubukhosi is undermined and not resourced and there is no equal power in this co-existence"* this is a common perception among the traditional council, *"for me like I said, if you are given an observer status, where you are supposed to become a participant, if you are given a position of a spectator where you are supposed to be a participant it becomes very tough because your community members might not receive what they supposed to be receiving because you are just a spectator and cannot assist them but if you were a participant somehow you would have helped the government to make necessary changes where they supposed to. Unfortunately for too long we have been reduced to spectators and we can*

therefore not help not because we do not want or are making but it's the government we have and we cannot assist" (CL10). The common idea is that they are side-lined and denied the opportunity to be part of the local development of their communities.

The study findings that while there is contestation about roles between the traditional authority and municipal ward council, the community is also not well informed about the roles of traditional authority within their communities. A study conducted by Ncapayi and Boyce (in HOT and YI) showed that dualism as a system of governance in rural communities creates confusion among community member over where to go or to whom to direct their energies in petitioning for the provision of services. Their argument is that instead of cooperative governance, both these institutions often create confusion among rural communities. There is an understanding that the traditional authority is there to keep custom and tradition, however, there is not a deep understanding of how exactly they are keeping culture and tradition or their role in local development. This confusion about roles is evident in the responses given by community members: *"to tell you the truth, the role of inkhosi is maybe... [Pauses to thinks] maybe he does his work. The problem is that he is too far, when something happens he does not see but maybe those who work with him, inform him about happenings in this community"* (CM33); *"the duty of inkhosi is to keep isiko. We cannot lose indabuko (our lineage or origins) because of the municipality"* (CM41); *"The municipal ward councillor found us staying in this place with inkhosi, whoever wants to stay in a township they must move to a township, we are not stopping them. This is place will stay being ebukhosini"* (CM38) and *"but we wonder if they tell or inform him of true happenings or they hide some things from him"* (CM34).

The analysis notes that there is mistrust between the traditional authority and the community, the mistrust may be due to the lack of understanding of the role of the traditional leader by community members. Secondly, the mistrust rises from the fact that the traditional leader stays far away in isolation from the community. The distance to where the traditional leader stays is quite a distance, it is approximately 25 to 35 kilometres away from the community. The separation of the traditional leader from the community nullifies the argument put forward by scholars and the institution of traditional leadership itself, that their nearness and intimacy to the people makes them better candidates to lead development in their communities. The reason given was *"the king stays far from the people so that the people do not bother him with little issues that the traditional council and headmen can solve for them, we only escalate a matter to him once it's out of our hands and we can't solve it. Otherwise, we provide reports about the happenings in the community"* (CL1). This is puzzling that the senior traditional leader must be protected from the very people he is claiming to be serving. How can the tree that people have to take refuge in, be distant from the people? People in the community, therefore, see the traditional leader distant from them and indifferent from their sufferings.

They also had concerns whether the reports he receives from members of the tribal council are accurate. This study found that different people from the community were against the

decision of the traditional leader staying far from them and speculated on the reasons why he stays far. When I asked how it makes them feel that the king stays far from them and his house being inaccessible because of distance. The participants expressed that the staying of the traditional leader far from them *"it's not nice"* (CM33) and *"I feel bad, inkhosi is far, he must come to see us and know what is happening here"* (CM32). Adding that *"Inkhosi, yinkhosi ngabantu, he must come close to use"* (CM43) and *"He must be close to use so he can see our struggles. When a person is distant they do not see your struggle"* (CM39). Others speculated that *"They have hidden him because they do not want him to know the corruption they doing because there's a lot of things that he does not know"* (CO23) denoting that there could be some corruption which is taking place within the office of the traditional council. Others stated he is not available *"When there are meetings he does not come, only representatives. I don't think I even know him or recognise him from afar"* (CO28) further adding that *"The king is not approachable"* (CM38).

This study finds that there is a personal struggle within members of the community, of making sense of the role that traditional leadership plays in their community. Some want to keep the traditional authority because the institution represents far more than a system of governance. This confirms what Ndlovu-Gatsheni (2008:88) and other scholars have stated that a traditional leader or king in these communities is also a cultural and spiritual leader. Hence, this personal battle takes place because some do not want the traditional leader but do not want to do away with the leader also. *"I think they still need to be there [traditional authority] because they are catering to the traditional needs of the people they are serving because these people understand them more than us or any other person. So it's best if information comes to them and they bring it to the community. As of now, I think, we still going to have about 20 years of them in power and then we can come to a place where we can say we don't need them but as of now to reach these people here you need them. Though challenges are there because you in their area"* (GS15). Continues *"if the municipality wants to develop the place, the tribal office must first give them a go ahead"*. She adds *"you can see now that the place is not developing, it is not growing because there are two centres of power, so it is a problem. There are no developments, the toilets that they use are septic tanks, and even the toilets that they are using as a community are pit toilets"*. Other participants said *"they own the land and access, must be gained through them and they are the ones who give stands for people to build houses"* (CM43) and *"that's all, otherwise they cannot even provide services. If you want services you have to go to the municipality. If you have a problem with electricity, you go to the municipality and not inkhosi and the same with water"* (CM35).

Most of the participants responded that the role of the traditional authority is to keep traditions and culture but others differed stating that *"there is the issue of land and culture, and even this culture thing has become an event that is only observed once a year. Otherwise, the culture thing is only remembered when there is igoma"* (CM30). This is sediment that is shared

by most of the young people in this community that tradition and culture have been reduced to be an event that takes place and not as part of their daily lives; hence the traditional authority is perceived as not important. Other participants stated that traditional authority is important when it comes to resolving family disputes and *“some cases that don’t go to the police but to the tribal council”* (CM42). These cases include witchcraft, stealing of animal stock, and domestic violence to name a few. But others disputed, stating that *“even when it comes to such cases, the traditional court is not helpful because for an example if my husband beats me, he will be called before the council and just rebuked verbally and when we get home he does it again therefore there are no real punishments that they can carry out because the country recognises real police”* (CM31). This research therefore notes that how each member’s experience is different and cannot be generalised.

This study found that compared to when asked about roles the traditional authority, the community seemed to be well informed and sure regarding the roles of municipal ward councillor compared to when asked about traditional authority. This could be because the municipal ward councillor is said to be closer and easily approachable and accessible compared to the senior traditional leader, however some participant held the view that the ward councillor is ineffective in his role, stating that *“our councillor is still new, we are still giving him time to see what he will do”* what about the past ones *“I never saw them playing their roles and I would not tell you what they did. The little they did, it was done for those within their circles of friends and family but for us nothing”* (CM33). The responses to what are the roles of the municipality are different but they all echo a shared understanding that the role of the municipal ward councillor is to bring about development and service delivery. Even members of the traditional authority understand this to be the role of the municipal ward councillor; however in their responses you begin to see cracks because at times they claim that they are the ones responsible for development in their communities and also claim development is the responsibility of the municipal ward councillor: *“The development of the community must come from the municipality. But if you check the office of the traditional leader, it does not have electricity and the place is not fenced off like an office of a leader. The office is not resourced, even when Ndabezitha wants to go to see his people he has no means. To serve a community there is a lot that is needed. There is a need therefore for the traditional authority to have cars so he can be able to send people to do the work for him. Where the traditional leader stays there is no security, the place is not fenced off and does not look like a place of a leader. But if you visit a house of an MEC you will find that it is well protected. He the leader must see for himself. Even when we say there is a relationship, that relationship can be improved, there is a lot that needs to be done. But if you check even the renovations of their houses are well kept. Even the absolution facilities don’t paint a good picture about a place which a leader stays in. this relationship we have is lip service but it does not materialise to practical things”* (CM11). The traditional authority does not only expect the municipality to serve the community but also to serve the office of the traditional authority, in provision of services such as the

electricity, sanitation, protection, water and the upkeep of the office and of their homes. The argument is that since they have no fiscal budget, it is the responsibility of the municipality to also take care of things such as security, and renovations among other things of the senior traditional leader.

This study finds that the traditional authority perceives the role of the municipal ward councillor to be that only of identifying the needs of the community and reporting it to relevant government structures. Furthermore, the account below shows that there is a misunderstanding of each of the institutions' roles and that each institution sees its role as being greater than the other. This research put forward that this is the reason in the breakdown in relationship between these two institutions. Participant CL4 reported that the duty of municipal ward councillor can be summed up as identifying and reporting. *"We do not want to confuse the traditional leadership's role with the councillor's role. In cases where the councillor is able to take the needs of the people to the government we applaud him but in our case if these are raised by community members in a community meeting, the traditional authority must make sure that these issues are going to be discussed at the meeting of the traditional council after that be elevated to the government. With councillors they will be coming with IDP which becomes the wish list of that particular community and it will also be elevated and come back to give feedback about which projects will take place but in our instance, whether IDP or no IDP, if something is raised by the community, members our primary task is to make sure that their wishes are elevated to the relevant department. Ours, we talk to anybody, we can talk to the national government, provincial or the local government"* (CL1). Continues *"the duty of the municipality is to provide services for the community and the traditional authority is the one which provides the land"* (CL1). Another adds *"with South Africa you know you have three spheres of government and you are told the councillor is the representative of the local authority in government and therefore he is to take whatever we are requesting to the local government. Our role, I will regard our role as bigger even if we are not given that platform but I will regard it bigger because, in the instance where you see that a matter needs attention of the province we will take it up with the province immediately"* (CL7). Almost throughout the interview with the traditional council members, there was no mention of how being involved in local development looks like, or mention of cooperative governance. The idea of service delivery and local development was reduced to ownership of land, which translates as power.

THE RELATIONSHIP BETWEEN TRADITIONAL AUTHORITY AND MUNICIPAL WARD COUNCILLOR

The relationship between traditional authorities and municipal ward councillors is important as literature has shown that it directly affects local development at community level. As discussed in chapter two, scholars such as Rugege (2003, 2009) a working relationship between both these institutions is important in order to maximise benefits for the community. He is also of the view that in order for this working relationship to exist, there is a need for the constitution

to be amended, to separate the powers given to traditional authorities and municipal ward councillors. He further argues that to ensure cooperative governance between these two institutions, traditional authorities must be included in municipal meetings as active participants. The relationship between these two institutions is strained because Traditional authorities feel as if their power and function in their local communities is being threatened and therefore losing their legitimacy. Shabangu and Khalo (2008) observe that more than 20 years into democracy, the relationship between traditional authorities and municipal ward councillors' remains strained. Ntsebeza (2006) argues that this tension between these two institutions is because of the inclusion of unaccountable and unelected traditional authorities in a democratic system and this inclusion compromises the democratization of rural governance. Khanyane (2007) argues that the breakdown in relationship is due to the overlap of roles and further exacerbated by the fact that municipal ward councillors have fiscal power.

This study finds that because of the contestations and tensions regarding roles in this community, the relationship between traditional authority and municipal ward councillor is a precarious one. Regarding the relationship they have, Participant GS18 presented a good and working relationship, he reports *"the relationship is working with no conflict"*. However, members of the traditional council told a different story, one that is far from being good. *"As we have shown, the municipality undermines the traditional authority because it has fiscal power"* (CL2). This is a shared feeling among members of the traditional council and some of the community members, that the traditional authority is being undermined because it has not fiscal power. Another adds *"This place was established in 1988 but there is no water or proper infrastructure to bring us water. This then shows you the kind of relationship we have. Our RDPs are different from those from Mamelodi. This place is not seen as a place that can be developed. Why must there be the difference in terms of services between Mamelodi and Sokhulum"* (CL9). The relationship was also viewed as not being equal because *"The municipality does not treat us equal as urban places. We only get water 3 times a week. We do not have running toilets, sometimes 3 weeks can pass without us having water"* (CL10). The delivery of services was stated as an indicator of how unequal and precarious the relationship is between these two institution and the state in general *"Ours neh... to our own government we have become observers in everything, you go to your local government, for instance, I sit in the council of Tshwane metro, we sit there with an observer's role. People are discussing your issues and you can tell they are not actually doing justice to some of the debates but you are forced just to sit there and observe and we are not even given positions at provincial or national levels. So obviously the relationship is there but it is like we are being done a favour"* (CL14).

This report finds that what further makes this relationship a precarious one is that there is a deep feeling among the traditional authority that they are being overlooked and undermined and for them, this is evident in the fact that they are not given money, participatory role and

resources to fulfil their developmental role in the community: *"how can the traditional leader take care of its people if he does not have the necessary resources"* (CL1). Another concurs that *"just because we are under the jurisdiction of the municipality it does not mean that it governs or reigns over us. The municipality got us here"* (CL9). On the contestation of roles, power(s) and feelings of being undermined, seniority as mentioned is another factor which complicates the relationship between traditional authorities and the municipal ward councillor. The ward councillor is seen as young and therefore the traditional authority cannot take instruction from someone considered to be a junior. This is shown in the above statement, further, history is used as a validating factor, which is important to governance according to them.

This report observes that seniority also complicates this relationship; there are contestations on who comes first in terms of hierarchy. The institution of traditional authority like most organisational structures is one that is hierarchal and therefore they understand governance in these terms. This contestation is about who comes first, and who is under whom. This contestation about who comes first, leads to the delay of projects. The other struggle is who should be consulted and who should give a go-ahead for a project to commence. Therefore the confusion among community members and leaders exist on to whom to direct matters. *"The problem is that the municipality wants to govern or rule the traditional authority. They want us to take the mandate to rule our people from them"* (CL5) continues *"therefore, our relationship with them [the municipal ward councillor] is not good. The municipality does not do what is prescribed to them instead it wants us to take a lead from them. However, this does not mean that we do not want to work with the municipality because according to the IPD we must work together in matters of development"* (CL13). The municipal ward council is therefore regarded to be problematic and disturbing the social order in the community: *"the presence of municipal ward councillor has made things worse"* (CL3). The institution of traditional authority centres itself as the rightful owner of the land and therefore this means that they are the most senior in the hierarchy of governance in the community. History is also used as a validating factor to substantiate why they come first in the hierarchy.

The argument is that they have been in existence for a much longer time; they cannot be dictated by the government: *"remember the very same government you are talking about, it only came now and traditional leaders have always been there, so in this instance we are older than this democratic government, it must not act as if it is a big brother to us because naturally, we have always been leading"* (CL1) another adds *"this place belongs to the traditional leader; therefore it must be the traditional authority that decides on matters. Just because he [the municipal ward councillor] has fiscal power, the community views him powerful than the traditional authority. Development in this community comes after much conflict with the traditional leader"* (CL12). This study finds that it is not only history, and seniority that validates the institution of traditional leadership but also how it is viewed by the

community. And therefore perceptions of community members are important because they can be translated as legitimacy.

Other participants has a positive view about the relationship between these two institutions, however this may be because I was introduced to some participants by a member of the traditional council. Therefore providing this good feedback is salvaging a partnership that is shaky. *"the relationship up to so far is good, so good because the tribal office is playing a critical role whereby sometimes as councillors we take advantage of it because they can get quicker replies from political leaders"* (G18). Within the leadership structures of Sokhulumu there is a perception that the traditional authority has access to any member or structure of government especially at national level. Among the leadership structures, this perception affords the office of traditional leadership some respect. Probing further about the power struggle between the two institutions G18 states that there are no tensions or power struggle because power and roles are well negotiated, *"that thing [referring to power struggle] goes with individuals, these ones [traditional authority] are proper inducted because they know their roles. That exercise comes when chiefs do not understand their roles and duties. But this one I can recommend them. They know their roles, where else there are some challenges"* in the quoted statement, participant G18 paints a picture of a community in which both the institutions work well together like an oil machine to bring about local development. He speaks of a community where everyone knows their roles and duties, a community where everyone is satisfied.

This is misleading when taking into consideration that the traditional authority is not content and not happy about the relationship. Participant G18 continues to say that there are challenges but then again these challenges are minor, that the only challenge they have had is one regarding the allocations of house stands: *"remember I have already spoken about the allocation of stands, somewhere, somehow there are court interdicts which must be understood"*. The municipality and the traditional authority went to court regarding the provision of house stands. The interdict was from the state to the traditional authority because the community is growing rapidly so the traditional authority has given community members house stands on a land which the municipality had not approved. Legal battles such as this further show that there is a breakdown in the relationship between these two institutions. Another protests that the relationship between traditional authority and the municipal ward councillor cannot be good and that perhaps the municipal ward council would provide a good account about their relationship with the traditional authority because *"everything that he needs to do, he asks for permission from the king. So he sees no problem. He does not speak to the community regarding our needs. As long as he has spoken to inkhosi he is fine"* (CM31) continues *"they tolerate each other because they have to work together"*. There is a feeling that these two institutions do not consult the community, they make decisions on their own, decisions which only benefit them. This will be discussed later when looking at decision-

making processes in the community. Moreover, it shows that this breakdown in the relationship between these institutions has resulted in community members losing confidence and trust in both the institution.

Furthermore, this study finds that even community have the view that the traditional authority is being undermined and overpowered by the municipal ward councillor. Most of the participants interviewed regardless of their status in the community gave varied responses regarding the relationship between traditional authority and the municipal ward councillor but they all shared the same sentiments that the relationship between these two institutions is not good. Views such as the traditional leader is undermined were stated as reasons for the breakdown in the relationship *"They do not have a good relationship or it may seem as if they have a good relationship but the municipality at times undermines the king that worries us. You know when we grew up, chieftaincy was respectable. Children under the king used to be well behaved and mannered. Ever since we have municipal ward councils things are bad, the problem is that municipality is undermining chieftaincy. We found chieftaincy here and now we do not understand why municipality is disrespecting chieftaincy"* (CM37). Continues *"Yes, the municipality is undermining ubukhosi, the world is a mess today because of the municipality. Ubukhosi used to be respected, today our children do not have respect because of this thing of the municipality"* (CM37).

It was also reported that suggested ideas from the tribal council were also being undermined *"Yes, when the king suggests something, his suggests are not taken seriously"* (CO27). Community members also expressed that they did not want to do away with traditional authority as this would mean abandoning their culture, traditions and customs *"We do not want to do away with our customs"* (CM31) because *"Sokhumi is a traditional place, we want inkhosi, ubukhosi must continue"* (CM36) and further expressing that they want them to work together to bring about local development *"To work together and be one voice when they speak"* (CM29), continues *"We want to work with ubukhosi keeping in line with our tradition"* (CL13). Members of the community were also expressed that the breakdown in communication hampered on development *"So far with the new municipal ward councillor, last year it was not easy but the previous ones things were running smooth"* (GS15) Continues *"definitely, the tensions between these two centres of power does impact negatively on local development"*. Another concurs that *"Yes it does, because the conflict makes development to be slow. If we can work together development will come quicker"* (CL12), and that *"The relationship is not good, and the ward councillor has to be forceful in order to do something in the community because inkhosi is repressive"* (CO19). However, other members of the community led a different view, stating that the relationship between the two institutions is good and that there are no delays *"I don't think it delays because we in a good relationship and each structure understand their roles, therefore, no delay happens"* (GS18).

What this study found is that most of my participants across all age group did not want to do away with traditional authority and stated that the relationship between these institutions is not fair. Sklar (2006); Ntsebeza (2006); Bekke, Toonem and Perry (1996); Botes, Brynard, Fourie and Roux (1996); Waldt, Venter, Van der Walt, Phutiage, Khalo Van Njekerk and Nealer (2007); Atkinson and Reitzers (1998) all argue that a good relationship between the traditional authority and municipal ward councillor is important because it safeguards traditional authority as a political resource and because they still hold enormous moral and political authority in regard to the maintained of moral and social order. Traditional authority is seen as an important part of the socio-political and traditional activities. Literature has shown that the tension between these two institutions is that initially there was a belief that local municipality would appropriate power and functions equally. Further, traditional authorities see the provision of services or infrastructure without them as undermining of their authority. Literature concurs that the provision of land by the traditional authority without consulting or involving municipal ward councillors is another point of conflict.

Participants agreed that this breakdown of relationship slows down development in their community. Older participants spoke more strongly about keeping and protecting the institution of traditional authority. While the youth did not want to do away with the institution of traditional authority, however, preferred that the mandate of local development be headed by the municipal ward councillor. Older participants stated that they feel that chieftaincy is being undermined and disrespected and that they still want to be under the traditional authority. Most of the participants in this study agreed that they want the municipal ward councillor and the traditional authority to co-exist and co-govern. At the core of this research is to understand this dual system of governance and how it finds expression within this community, and how both the people and leadership experience this durability. The traditional authority also shared the same sentiments that they feel undermined as shown before. On the other hand, the municipal ward councillor claimed that having a dual system does not delay local development.

DECISION-MAKING PROCESS IN TRADITIONAL COMMUNITY

The aim of this study is to understand the relationship between these two institutions. Therefore understanding the decision-making process is important as it reveals power dynamics. The White Paper encourages municipalities to come up with ways to make sure that there is citizen participation during policy initiation and formulation, also the monitoring and evaluation of decision-making and implementation. Further, the White paper advocates for a co-operative co-existence between municipal ward councillors and traditional authorities, following the mandate of the constitution and the developmental local government vision as stipulated in the White Paper; numerous legislative prescripts aiming at transformation were passed to pay attention to community involvement and public participation. Traditional authorities must, therefore, have representatives on local councils for advice on the aspirations

and needs of community members. However, the White Paper has not been unsuccessful in bringing about understanding and a working relationship between traditional authority and municipal ward councillors since key decision-making powers are still devolved with the municipality.

This study found that even in terms of decisions making process within the Sokhulumi community, there is also contestation on who take the final decisions. As mentioned as before, decision making also becomes a source of conflict because leadership is understood in terms of hierarchy. Decision making is also about power, as each wants to advance their own agendas. There is an understanding that *"there is a separation of powers. Allocation of house stands is the role of the traditional authority but in matters of service delivery the ward councillor plays a role"* (GS18). Another holds that *"in terms of decision-making, if the community needs something they take it up with Ibandla and then it will be deliberated at that level and then a decision will be arrived at and then it's only the senior traditional leader who will stand up and say ok let's take this direction and now because they would have agreed. Then it becomes the responsibility of the Traditional authority to facilitate, to talk to government and make sure that the need materialises. We become a voice of our own community"* (CL1). Continues *"our roles are sometimes confused to that of a councillor"*. These responses show that government frameworks and policies are overlooked in the daily operations in this community. Participants are assuming each other roles according to their own perceptions and not according to the prescriptions of the Constitution and policies. However, there is an understanding that if these two institutions work together, there grater chances of achieving local development: *"it is not every councillor who can do justice to their community and represent them accordingly. So in a case were a councillor and traditional leadership can work together, hand in hand is always a bonus and gives that particular community a bigger chance in improving"* (CL3). Therefore, the separation of power between them made up. For an instance anything that has to do with land must be left in the hands of the traditional authority because they own the land and anything pertaining to services must be left for municipal ward councillor. However, may be this setting could be their seen as their way of trying to work together and forge peace.

Community members argued that this system of duality when it comes to decision-making is not fruitful, *"the system works because they work together but sometimes on other things you may assume that they don't work together"* (CO26). This duality is not only a problem local development is slow but also because it breeds mistrust. Probing further about when are these times when these institutions are not working together: *"when it comes to matters of employment. For an example, if in one family there are five people who are looking for a job, they will only take one and expert that one to support the whole family, which is impossible, one, cannot use their salary to support everyone. Again you find that there is no rotation, the same people are being re-employed on every project or sometimes family members of project*

managers get employed even those from afar, who do not stay in this community" (CO20). There are projects which are rolled out in the community to employ community members and the idea behind these projects is to empower and employ the youth in the community. However, locals report that there are some irregularities which occur when it comes to employment, whereby family members and friends get preference and some even employ family members who do not stay in the community of Sokhulumi.

INKHOSI OR MUNICIPAL WARD COUNCILLOR?

At the core of the arguments about the existence of traditional authority is that it should be eradicated because the community members of this institution are subjects and not citizens (Mamdani, Ntsebeza, Ratele). Furthermore, it positions community members in a precarious place of having to choose between the Municipal ward councillor and the traditional authority. This research found that when participants were asked if they prefer the traditional authority or the municipality, most of them expressed that they want both but with more defined roles. The cry for a more defined policy addressing cooperative governance and well defined roles is not only the cry of traditional leaders and some scholars but also that of community members. This is because their livelihood is at the mercy of these two institutions working together. However, what was interesting to note, was that most of the participants stated that they feel more comfortable and confident to confront the municipal ward councillor as opposed to going to the senior traditional leader or members of the traditional council. This study also found that some community members' feel like at times decisions are taken without them being consulted. Nel (2000:58) asserts that participation is a political exercise that positions people to have influence in how resources are allocated, to have access to information, and increase their social capital and citizenship. The White Paper on Local Government (1998:11) states that it is a requirement for municipalities to have strategies in place to ensure participation. This includes establishing forums, community members, ward committee representative, councillors, traditional authority, NGOs, and members of the executive committee of the council and stakeholder participation in council committees. Chapter 4 of the Municipal System Act 32 of 2000, section 16(1) (a) outlines that municipalities must create a culture which encourages participatory governance and makes it easy for community members to partake in municipal affairs, including the IDPs budget participation, strategic decisions, performance management systems and performance monitoring. The National Policy Framework on Public Participation (2005) asserts that public participation is a transparent and accountable process through which groups and individuals within communities are able to influence decision-making and exchange views. This process is one that is democratic which involves community members in planning, decision-making and they get to play an active role in local development.

When asked which institution they prefer, the participants responded: "we want them both" because *"it is nice when both of them work together"* (CM36) and *"the municipality must help ubukhosi that is what we want"* (CM37). Other participants even regarded the role of decision

making to be solely that of the traditional leader: *“our traditional leader is responsible for decision making because during meetings, everything that has to do with development starts from ebukhosini, then ubukhosi takes the decision if the program can happen”* (CM29). This also continues the discussion made prior, that for this community the traditional leader embodies far more than just governance. Another concurs *“I prefer both inkhosi and the councillor, they both have negatives and positives. For an example, inkhosi sometimes stops projects from starting in this community. Projects that can bring about employment opportunities”* (CM30). Some expressed that even though they would prefer to have the municipal ward councillor. However, expressed that they still want to keep the senior traditional leader: *“we would rather have the municipal ward councillors in power without eliminating traditional authority. The councillor must take decisions because we select them amongst ourselves and they know our situations. It is easy then for us to approach the councillor and inform him of our dissatisfactions, we can reason with him to change his mind about decisions he has taken. With the councillor, we have the power to voice our concerns and be heard. With inkosi sometimes he leads with his emotions and we cannot reason with him. The councillor is always available when he is needed urgently while with inkhosi before we can get to him, we have to go through a number of people and he can decide that he does not want to see you”* (CM29).

The some members of Sokhulumu traditional community expressed that they do not see the need and importance of the traditional authority; *“In my opinion, it's not important”* (CO21); *“No, it's not important to have traditional leadership”* (CO26); *“There are people who think it's important but the majority does not”* (CM29); *“In my own opinion, no neh... Because in this place where we staying, we are under amakhosi. Amakhosi bring confusion because we don't know how many kings are there, and how do kings rule because there is this fight about the ruling. I don't see a need for them”* (CO22). Most of the participants felt that *“The tribal office cannot provide for our needs, even then it looks like they in it for their own benefit, to enrich their own pockets”* (CM33). Other even expressing that they do not know generally what is the role of the traditional authority in local development: *“For me, I say no because number 1, if I only knew what the king can do for me, how does having a king help me? Because he works on an individual basis, he does not help the community at large. He can only help one person at a time. The only time we go to inkhosi is when we have a cultural matter. I don't know how he is of use to me”* (CM32), *“How do you rule without a budget?”* (CM31). Thus, the institution is seen as stalling development in the community *“For me inkosi makes development to be slow that's all”* (CO28) because it is reported that at times the traditional council prohibit some organizations to gain access to the community, consequently halting chances of employment: *“There are organisations that want to gain access to this community but because they have to go through the king they distance themselves”* (CM30) and *“Sokhulumu has the potential to develop but because of the tribal issues the development that happens is slow”* (CO24).

This study finds that most of the participants wanted the institution of traditional authority and the municipal councillor to work together. The experiences of participant GS16 were interesting regarding which institution he prefers since he is not from this community but moved to stay there because of employment. This is important because GS16 provides an outsider's perspective. When asked about his experiences of living in this community he responded: *"I find the municipal ward councillor to be effective and efficient because it delivers services much faster compared to Traditional authorities"*. For GS16, it was new to see that there are community meetings to discuss different activities which take place or still yet to take place. He further stated that development is slow because meetings get held about almost every activity and that is time-consuming. Another participant who is a community member shares the same opinion *"in my opinion, development is slow to happen in our community because we are still under ubukhosi. So there are fights because both the traditional authority and the ward councillor want to rule and at the end there is a problem with them working together"* (CO27). Adds *"development is delayed because every project has to go past the tribal office first before they can be implemented and they have to approve, therefore this slows the process"* (CO22). Some community members expressed that they prefer the municipal ward councillor because local development is delayed because of this duality, having one centre of power would fast track local development.

REMUNERATION OF TRADITIONAL AUTHORITY IN SOUTH AFRICA

Remuneration was mentioned a lot, how the absence of therefore prevents the traditional authority from fulfilling their constitutional mandate, which is to partake in local development. In the past, traditional leaders were not paid since they were eligible for first fruit, free labour from their populations, enormous tracts of land amongst other possessions. The remuneration of traditional leaders by the state was propagandized once the Black Authorities Act no. 68 of 1951 came into effect. Under the homeland system, different homelands introduced their own laws regulating the earnings of traditional leaders. The remuneration of traditional leaders was not identical across the country. Kings, chiefs and headmen were compensated at different levels, while in some homelands headmen and certain classifications of headmen were not salaried at all. However, in some homelands, they were remunerated by the state. Their remuneration, yet largely nominal, is in terms of the statutory law. Section 219(1)(a) of the Constitution of South Africa, 1996, categorises traditional leaders as "persons holding public office" and entails that an Act of Parliament must create a framework for deciding their "salaries, allowances and benefits". The framework stated to it as set out in section 5 of the remuneration of Public Office-bearers Act No. 20 of 1998. It was only after the propagandizing of this Act that, all traditional leaders at the level of kings/paramount chiefs, chiefs and members of the National and Provincial Houses of Traditional Leaders received remuneration grounded on even scales determined by the President.

The remuneration is not based on clearly well-defined roles and functions of traditional leaders. The independent Commission for the Remuneration of public office bearers, which is responsible for making recommendations on the remuneration of public office bearers, has flagged that it will not be able to work on the final and comprehensive framework for the remuneration of traditional leaders pending policy issues concerning to their role and functions have been made clear and decided. The implementation of this White paper and the enactment of the resultant legislation will consequently enable the work of the Commission. According to sections 8(6) and 9(6) of Act No.20 of 1998 traditional leaders are left out from pension and medical aid benefits. In 2017 the proclamation No.1 of 2018 by the President determined the salaries and allowances of the traditional leaders, members of the national house and provincial houses of traditional leaders. According to the act, senior traditional leaders would get R246 942 per year. According to members of the traditional council, this amount is not sufficient and was lamenting that the traditional authority has no budget to cater for the needs of its people.

SCHEDULE					
GRADE	PAY LEVEL	TRADITIONAL LEADERSHIP POSITIONS	01-Apr-16	%	01-Apr-17
TA	1	King/Queen	1 126 057	4.5	1 176 730
TB	1	PTL			1 082 592
TC	1	Senior Traditional Leader	228 650	8	246 942
TD	1	Headmen / Headwomen	96 460		106 106
HOUSES OF TRADITIONAL LEADERS					
GRADE	PAY LEVEL	FULL TIME POSITIONS	01-Apr-16	%	01-Apr-17
THA	1	Chairperson: NHTL	817 842	5	858 734
	2	Full time Chairperson: PHTL	673 603		707 284
	3	Full time Deputy Chairperson: NHTL	625 524		656 800
	4	Full time Deputy Chairperson: PHTL	577 281		606 145
THB	1	Full time Member: NHTL	356 923	6	378 339
	2	Full time Member: PHTL	305 959		324 317
SITTING ALLOWANCE FOR PART TIME POSITIONS *			01-Apr-16	%	01-Apr-17
Part time Member: NHTL			1 310	6	1 388
Part time Chairperson: PHTL			1 558		1 651
Part time Deputy Chairperson: PHTL			1 401		1 485
Part time Member: PHTL			1 086		1 151
* In addition to sitting allowances, part time members are entitled to their salaries as Traditional Leaders, as well as subsistence costs (reasonable and actual expenses) and transport costs (Department of Transport tariffs for the use of privately owned vehicles), for their attendance of official meetings, seminars, workshops and conferences of the respective Houses)					

Adapted from: GOVERNMENT GAZETTE, 4 JANUARY 2018, www.gpwonline.co.za

DEMOCRACY, ELECTION AND MODERNITY

This section is discussing how the traditional authority and the community understand and relate to concepts such as democracy, modernity and traditional authority. This is important because central to the debates about the relevance of this institution is the premise that they are not democratic, and that they cannot fit within the modernity. Moreover, these are concepts that the institution of traditional leadership is grasping and coming into terms with, these ideas and concepts are at times claimed that exist within tradition and culture. The debate regarding the existence of traditional authorities does not only end at their role, but also the era in which they continue to exist in. Kanyane (2017a) argues that the theoretical connotation of traditional and modernity is hard and challenging to reconcile because of South Africa's development model which seeks to promote interaction between traditional authority and local municipality. While Ntsebeza (2006) strongly argues that the problem is at South Africa's Constitution promoting democratic principles, while acknowledging a political and developmental role for unelected traditional authorities. Beker concurs that this institution is a stumbling block and not in line with the precepts of democracy because it is still hereditary and male-centred.

Walker (2008) argues that we cannot throw the baby out with the bathwater but refashion custom (or the institution) to keep up with contemporary goals of a modern, non-sexist, and non-racial society. Vilakazi (2000) argues that modernity has disregarded and ambushed traditional authority, likening modern democracy to a "terrible disease the total process of democratization and modernization, has been a callous imposition upon rural people of the values and culture of urban elites. Further arguing that the rejection of traditional leaders is not because they are incompatible with the modernist development project or the modern democracy. The rejection of traditional leaders within the modern development project is due to the prejudice and power hungry urban elites. Sithole and Mbele (2008) state that traditional leadership is important because it offers unique attributes of leadership that fulfils specific social and governance needs of people as a community. Strongly, arguing that traditional leaders should be accepted and envision another form of democracy that is less occupied with how governance comes into being but occupied with how justice is fulfilled using cultural moral principles. Wimbley (2006) makes an important point which is also advocated by other scholars such as Ndlovu-Gatsheni (2008:61) that people endorse traditional leaders as traditional leaders and not as an upgrade towards bureaucratically oriented politicians. Ndlovu-Gatsheni (2008:69) puts forward that it is not true that democracy and traditional authority cannot co-exist because of it violates human rights, he argues that these concepts are not new to traditional authority but have always been there and upheld by the traditional leaders and communities and therefore mutually exclusive.

This study finds that regarding democracy, the institution is against it and claims that it does not accommodate them or give them space to practise their culture. The traditional authority of Sokhulumu wants a democracy that can accommodate and co-exist with 'things African' as

said by J.J Camaroff (2006). *"If you bring in a new system, you must tell us where is it coming from and do you think it will be able to address the issues of your own community"* (CL1) continues *"Since we live in democracy, traditional authority is seen as a threat to others because in democracy there is a premise that the majority rule"* (CL1). There is a claim that the constitution and democracy (as currently practised) are foreign since they fail to accommodate issues regarding culture, tradition or anything African. Additionally being incapable to address the issues of their communities. This argument has been made among academics. Jean and John Camaroff (2006:299) put forward this question "what happens when a liberal democracy encounters a politics of difference that it cannot embrace ethically or ideologically within its definition of the polity?" this question is important because it helps us to think, what does it mean to have a constitution founded on the most comprehensive, most liberal, most enlightened notions of democratic pluralism. However, fail to deal with culture. This is important since the institution of traditional authority is seen as undemocratic since it does not have women within their leadership structure, and no election of leaders.

This study finds that according to the traditional council of Sokhulumi, the clash between the Constitution and traditional authority, it is attributed to its failure to accommodate 'things African' and therefore the institution of traditional leadership is forever feeling as though it is always compromising their ethos. They argue that they want a democracy that will be able to accommodate their way to electing and selecting representatives: *"there is a law that governs traditional leadership and the traditional council when it is obvious that the current leader is not performing his duties or things are not going well. The royal family will then decide who should ascend the throne. What we would appreciate is if our government sits down with us and tries to understand us and our constitution to be written down so that I can also see for myself when I have done wrong"* (CL6). Explaining how election within the system to traditional authority: *"If the king abandons his people, the people have a right to elect another leader"* (CL10) because *"Kings are born and not elected, the traditional council is the one who knows who is the next chief but if the community wants a headman, an eye for inkhosi, it can nominate an individual to inkhosi, that is our democracy"* (CL10). CM36 *"who wants to die? Ubukhosi buyabulala"* (CM36), this can be translated as chieftaincy kills. *"That thing is not done through an election, you cannot vote for a king, this thing has ancestors in it,"* (CM37). This further shows that the traditional leader is not just for governance but symbolises ethos of the community.

Regarding, elections other participants pointed out that they saw nothing wrong with this institution being hereditary: *"what is wrong with that? What is wrong with a traditional leader being born and not elected? I guess there's nothing wrong"* (CL1) continues *"in traditional leadership, democracy has always been there, the leader is born but he does not govern alone. Obviously there are representative elected by the people in different spaces and that can only be improved but to wish away a traditional leader is not fair to the traditional nature"*

(CL1). *“it is better for the king not to be elected because it preserves it from corruption, if we vote for an inkhosi then people will do it for money”* (CM29). Therefore there is understanding that chieftaincy is a sacred position or role, which cannot be occupied by anyone. They also understand it as something that is bestowed on an individual by the ancestors. This is the politics of difference that our liberal democracy cannot embrace and hence this results in clashes between the traditional authority and the municipal ward councillor because the latter views themselves as legitimate because they are democratically elected while the former perceives themselves legitimate because of culture and tradition.

A member of the traditional authority regarding democracy argues *“that's the biggest mistake we are doing as Africans because we have embraced a system of governance that we do not know, so with the traditional leadership we've always been there. Yes, somethings can be improved but to totally eradicate the system of traditional leadership it is like, I don't know. It is like selling your soul, you know. So my view is that we will be doing a big mistake if we wish traditional leadership away. Remember as I am saying these people are not elected for a certain period of time but they are actually born into this position and it has always been their natural role to take care of their communities, so yes I agree that we might have been tainted by Apartheid but that does not necessarily mean that we all traditional authorities have been tainted. Some have been doing very good work for their communities like ours, in this instance amaNdebele kaNzunza they have been properly led”*.

This study notes that there are also complexities about the concept of modernity; the traditional authority argues that there is a need for clarification of what scholarship and policy-makers mean by modernity and whose basis are is being used to measure it. They argue that modernity has also existed within their tradition and ways of living however, because a Eurocentric barometer is used to measure modernity, their history and own understanding goes unnoticed. Therefore their argument is that whether they are modern or not, is not top of their problem but call for acceptance of plural understanding of the concept. They do not see modernity as a threat to the traditional authority: *“Modernity is not a threat but it's the failure to teach out language in schools that is a threat. Not teaching of our languages and history is the challenge”* (CL6) and *“Urban migration is only a threat if people are not grounded in their culture or tradition”* (CL4). Other participants who are members of the traditional council raised that modernity is in actual fact a threat to their existence; *“Modernity somehow does threaten the existence of traditional authority, in which way? Obvious a person wants to be modernised and staying in Soweto or Tshwane, why? It is because the things which they seek for, they do not have hence they have to travel far. If we have no university, no job opportunities people will want to migrate to other places in search for these things. If they leave, returning will be difficult because what they in pursuit of, here we do not have. Therefore things which we are in pursuit of in towns have to come closer to our communities. If people leave because of employment why not bring employment closer”* (CL1). Another adds *“there is no such a thing*

that ubukhosi is outdated or oppressive, we do not see or experience that. They are lying" (CM36) and *"the definition of that modernity, you see must come into play if evolution means I must abandoning African origins to become somebody else then it is wrong, it must be corrected. Africans must remain Africans, and if things must be changed it must be in the context of Africa, if it is foreign, we cannot embrace anything outside our originality"* (CL1) continues *"we have always had modernity but it does not look like that of the west. We've had women leaders, if that's no evolution then I do not know"* (CL1).

The findings of this study and literature correlate that in theory, the senior traditional leader is regarded as the head of the community, head of government, religious chef, commander-in-chief of the armed forces, and the supreme judge of all criminal cases. In practice, however, the senior traditional leader is basically a ceremonial head of state in all these posts and a source of unity in the community. There is a need to note that there has always been tensions between forces of centralization and those of decentralization of power. Post-colonial and post-apartheid traditional leaders did try to retain power in order to remain relevant. Even members of the traditional council do understand that the leader is just a ceremonial leader: *"the traditional leader does not govern alone, you have ibandla, in a case where a traditional leader has to take a decision, that decision won't be coming from the traditional leader as you are thinking instead the community representative that formulate ibandla, they sit there, they decide, they advise the leader and the leader will just give an instruction based on what has been decided upon. It's not like Ndabezitha makes decisions on his own"* (CL9).

WOMEN WITHIN THE TRADITIONAL COMMUNITY

According to the TLGF members of the traditional council must include a senior traditional leader and members of traditional communities of whom are must be nominated by senior traditional leaders. Then 40 percent of its members must be elected by the community, the framework further mandates that a third of the membership must be women. This study finds that regardless of these stipulations by the TLGF, women in the Sokhulumi community are still excluded in a leadership position in structures such the traditional council because women are thought to have a specific role to play outside this structure. Decentralisation is advocated by the IDP with hopes that it will bring about participatory democracy which will result in responsive service delivery and advance the rights of citizens. The Sokhulumi Traditional authority has 18 council members with no female members. The Sokhulumi Traditional authority and community is still very much patriarchal with limited space for women to participate in leadership positions. Positions of leadership are still dominated by men and this is seen as a norm. Culture and tradition are evoked to defend the absence of women in leadership positions.

The defence is that there are spaces where women are allowed to participate and this is when an issue affecting women arises; *"democracy we have but it does not look like that of the west. Women have their platforms to bring forward their needs and women can advise. No important*

decision is taken without the consent of women. As women and men, we all practice our culture. Our democracy is such that we give each other space for everyone to practice what they want" (CL6). *"we are forced to adapt to what we don't consent to"* (CL14). This statement indicates that women are viewed as a separate people from men, who are only capable to lead or deal with matters patterning to those of women only. Women within this traditional community are perceived to be without urgency or the capability to lead, as stated before, this infringes on rights of women as stipulated in the Bill of rights and against the tenets of the constitution. However, Ndlovu-Gatsheni (2008:66) cautions us not to be quick to conclude that this institution is sexist or undemocratic because long before colonization, this institution has been democratic. In this community it is noteworthy to mention that women do not have liberty to participate in community politics or hold leadership roles.

They elaborate that *"within the Nguni culture, women are respected because she keeps her surname but democracy demonizes traditional authority like it deprives women of their rights that is why when other things happen in the traditional authority they are challenged like we are oppressive. Before white people came here we were living in peace and harmony. It is always the outsider who thinks our ways are wrong or oppressive"* (CL8). Continues *"are you saying that before this constitution was created, black communities were not taking care of their women, and children?... you see that is where we have it all wrong because us as African we have always been taking care of our own families. We do not need somebody from another country to tell us how to take care of your own, for we it's something we can be debated"* (CL7). This study notes that members of this institution are aware that some of their practices are old and limiting but disagree with being told what to do, they would rather come up with the solution themselves: *"yes things have changed and we are not supposed to be eradicating this system of traditional authority in its entirety instead we should be looking at thing we can improve but wishing it away is suicidal"* (CL12). In the above statements this study observes that democracy is seen and understood differently, besides stating that it is a western idea, this traditional authority claims that democracy has always existed in their culture but practiced differently and this is the idea that Ndlovu-Gatsheni (2008:80) and other scholars presents when writing about AmaNdebele kamZilikzai, as discussed earlier. Secondly, western democracy is perceived as an evil because it advocates for equal rights, access and opportunities for both men and women.

Regarding rights, CM35 who is a middle aged woman in the Sokhulumu community, responds:

"There are many rights and there are some which are correct and some are not good, it all depends on context. The only rights that are good, are those which empower women financially and not for the women to be oppressed to stay at home like the old days. The cost of living is too high, we cannot expect the husband to be the only provider. The only right women can get is that to find a job, to contribute to the household and feed the children. We want that right". It is not men who perpetuate this patriarchal system in the community, there

are also women who endorse it. This might be because this is their way of life and it makes sense to them.

The authority sees democracy as a western ideology which is oppressing them. According to legislation, 30 percent of members of traditional council should be women (section 3 of TLGFA). Therefore the traditional authority fails to fulfil the constitutional requirement of gender representation. Representation is important as it reveals how women appear within the community, where and how often women appear or are they are represented. Representation informs if these women are marginalised or if they have equal voices within the community. This study puts it forward that this invisibility of women within the Sokhulumi Traditional Authority can be interpreted as oppression. This is seen as oppression because the discrimination of women is backed up by tradition, culture and history. In communities such as Sokhulumi, tradition, culture and history hold power, this discrimination is therefore institutionalised because men control the institution. Women are only visible in community projects which are devoted to women and home-based care. Women in Sokhulumi are not represented within leadership position and governance structures. This invisibility of women can be interpreted as the silencing of women and their needs.

Women and Leadership Positions

The Nwamitwa-Shilubana Judgement, handed down by the Constitutional Court, on the 4th of June 2008 was a historic judgement which allowed women the right to succeed into positions of traditional authority. The judgement discharged the argument advanced by traditional authorities that the representation of women in traditional leadership structures should be seen in the context that the institution is hereditary in nature and that to preserve the genealogical line, male primogeniture must be maintained. The judgement declared clearly that if women are to be traditional leaders, the custom that a traditional leader has to be fathered by the previous traditional leader must essentially change. Further, it made clear that gender transformation cannot be viewed as the death of traditional leadership (Van der Wsthuizen 2017). The position of the senior traditional leader is one that is contested and there are specific traditions that dictate who occupies this position.

The traditional council at Sokhulumi holds that women cannot ascend the throne, even though they mentioned that it has been done by other kingdoms. The traditional council agreed that women can only take the throne *"if a woman takes the throne, she cannot get married or have a child. Chieftaincy comes from ancestors and it can kill"* (CL10). Adding that *"according to culture only a man has a surname but we treat them all the same. When it comes to chieftaincy there are things or roles that women cannot assume"* (CL2). The traditional authority hold that there should be separations of powers and roles when it comes to gender; *"you see the problem with the current system is we want to take other people's places, in traditional leadership women have their spaces were women report on women matters. If a dispute entails women issues, the council deliberating on the issue will only be women and if the*

dispute involves both so the council will be mixed"(CL3). This comment then raises the question about the flexibility of the structure in being able to accommodate women.

Furthermore, the traditional council claims that the idea of women leading is something that is not new to them, it has always been happening, however, it is culture which dictates how it will occur *"women have always been leading, we've had women like Mmanthatisi who lead the Tlokwa people and with the African groups"* (CL1). There is this accepted idea that for women to uphold leadership positions, they have to deny themselves something because they are not seen as legitimate because they do not have a surname and therefore do not have a voice or the capabilities to lead. There this infringes on the rights of these women as citizens of South Africa. Culture and tradition are not seen as evolving or changing but as strict norms which must be observed at all times, Sithole and Mbele (2008) argue that traditional leadership and customs have always been victim of cultural relativism that is engineered to disable people's ability to rationalize and change culture continuously with reference to specific circumstances. Traditional leaders are aligned with culture and custom and therefore it must not be taken for granted that culture and custom can be change through legislations. This debate about the importance of culture, custom and traditional also features in the responses given by community members. It was mostly women who had wanted to dismantle and do away with it, while men were satisfied with it. *"isiko must be kept the way our forefathers practised it"* (CM41) another said *"we do not need isiko, we the youth must practice what is beneficial for us"* (CM31). It is apparent that there is a clash between modernity and tradition, in terms of adapting traditions and culture within a modern era. I will discuss this subject at length later on. It is therefore important that legislation and policies which are designed to represent women within traditional authority structures must be monitored in order to make sure that they are implemented. Therefore the institution needs to go through a reform, a reform that will liberate women to aspire and assume the position of leadership without compromising their desires.

Experiences of Women of Sokhulumu

At the core of the debate about the existence of traditional authorities is the premise that it should be done away with because it is still patriarchal and oppressive to women. Meer and Campbell (2007:11) argue that the foundation of democracy stems from all citizens having a chance to influence in the political process and therefore, "the centrality of power and authoritarian nature of most traditional leaderships in South Africa, casts doubt on whether the citizens do, in fact have a political voice". Mdoda (in HOT and YI) argues that "without the active participation of rural people in the political processes that aim to plan, implement and monitor rural development, such a programme will not be sustainable". This is to say that when there is no democratic, strong organizations of the rural and marginalized, to contest political power and articulate their interests, participation will continue being weak and lacking of the wanted impact. He further argues that women in rural areas are entitled to equality as

prescribed in the Constitution and Bill of Rights, however there is a continued suppression and under representation. Therefore this study deems it important to listen to the voices of women in the Sokhulum Traditional community.

This study finds that majority of the women interviewed in this community, felt that their needs are not catered for and that their interests are not represented. It is said that the lack of representation of women is due to “maybe women are correct that their interests are never taken into consideration but that is why I raised the issue of the public. Public participation is very important, you can complain but if you are at home nothing can come to your house and say we are here” (GS18). While his sentiments about the importance of public participation are true, he invalidates the concerns of women within this community, arguing that they are not active participants, but how can these women partake actively when the structures within the community are not designed to accommodate them. “public participation is important but the issues of the communication must be brought to public meetings so they can be resolved” (G18). The response of this participant as someone who is in leadership seems not to be mindful about power dynamics at play during these public meetings, the municipal ward councillor overlooks the factor that women can be intimidated to voice their views in public meetings. Therefore, there are feeling of resentment from women in this community; “women might be fed up about this traditional system because men will always be superior to them as long as there's a traditional leader because as women we can only go to the tribal office when there is a meeting but in terms of other issues they cannot even raise their own issues except through the men. So that is why they are sick and tired of these things because they feel that they are being oppressed because I told you that there are issues that as a woman I cannot even talk about them or raise them because I will be tempering on other people's territory” (GS15).

Women in the Sokhulum community might be intimidated because community leadership structures are patriarchal community with men only in leadership positions. This case study confirms Mdoda's claim that local development programmes cannot be successful if there is no active participation from everyone in the community. Or an instance next, to the office of the traditional authority, there is a building, which is bakery that was built for women in the community. However, “the project had not commenced because women in the community were demotivated hence the building is not used” (CL1). Women in the community communicated that they were not interested in a baking project but rather want a place where they can showcase their art, beadwork and traditional clothes that they make. Women expressed that the structure was constructed without their consultation: “we as women in the community of Sokhulum, we have a handcrafted project, farm, harvest chickens, we do pottery, knit grass mats and also perform a traditional dance in our traditional wear. We sell our products, we just need people to buy our products and for the government to help us by

building market stalls for us where people can come to buy our products. We do crafts but there is no one to buy them, this demotivates us, our talent is not seen" (CM37).

Participants who were women voiced that they are never consulted about their needs, "as women we are unemployed and we depend on social grant money and it is not enough to meet our needs and expenses. But we want to work so we can supplement this government grant. We do not get help or have a place to sell our craft. As women we, therefore, want our projects to succeed. We also do painting" (CM387). "They talk about them [needs] but they never deliver. They call meetings but whatever is being discussed won't be done" (CM37). "That does not sit well with us" (CM36). Regardless of the provisions made by the Constitution and other government policies there is still a deliberate representation of women in leadership structures and an obvious culture of ignoring their needs. However, members of the traditional authority are defensive arguing that "with the system we are having it's a bit divisive because it will always tell you that the other one is undermining the role of the other but honestly speaking our primary task we are the custodians of that particular community of their culture, of their everything, so yes there are perceptions but they are being created by this western school. If I may put it that way because we have our own schools where children are taught to respect their elders, in many ways we are having our own schools where women are nurtured correctly to become women and know what they are supposed to do and know the roles they are supposed to be playing as women" (CL6) continues "men are groomed as men and women are groomed as women and there has never been a problem, not at any given time. And even in the case where you are having a learned woman, if they understand the role of traditional leadership some embrace it and attest to the fact that there are no oppressive situations within our community. It is unfortunate that some education will make the other education look inferior or demonise the other education because I can tell you in many instances where African children have been brought up nice and correctly". This paper therefore argues that there is a need for a mechanisms and systems within these communities which ensure that the rights of women are not undermined also enforce these policies to bring about transformation.

THE YOUTH IN SOKHULUMI

Youth participation as a process involving of young people in decision-making within institutions is important because institutional decisions have an impact in the lives of the youth. It therefore becomes important to make them active participants in local development (Checkoway 2012:10). Because they are affected by the decisions taken by these institutions it becomes imperative therefore to increase youth participation in local development (Brennan, Barnett and McGrath 2009:336). Inclusion of the youth in local development is needed because they need to be acquainted with the needs of the community so they can be able to partake in initiatives to benefit them and their needs (Jennings, Parra-Medina, Hilfinger-Messias and McLoughlin 2006:33). Youth participation is important in local development because it can strengthen it and create positive change (Checkoway 2012:15). Pittman

(2000:34) advocates for the involvement of the youth in local development because it instils a social responsibility and a sense of civic. The youth is then afforded a real experience of participation and citizenship which will build them to be efficient and effective participants in communities. Phaswana (2009:6) concurs that youth participation in local development helps them to partake and construct communities they want to inhabit simultaneously developing themselves.

This study found that the youth in the community of Sokhulumi feel that they are not represented within community structures undermined: "in this community, there is nothing that is done to make sure that our needs are catered for. There are not centres helping us to write business plans, CVs, or job opportunities. Some of us do not even finish high or if you it is hopeless because there are no job opportunities" (CM29). Adds "we do not know inkhosi, we hardly see him how then do we know that he cares for us" (CO19). "as the youth, majority of us are unemployed and if there are projects, there is a selected few that are chosen to work on all the projects, they will work on project 1 to project 10 while others are unemployed" (CM30). "Sometimes to get a job you must be a member of the ANC, unless you are a card-carrying member you won't get employment" (CO25). The youth feels that the traditional authority does not represent their aspirations and their needs. They perceive this institution as old-fashioned and want to keep old ways and traditions which do not benefit or present them. As literature as shown, non-participation of the youth in local development of their communities robs them of the privilege of contributing in building their communities. Some participants expressed that they feel that, it seems as if their needs are not taken seriously, "Isiko seems to be more important than us getting jobs and education" (CO26). They argue that the institution does not serve the needs of the people and that AmaNdebele can be able to keep and preserve culture and traditions for themselves without the traditional authority. "I think there is a generational gap, inkhosi and what we want as the youth is different. Inkhosi is still occupied with isiko, isiko is important but providing for our families and realising our dreams as young people is more important. We need to work for our families and create better conditions for those coming after us. Who is representing us in the tribal council, how do they know our needs" (CO21) adds "we don't need inkhosi to keep isiko, we can do that ourselves, our parents can teach us isiko. Nonetheless, isiko in this community has become an annual event that takes place once a year, so I don't under which is being kept here" (CM30). There seems to be a clash between the older and younger generation, the youth is seeking employment to provide their family and keeping custom comes secondary to them.

They youth further complained that at time the traditional council usually hoards facilities that are built for the community, they express that they cannot access or use them freely, "For an example, the tribal office even wants to own municipal properties, since they think they own the land, they also think that property by the municipality is theirs" (CO27), "Everything even the community hall, they think it's theirs, the sports fields they also think they own it. By the

look of things the municipality will end up being fed up because everything they do ubukhosi wants to be involved, this is the thing that will delay development" (CO25). "Even when you want to use the hall you must beg to use it, even when we get what we wanted, they don't make us happy" (CO23). The traditional council laments that said "we cannot assist young entrepreneurs because we do not have a budget, we want to help them. We want to see them developing but how do we develop them because we do not have resources" (CL1).

ACCESS TO THE TRADITIONAL COMMUNITY

The access to the traditional community is done through the senior traditional authority. Any stakeholder who intends to engage the community cannot do so without the knowledge and permission of traditional authority. The senior traditional leader is the main point of entry in the community because the land is acknowledged to be his. When an outsider visits the community, they must first greet the traditional leader as a sign of respect. The idea behind greeting is the understanding that he is the head of the community. The greeting usually requires that the outsider must come bearing gifts such as money, because of the location of the traditional leader from the community, this process is usually handled by members of the traditional council who are full time in the office. Some members of the expressed their discomfort about this process because they assume that the money collected as gifts does not go directly to the senior traditional leader but goes to the pockets of the members of the traditional council and also think that they make up the amount for themselves.

Again this mistrust is as a result of the senior traditional leader not staying among the people in the community. Through conversations with different members of the community, there seems to be a mistrust between the community and the traditional office. This practice to greet the traditional leader does not only apply to persons who are outsiders but also to government departments or structures. They use the traditional authority for mobilisation and communication purposes. However, there is also tension about this process, as at times the traditional authority thinks that the tradition is only done to patronise them, especially when done by government departments. To understand the motive behind going through the traditional authorities in accessing the community there is a need to understand the authority of the traditional leadership. In a patriarchal community as Sokhulumi the senior traditional leader takes the status of the father of the community who must be respected and everything goes through him. *"If the government wants access to our community or do anything, it must gain access to the king. When you come to someone's house you first knock and ask to speak to the elders of that house. The government must ask access from the king and not the municipal ward councillor, the councillor is the inkhosi's child. The government must speak to inkhosi, then the inkhosi will speak to the municipal ward councillor"* (CM42). Adds *"Obviously, they will do like they are observing protocol. They will be coming to the traditional leadership and telling you that we are enrolling a particular program within your community and you must just say yes, yes and it is supposed to be the other way around"* (CL8).

GOVERNMENT STRUCTURES WITHIN TRADITIONAL COMMUNITY

The main governance structure within the community is the traditional authority. At the traditional community level, there is a senior traditional leader who is abetted in the carrying out of his duties by the statutory structure called the Sokhulumi Traditional council. The TLGFA outlines that the duties of both the senior traditional leader and the traditional council. The TLGFA outlines that a traditional council envisaged in section 3 and must do the duties denoted to in section 4: On condition that such a tribal authority must act in accordance with section 3 (2) within seven years of the beginning of this Act. The above provision upholds that for a traditional council to have a legal status it should be reformed to provide accommodations with the values of democracy which the institution is subjected to.

The Royal Family

The Royal Family is a structure which is considered to be central to traditional authority and it is recognised by the government. However, the Royal family is not considered to be a statutory structure. The Sokhulumi Royal Family is according to the TLGFA entrusted with choosing a successor, in the case that a senior traditional leader has passed on, removed or ineffective. The mandate of the Royal Family is to give guidance to the traditional leader in the execution of his duties in accordance with customary law and the customs of the Sokhulumi Traditional Community. This study finds that during my visit to the community and during interviews conducted with members of the community and those in leadership positions there was less mention of the role that the royal family plays, except that of choosing a successor. The traditional council was mostly the key decision-making body within the community.

Headmen

The Sokhulumi Traditional authority is reported to have 12 headmen with some located in Enkangala, farms and Bronkhorstspuit. The TLGFA in section 19 notes that their roles should be performed according to the customs and customary law. However, their roles are not that different to those of the traditional leader but the customary hierarchy on the ground ensures there is the difference in roles performed. The Enkangala district is divided into 4 sections. Namely; Sokhulumi, Enkangala, farms and bronkhorstspuit. The traditional authority claims that all these sections are part of their jurisdiction and hence they have headmen located within these other communities. But the municipal ward councillor claims that only Sokhulumi is under the jurisdiction of the traditional authority. The question is then, what are the roles of these headmen in sections considered to be outside the jurisdiction of the traditional authority. Headmen within these sections form part of the community committee which reports to the traditional authority. They deal with matters such as control the use of the community graveyard and cases brought before the traditional authority. The traditional authority is entrusted with the overall administration of the traditional community. The headmen are considered to be the hands and feet of the senior traditional leader, gathering information on people's needs to the traditional council. However, there still tensions regarding the power that

is afforded the traditional authority: *"you see as I have indicted before the systems are problematic because they come and then take power of traditional leaders in this instance we are reduced"* (CL1). Continues *"we have been reduced to a local authority that is not even resourced because we are having a councillor with his own authority over a traditional community"* (CL6) and *"then you are having a traditional leader having authority also, so in terms of developing our traditional communities is far behind in terms of development with many reasons, one we are under resourced"* (CL6). This alludes to the fact that some of their structures such as headmen are not active due to lack of authority and resources.

Police and Safety

Another important government structure in the community is safe. In South Africa, safety is the primary responsibility of the Department of Police under the SAPS at a community level. The Sokhulumi Traditional Community has no police station within their community. To access the police station, community members have to travel 35 to 40 kilometres. To access the police station community members must spend R50 in taxi fare to travel to Bronkhorstspuit. This is difficult for most of the community members because firstly, majority of the people within this community are unemployed. Secondly, the area has transportation issues, as it is located far away from the main town. Community members also reported that even when they call the police to report a crime that was/or is taking place, the police usually take long or do not arrive at all. Despite not having a police station nearby, community members relatively feels safe within this community, they reported that there is not a lot of crime since the community is still small and everyone knows each other. This was also a shared sentiment among; *"to be safe we are safe as women, we have never had an incident whereby a woman has been killed here in KwaSokhulumi or a rape, never. Ever since I arrived here in 2001 I have never had such crimes taking place"* (CO27).

However, there are some community members who expressed that they are not at ease with the rate which the community is growing at. They fear that this growth will result in an increase of criminal activities. Participant CO21 had some concerns about the growth of the community and the implications thereof, and she was further worried and unsettled about people from other locations moving in to Sokhulumi, her response was *"but we never know in years to come since there are people moving in at the new stands who come from Thembisa and other places, maybe crime will increase"* and *"these days we are scared, I don't want to lie to you, here in Sokhulumi we used to leave in peace but since the place is expanding even criminals activities are starting, we are not safe"* (CO25). There are concerns that this fast growth of their community will disturb their familiar intimacy in the community as one of the participants mentioned that they feel safe because everyone knows each other in the community. *"yes, women are safe in this community, we have never had anything bad happen to women, things like rape and abuse do not happen"* (CM29) but *"we might not know when it comes to people's*

private lives and those who are married" (CM30). The community speaks in unison about its safety as a collective.

Having no police station nearby is a disadvantage for this community because some members of the community resorted to not going altogether. Participant CO24 said *"we have to go to Bronkhorstspuit if we want the police station. We spend too much money, that time we only want to certify documents. We spend R50 just to go to the police station. Even if a crime has taken place, the police will take long to arrive"* (CO24) continues *"our police station is Bronkhorstspuit and this affects us badly because we spend R50 just to have access to it"* (CO25). The youth also reported that they miss out on job opportunities because they have to travel far to certify their official documents and most of the time they cannot afford the journey. Community leaders did mention that *"it is one of the priorities to organise a mobile police station in this community because this place is tribal land, people have respect. In other places, you find that the level of crime is increasing because they taking an advantage that there is no police station"* (GS18).

Other participants expressed that there has been a growing number of criminal activities in the community and community leader said that the reason why police take long to respond it's because *"it is difficult for the police station in Bronkhorspruit to service this block [Sokhulumu] because you don't have street names, street names are useful for emergency services"* (GS18). Other participants had expressed their dissatisfaction with the police stating that *"in this community, you can call the police from nine in the morning and they will not arrive"* (CL14). A school principal in the community also expressed that not having a police station affects her line of work, *"it affects us a lot, to an extent that we even take documents that are not certified from parents of the learners. According to the department of education, learners need to submit certified documents before writing their semi-final and final exams. Even to photocopy in this community is a challenge, we have to photocopy these documents for them because there is nothing they can do. They have to travel to town and all those things"* (GS15). She adds *"the other issues is that the school since my arrival here has been broken into three times and even on the 23rd of December 2017, I was here, they broke in. it affects us a lot. They took Samsung tablets and laptops which were a donation from rural development. 2016 they broke in and stole seven laptops. When you call the police, they delay and last time they told me that for them to come I must also be at the school before they can come, imagine I stay 40 to 50 kilometres away from the school, I must leave my house in the middle of the night before they could come"* (GS18). Community members also raised concerns of not being taken serious by the police when they call *"the police here are slow and there's a problem that when you call them, for an example to report a case of a husband beating his wife, they will ask you many silly questions"* (CM29). *"We do not have a police station and we do not have flushing toilets and health [clinic], we do have it but it's not strong because it does not open 24 hours. And there are some procedures they do not do so they have to transfer you. Our health*

services are still poor. The water we do not have we get them every after three days. We also have schools but the security is not strong, in the past, there has been a lot of break-ins happen, whereby they stole a lot of things" (CM30).

Health services

Healthcare is the primary responsibility of the Department of Health. The community of Sokhulumi has a mobile clinic but *"does not open 24 hours and there are no ambulances, our people die while waiting for them" (CM29)*. Community members complain that they wait long for ambulances and sometimes even their loved ones die while waiting for it. A local group of community health workers who are part of an organization called WBOT which is an abbreviation for Ward Based Outreach Team was interviewed. The organization was established in 2012 and all of its volunteers are residents of Sokhulumi. Their office is located outside the mobile library, their office is a small wooden structure. The field around the office is not kept it has weeds all around it. The office also does not have a toilet or tap for water. WBOT offers services such as postnatal care, home visits, follow up visits, home-based care, community campaigns, deworming, sputum collection, and condom distribution among other services, *"we work with schools, children's day-cares and churches to educate them about health issues" (Participant CO28).*

The WBOT volunteers have gadgets which they use, *"We use gadgets which tell us about possible symptoms and we also have open and closed support groups for those taking medication (Participant CO21)*. These gadgets help to determine a person's diagnosis by typing in the systems that the person is experiencing, then they transfer the person to the clinic. This study finds that they usually find challenges patterning to their age, culture, and tradition. When asked about the challenges which they encounter in the community while doing their work: *"sometimes when I arrive at a home, the people confuse us as people who are there to hand out food parcels or that kind of help" (CO25)*. They also reported that not having water *"makes our job difficult because we tell people to wash their hands after using the toilet or before they eat but that is difficult because people complain that they have little water" (CO24)*. Water is a serious issue in the community and it makes it more difficult for these health workers to do their job since it requires hygiene. The local clinic also utilizes Jojo water tanks to store water which on some days finishes. Therefore this raises health concerns.

The WBOT organization does a lot of work about sex education and this is not an easy task for a traditional community such as Sokhulumi, because *"the community is still cultural; the youth is not free to talk about sex" (CM29)*. In their line of work they have to observe and respect culture and tradition. They reported that *"tradition and culture does affect us in our work because we work with health issues and they are sensitive issues. It is not something you can talk about indirectly, you must be direct. For an example, when you arrive at a home and you find the whole family together, you get that that there are other things which you can't ask or talk about because the parents are my elders. This affects us because sometimes their*

rate of infections increases because we cannot give out the necessary information due to its sensitivity" (CO20). In this community ageism does not only affect those in governance roles but also affects social relations within the community. The team constitutes mainly of the youth, this can present challenges. For an instance the team works with the local high schools as peer educators, facilitating programs about sexual health. It is reported that they are mostly undermined because they are young and that usually affects how they can do the work. *"How can you bring kids to teach kids about sex, what do they know? What do they know because they are peers, they sleep together. This life thing [referring to Love Life programs] were supposed to involve us, involve someone who is old and know about life, what do these kids know about life that they can teach our children"* (CM34). The success of these programmes in the community is that they have helped decreased the rate of teenage pregnancy: *"in 2015 there was a high rate of teenage pregnancy and since the implementation of this program, there has since been a decline. Most of the students reported that poverty and absent parents were the reason given for engaging in early sexual activities. Because our community is very traditional even teachers in school teaching Life Orientation were not free to speak to students about sex. Ever since our programs, students are now free to go to the clinic to seek for services such contraceptives, and HIV testing and we've been also working with the clinic making sure that it is friendly to them."* (CM29). The peer education with Love life has yielded positive results in the community of Sokhulumi. However, they have not been met kindly by some of the community members.

The WBOT health workers who are women reported that it is much more difficult for them, *"our difficulty is mostly with men, as a woman I am seen as disrespectful when I address issues about foreskins and circumcision. In this community, igoma happens every after four years so we are required to teach them about how to clean and keep clean in order to reduce the chance of catching infections or spreading it. They will tell you that isiko is against us addressing such issues"* (CO25). Continues *"most of the time you find that adults want to follow culture, for example we are not allowed to come in, in houses where there is a newborn baby because according to culture strangers can only see the baby after three months, while we are required to go visit these families and teach parents how to correctly bath the child, so that affects us"* (CO26). This study analyses that there is even a clash between tradition and modern medicine because tradition dictates what should and what does not be spoken about. Further, traditions also have the power legitimises or delegitimise certain voices. This further signposts that not all voices are equal within traditional communities.

The idea of culture being fixed and not changing is one that is frustrating even community members, *"in my own view culture and tradition change, for an example we used to know that and accept that for boys to circumcision they have to go to the mountain but now they can also do it here in clinics, slowly it does change"* (CO23) continues *"there is a conflict between what we teach to the community and our culture. Culture advocates for people to wait for*

igoma while we advocate that they go to the clinic for circumcision". There is still a belief that somethings that cannot be changed regardless of time or contest *"as a member of tradition and development we see that things are changing and people must be open to talking about these things but with Amakhosi we are not allowed to talk about igoma unless you have permission"* (CO19). Therefore, it is not only the traditional authority that is struggling with modernity but community members also.

Education

Education is the primary responsibility of the Department of Basic Education. The community of Sokhulumi has three schools, one primary school and two secondary schools. GS15 has been living in the community for five years and has been in the education field for more than 20 years. She mentioned that being a women in this community does not make her job easy. The secondary school in total has 518 learners and 50 percent of them are from the farms, which travel to the school using a scholar transport. It is reported that 35 percent of the learners in the school are orphans or from child-headed households. GS15 reports that the traditional council does not always involve her on matters that affect pupils in her school. For an example, as a woman, she has no say when it comes to matters regarding initiation which is always in conflict with the school's learning program. This report finds that there is a relationship between the school, traditional authority and the municipal ward councillor when it comes to matters of education. However, this relation is not without tension. She describes the relationship between the school and the traditional authority as *"we thank the tribal office because they also made sure that the social development gives these learners from previously disadvantaged families, those poor of the poorest school uniforms, so every year 320 of our learners are getting uniforms from the social department they bring the whole school uniform for 320 learners"* (GS15). However, she laments that because she is a woman she is excluded in the decision-making process. Therefore it is evident that gender relations in the community do not only affect the unemployed or uneducated women but it affects all of them together on different degrees.

The majority of the adult population in the community is unemployed and do not have secondary school education and this presents some challenges for the school and teachers because: *"the major challenge is parental involvement, as I have mentioned most of the learners are orphans, they stay with their grandparents who are not literate enough to understand what is the importance of education those are the major ones."* (GS15). *"for an example we call meetings for grade 12's, gogo does not come, gogo does not understand why a learner should be he till 5 o' clock."* She continues *"the other issues, even some of the parents and community members, we are trying to educate them about the importance of education, especially in matters of traditional issues. Like for an instance when a grade 12 learner has to go to initiation school, going away for 3 months, for the whole term not being at school. Last year we had 4 of them, who had to go away to Initiation School. All of them were*

in grade 12 and then as a woman parse I cannot talk about these things to the parents because I cannot even sit in the tribal office and talk about it. That's the men section, so it becomes difficult to make them understand that the learner is in grade 12 and the learner cannot be away from school for 3 months, they won't make it at the end of the year. So we are trying to educate them about how about they take the learners whilst they in lower grades at least so that when a learner is in grade 12 they don't have to miss school" (GS15).

The relationship between the school and traditional authority is not only affected by patriarchy, non-parental involvement but also tradition affects it. The tradition of boys going to initiation school dates back as far back as Inkhosi uMusi. The initiation is known as *Igoma* which can be translated into a song. *Igoma* happens every after 4 years. According to the records provided it started in 1599. Girls also have an initiation school that they go to when they come of age, which takes place from December till January. This study finds that learners who skip school to attend Initiation School do not perform well, academically when they return. For an example, the performance of the 4 boys who went to the *Igoma* "two out of the four learners who went to the initiation school was intelligent and they managed to pass with a diploma. They did not do well and because initiation happens during university application season, they did not apply for university and the other the two failed" (GS15). She emphasises "that is one of the challenges with traditional issues; this community is more on culture than any other thing". Regarding girls she adds "with girls also, I currently have a report right now that six of them will only be coming to school somewhere in February because they went to the girls initiation school which takes them for 2 months but at least they start their initiation at the beginning of December and come back the first week of February to report at school, so those are some of the things because now the learner will be having a gap and that is going to affect the learner psychologically because they are behind".

This report finds that when it comes to traditional issues, women generally do not have a say in cultural and traditional matters unless it is concerning them. Regardless of GS15 being a principal at this school, she still has no say or role to play and therefore she has to continuously negotiate her way in trying to overcome exclusion and challenges. "We are trying together with the School Governing Body (SGB). I spoke to the SGB and in our community meetings, at least the school is represented. I am sitting in the community meetings and I raised such things in our structure that we are pleading, we know that it's a boy and the father is looking upon the boy that is getting old now but I am a Ndebele and I know that according to culture you can never be too old to go to initiation school., so we plead with them to let the boys finish school than allow them to go there later. But they argue that they are delaying them. But we are trying our level best to talk to the community about it." (GS15). Pertaining to the girls' initiation school "during parents meetings, I ask the parents of the girls that will be going to initiation school to come and plan with me so that in December after exams they can go and then in January they are only behind with a week or two not coming back in January" (GS15).

The odds seem to do be stacked against her; she is a woman, who is a principal in a traditional community that has a great number of uneducated adults. GS15 reports that the community at large does not value education, *"they are starting to value it, let me indicate that when I arrived here in 2013, education was not a priority. They were not even interested in things pertaining to education, for example, things like buying stationary but now they are starting to be serious about the education of their children. Maybe the thing that has made them change is because most of the learners we are teaching now their parents are at the ages 28, 30 you can see such, so at least the parents are understanding the importance of education."* This presents a relationship that is precarious.

The school is well resourced with classrooms, furniture and toilets. *"The department does provide resources though even if we are given, for instance, we are given chemicals, apparatuses and everything for physical sciences we do not have a laboratory. Let me say we are 80 percent resourced, at least we are given most of the things we request"* (GS15). The school has flushing toilets but do not work because the community has a water challenges and they are therefore required to rely on water tanks; *"we do have water though we have a challenge that because they have built us running toilets and we are using tanks, in this community they say we only pump water thrice a week from the water reservoir. Most of the water is used up for the toilets so you find out that mid-week there is no water"* (GS15) continues *"we made a request to increase the number of tanks or create a borehole to use when there is no water"* but on the whole *"all our classrooms have electricity and well kept"* (GS15). This study finds that a school existing in a traditional community such as Sokhulumu does present challenges. GS15 mentions that culture and tradition present challenges for her line of work *"not being part if decision making in terms especially the boy child, the boy child because they don't want even to talk to you during that time of the year. They will tell you that igoma asikuyona yabafazi (initiation school does not concern women), so you don't even have a say. Even the mothers of these boys don't even have a say, they will come to the office to tell you, ma'am, I am also having it tough, the father is saying he is going there. So it makes things very difficult for me because it affects even our targets which we have set for ourselves as a school"*.

GS15 also laments that being a female principal in a community with a dual system of governance affects her work *"yoh! It does because I have to satisfy both institutions and then you can't go to implementing some of the things without informing the tribal office. You have to be cautious in dealing with some of the issues"* she adds that this dual system does not affect her but also the community as a whole *"I think the very same thing I was talking about, that the municipal ward councillor and the traditional authority have made things difficult for the community. employment around here is rift, most of the parents of the learners we are teaching are not employed and hence even a small project that is coming in, there is always a fight, even posts that are advertised, for an example if you have one post, almost the entire*

community applies for it and it becomes a problem because selections of individuals are always questioned. These people around here are not taken care of". It is therefore obvious to see that the relationship between traditional authority and the elected municipal ward councillor is important as it does affect even the education facet of the community.

Library

The Sokhulumi community has a mobile library, which has one librarian and two security guards. The library is the responsibility of the Department of Arts and culture. The collection of books, the library has have been recent. The library works in collaboration with local daycare offering programs such as storytelling, drama and playtime. Participant GS16 who is the librarian, who moved to Sokhulumi because of employed and who is still a youth, reported that *"This library serves three schools in the community, 2 being local primary schools and one high school".* The library does not have water, flushing toilets but has electricity: *"The library does have electricity but does not have water or running toilets. There is a designated water station for the kids should they need to drink water. But we do not have internet which means that capturing data has to be done manually such as when recording the number of books taken out"* (GS16).

Participant GS16 is important because he provides an outsider experience and perspective to this study. He expressed that there are differences, relocation from an urban place to a traditional community. *"Polokwane is developed; we have running water, electricity, and sanitation. Things are closer in Polokwane, malls, banks and shops. While here things are far, I have to travel to other towns in order to be able to gain access to malls and banks. The only nice thing here in Sokhulumi is that things are free and cheaper and that the community is involved in decision making of programs or developments that are taking place. However, I think that consulting everyone might be the reason that some programs take long to materialise."* (GS16). He expresses that local development in this community might be delayed because of the long process of consultation. This might affirm the argument that elements of democracy have always been and continue to be present within the institution of traditional leadership. When questioned about the relationship the library has with both the institutions: *"I am hired by the Tshwane Municipality, therefore I only deal with them, and on my professional capacity I do not interact with the ward councillor or the traditional. I do not report anything to them regarding the library and its activities"*. It seems like other it functions independently from traditional authority.

It is important for this research to look at different structures within the community because they are also impacted by this dual system of governance. How these structures relate and navigate this community which has two centres of power both important and interesting. During this study, it was evident that the traditional authority has the power to approves or disapprove certain activities within this community. Due to the presence of traditional authorities in this community even how some projects are run are at the mercy of the traditional

authority? Further, the discussion was interesting at how local development can be slowed down or fast-tracked

CONCLUSION

The relationship between traditional authority and the municipal ward councillor at local government is one that is envisioned by different pieces of legislation, government policies and scholars to be able to co-exist can result in fruitful local development. But how legislation is written does not guarantee that it will be interpreted the same at ground level and result in a good relationship between these institutions. This chapter has further discussed how this breakdown in the relationship between traditional authority and the municipality ward councillor affects how government structures function in the community. This chapter has highlighted that at ground level this relationship is actually complicated by many different factors such as clarity of roles. Because there is no clarity of roles what happens is that on the ground there is an overlap. The relationship between these two institutions is further strained because of legitimacy debate, that one is seen legitimate because it is elected. In the community of Sokhulumi what further causes the strain is that there is no definition of jurisdiction and therefore there are clashes on how far each other institutions authority runs and who has the authority to make what decisions. This study finds that because there is a power struggle between traditional authority and the municipal ward councillor this affects local development because decision-making becomes a complicated process. This chapter has further discussed the perceptions and experiences of the community leaders regarding their roles and it is evident that they always defined themselves in relation to who has more power and who is more legitimate. This chapter discussed the experiences and perceptions of the community members and because the community is not homogenous, the experiences vary across age, gender and social class. This chapter has also discussed how modernity and democracy affect this relationship between the traditional authority and the municipal councillor.

CHAPTER 5

CONCLUSION

INTRODUCTION

The research question that this study asked was “what is the relationship between traditional authority and municipal ward councillors and its impact on local development?” with an objective to explore the relationship between the traditional authority and the municipal ward councillor and the impact it has on local development within the community of Sokhulumi and further, to investigate how the interface between traditional leaders and municipal councillors is expressed. The institution of traditional authority has faced a lot of opposition regarding its recognition and giving it a role in the local sphere of government. This institution is endangered with growing debates advocating that it is irrelevant and a threat because of modernity and democracy. To achieve the objectives, Sokhulumi traditional community was selected as a case study because it presented characteristics which this study is interested in, which is the co-existence of traditional authority and municipal ward councillor. This report employed a qualitative research study; which entailed looking at primary and secondary literature, document analysis, participation observation and casual conversations and interviewing participants. This study was interested in different groups of people, the first group of participants were those who held leadership positions within the community such municipal ward councillor, members of the royal family, members of the traditional authority, and NGOs or community-based organizations. The second group of participants were community members and residents. This was done so to obtain rich data telling of the experiences and perceptions of those within leadership structures and of ordinary community members. The participants of this study were recruited via snowballing whereby a participant would introduce me to another. Most of the interviews were conducted in isiZulu or IsiNdebele and later transcribed and translated into English.

The first part of the question is concerned with the nature, dynamics and power relations between the traditional authority and the municipal ward councillor. The findings suggest that the relationship between traditional authority and the municipal ward councillor is one that is precarious and dysfunctional. The first factor which contributed to the relationship not working is the overlap of roles. In the local sphere of government, there is no separation of roles between the traditional authority and the municipal ward councillor, this overlap, therefore, causes a strain in the relationship between the two institutions. For example, there is no clear procedure of who should be consulted because both the traditional authority and the municipal ward councillor feel strongly about being custodians of local development. As a result, there are tensions as to who should be consulted and who has the power to make decisions regarding the community of Sokhulumi. The second factor which is related to the first, is the issue of overlap of roles is exacerbated by the fact that different pieces of legislation and the constitution have assigned to both these institutions a developmental role in the community

but failing to provide defined and separate roles. This traditional authority laments that the constitution and legislation seem to be giving more power to the municipal ward council than them. Participants from the traditional council expressed their distress that they are expected to partake in the local development of their community, but they are not provided with any resources to carry out the duty.

The findings suggest that the third factor which puts a strain on this relationship is the hierarchy. Since there is no clarity of roles, there is squabble as to who comes first in the "organizational" hierarchy. This research finds that both the representatives of each institution relate to each other as subordinates. This is evident in how each institution deems the role of the other to be. For example, the municipal ward councillor is said to have reduced the role of the traditional authority to only identify needs and advising. Surprisingly, the traditional authority also reduced to the responsibility of the municipality to only that of identifying needs and later contradicting themselves. However, in the definition of the other, both their responses there is a desire to be seen more superior to the other. The findings further suggest that between the traditional authority and municipal ward councillor there is no fundamental understanding of what it means to be leaders in a community with a dual system of governance. This is evident in how no one speaks about co-governing except that both of these institutions are responsible for the identification of needs of the community. However, the traditional authority showed understanding that for them to play an active role in local development, it will require co-governance, as long as they are granted seniority. This research finds that therefore the subordination of who comes first is the stumbling block to building of a working relationship that will be effective towards the local development of the community, which will mean effective delivery of services.

The fourth factor which puts a strain on this relationship is the idea of legitimacy. This research found that the municipal ward councillor regarded itself as legitimate because it was elected into office and therefore legitimate to be leader local development initiatives in the community. The traditional leader is therefore not regarded as legitimate to lead initiatives but only to advice. On the contrary, the senior traditional leader sees itself as boundless and legitimate on partaking since it holds land in custody and the municipal ward councillor as illegitimate because he is young. The fifth factor which emerges was fiscal power. The traditional authority argues that they are denied fiscal power as a way to control them and enforce restrictions of the constitution. It is evident than from the abovementioned factors that the struggle in this community between the traditional authority and the municipal ward councillor is one about power, both of them want to gain the total power to govern, decide, and lead. Each of the representatives of these institutions wants local development to happen on their terms without being accountable to each other.

While there is ongoing contestation over roles and power struggles between the traditional authority and the municipal ward councillor, this study found that most of the participants who

were community members were not well informed on what are the roles of these institutions. This dual system of governance within the community of Sokhulumu has left some of the community members confused in regard to how the roles of these institutions converge and diverge. This could be because there is not enough information that seeks to educate residents about the different roles that these institutions ought to play in the community. Majority of the participants did not know for sure but were just assuming, when asked what the role/s of a specific institution is. However, participants showed some clarity and were confident when asked about the role of the municipal ward councillor, compared to when asked about the role of the traditional authority. The participants showed some misperception on what is the role of traditional authority in relation to local development; most of the participants only restricted the traditional authority to only being the custodian of tradition and customs, even when I asked to elaborate further, they did not fully understand what it means for the senior traditional leader to be the custodian of traditions and culture. They put forward that custom is something that is personal and practices in the privacy of their own homes.

Due to the contestation of roles between the traditional authority and the municipal ward councillor, community members not well informed on who does what in the community, what emerged was that there is a mistrust that has developed. Since there is no information/education on who does what in the community and the conflicts between these two institutions, community members have lost trust in the ability of both these institutions to bring about development. The community had also raised suspicious of corrupt activities taking place in the office of the traditional leader and the municipality because there is no transparency. Moreover, the community had developed more mistrust towards the senior traditional leader because he stays far from the community. Participants mentioned that they felt deserted by him and not cared for, arguing that an *inkhosi* must at all times be found among his people. This research found that some of the participants who were community members shared the same view with the traditional council that they are being undermined and overpowered. And almost with a unified voice, most of the participants expressed that the breakdown in relationship slows down local development in their community. The findings suggest that participants across all age groups, most participants did not want to do away with traditional authority instead advocated for a co-governance. While older participants spoke more strongly about keeping and protecting the institution of traditional authority. While the youth did not want to do away with the institution of traditional authority, however, preferred that the mandate of local development be spearheaded by the municipal ward councillor. In the community of Sokhulumu, the senior traditional authority seems to symbolise something far deeper than just a governance system. The traditional authority in the community seem to represent something far deep, and unarticulated to/or for them but at the same time conflicted about his presence.

The second part of this research question is concerned about the impacts this relationship between the traditional authority and municipal ward councillor has on local development. Above a discussion on the impacts, this relationship has on the experiences of the community members, has been discussed. This section focuses on the impacts it has in relation to local development. As described above, the relationship between these two institutions is precarious and dysfunctional. This study looked at different structures within the community and how this relationship affects their ability to deliver services effectively and efficiently. In chapter 4, seven structures which are recognised by the TLGFA and government structures are discussed. This research found that in some instances, the bad relationship between the traditional authority and the municipal ward councillor does get in the way of providing certain services in the community. The reasons vary but one that emerged frequently was that due to the long processes of consultation, it staled the decision-making process. For example; this research found that safety was not a priority because there is an assumption that there is currently no criminal activities. The traditional authority sees this as the sole responsibility of the municipal ward councillor, while the municipality did not see this as an urgent issue. The inaccessibility of the police station and its services was a common theme that emerged among community members and the expense they inquire in order to gain access to the police station.

When it came to health issues, this study found that because the senior traditional leader is regarded as the one who owns the land, he had the deciding power on which NGOs or organisations can enter the community. In terms of health, this research found that it is not only the bad relationship that affects them but also the traditions. This research found that for example women in health were prohibited from talking about issues which related to the health/well-being of men or older women. This research found that tradition can also be a factor which can impact on local development because some organizations were rejected based on the idea that they disrespect culture. Furthermore, the traditional authority also impacted on the governance of the school, this research found that the principal or the school governing body could not take decisions without involving the traditional authority or the municipal ward councillor. Therefore, the principal had to be cautious in how decisions are taken because both institutions have to be consulted and pleased. Tradition also dictated how the school is run, for example when the season for initiation came, learners were expected to be released to go and attend. The dual system of governance in this community also affects different structures as they continuously have to navigate their way in between these institutions and take decisions which will please the traditional authority, municipal ward councillor and the community. This research also found that these structures are also used as a way to exercise or show the extent of one power/authority. The tension between traditional authority and the municipal ward councillor affects the delivery of services delivery as they hold the different power to make decisions in the community.

However, the tension and power struggle which strain the relationship between the traditional authority and municipal ward councillor is that their role is not clearly articulated and separated from that of the municipal ward councillor. At a local sphere of government, traditional authority and municipal ward councillor can both exist and work together in bringing about local development but this will require that the role of the traditional authority be clearly defined and not merely limited to advising or just identifying the needs of the community as it is currently. Therefore, the idea that traditional authority is not compatible with modernity and democracy should be rejected. Instead, the traditional authority should go through a process of public-sector improvements so to reintegrate it and afford it more power and not only an advisory function. Further, power will give them the opportunity to voice their views and for them to be taken into consideration when decisions which affect the community they are serving are made. This will aid in this relationship to be one that is working and beneficial for local development. The institution of traditional authority has to be open to the understanding that tradition and modernity are continuously interacting and evolving, and this does not mean that they have to lose their historical sight in the process of reimagining themselves in the democratic dispensation.

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APPENDICES

Appendix 1: Table of Participants

Participant	Gender	Age group	Structure
COMMUNITY LEADERSHIP			
CL 1	Male	Adult	Traditional Authority
CL 2	Male	Adult	Traditional Authority
CL 3	Male	Adult	Traditional Authority
CL 4	Male	Adult	Traditional Authority
CL 5	Male	Adult	Traditional Authority
CL 6	Male	Adult	Traditional Authority
CL 7	Male	Adult	Traditional Authority & Royal House
CL 8	Male	Adult	Traditional Authority & Royal house
CL 9	Male	Adult	Traditional Authority & Royal House
CL 10	Male	Adult	Traditional Authority & Royal house
CL 11	Male	Youth	Traditional Authority
CL 12	Male	Youth	Traditional Authority
CL 13	Male	Youth	Royal House
CL 14	Female	Adult	Royal House
GOVERNMENT STRUCTURES			
GS 15	Female	Adult	Education
GS 16	Male	Youth	Arts & Culture
GS 17	Female	Adult	Health
GS 18	Male	Youth	Municipality
COMMUNITY ORGANISATION			
CO 19	Male	Youth	Health
CO 20	Female	Youth	Health
CO 21	Female	Youth	Health
CO 22	Female	Youth	Health
CO 23	Female	Youth	Health
CO 24	Female	Youth	Health
CO 25	Female	Youth	Health
CO 26	Female	Youth	Health
CO 27	Female	Youth	Health

CO 28	Female	Youth	Health
COMMUNITY MEMBERS			
CM 29	Male	Youth	Community member
CM 30	Male	Youth	Community member
CM 31	Female	Youth	Community member
CM 32	Female	Youth	Community member
CM 33	Female	Youth	Community member
CM 34	Female	Adult	Community member
CM 35	Female	Adult	Community member
CM 36	Female	Senior Citizen	Community member
CM 37	Female	Senior Citizen	Community member
CM 38	Female	Adult	Community member
CM 39	Male	Adult	Community member
CM 40	Male	Adult	Community member
CM 41	Female	Senior Citizen	Community member
CM 42	Male	Senior Adult	Community member
CM 43	Male	Adult	Community member

APPENDIX 2: Interview Guide for Community Leadership & Organizations

PART A: General Questions

1. Please help me understand Sokhulumi traditional community in regard to its jurisdiction, development, history, livelihood, economy and governance?
2. Do community members have access to water, sanitation, electricity and other basic needs? Please explain.
3. What structures are involved in the development and governance of the Sokhulumi community?
4. Who is responsible for decision-making in the community when it comes to development and governance?
5. What is the role of the diverse groups (youth, women, traditional authority and men) in this community with regard to governance, development, and service delivery?
6. What is the role of the municipal ward councillor in the community? Include structures such as ward committees
7. What is the role of the traditional authority in the community? Include structures such as the Royal family
8. Describe the relationship between the municipal ward councillor and the traditional authority, and the community? Provide examples?
9. How does the municipal ward councillor and other organizations gain access to the community?

PART B: Provision of Basic Services

10. Who is liable for the identification and provision of community requests such as electricity, health-care, water and education in the community?
11. How are community wants and needs identified? Please explain the process.
12. What is the role of community members, municipal ward councillor and traditional authority in the identification and provision of community needs?
13. What is the relationship between municipal ward councillor, traditional authority, and community in identification and provision of basic services?
14. What are the benefits and challenges with regard to the current authority liable for development and service delivery? Provide examples.
15. How does the current system on the issues of local development and service delivery impact on the community? Provide explanation.

PART C: Conclusion Questions

16. What are the challenges and benefits of having a traditional authority in the community? Provide examples.
17. What are the challenges and benefits of having a municipal ward councillor in the community? Provide examples
18. What are the challenges and benefits of having both the municipal ward councillor and traditional authority in governance? Provide explanation.
19. How does the existence of both municipal ward councillor and traditional authority together impact the community? Provide explanation.
20. Do you have a preferred governance system in this community? Please explain.

APPENDIX 3: Interview Guide for Community Members

1. Please help me understand Sokhulumi traditional community in relation to its jurisdiction, development, history, livelihood, economy, and governance.
2. Do you have access to water, electricity, sanitation and other basic needs? Please explain
3. What are the structures involved in the development and governance of the community?
4. Who is responsible for decision-making in the community with respect to development and governance?
5. What is the role of the diverse interest groups in this community with regard to development, service delivery and governance?
6. What is the function of the municipal ward councillor in the community?
7. What is the role of the traditional authority in the community? Including other structures such as the Royal family
8. Describe the relationship between the municipal ward councillor, traditional authority and the community? Please provide examples
9. How does the municipal ward councillor and other organizations gain access to the community?
10. How does the existence of traditional authority together with the municipal ward councillor impact on the community regarding the following:
Delivery of services such as electricity, water, education, health care, infrastructure and maintenance of therefore
11. What are the challenges or benefits of having the traditional authority to the community? Provide examples.
12. What are the challenges or benefits of having a municipal ward councillor to the community? Provide examples
13. What are the benefits and challenges of having both municipal ward councillor and traditional authority in governance? Provide explanation
14. Do you have a preferred governance setup in this community? Provide explanation.

APPENDIX 5: Consent Letter

Letter of personal introduction by the researcher (consent letter)

Dear respondent

A Consent Letter

My name is Mpumelelo Phakathi, studying towards my MA in Development Studies at the University of the Witwatersrand. I work under the supervision of Professor Jacklyn Cock. I hereby request your participation as an interview respondent in my research study. You are therefore, identified as a possible research participant because you fit the criteria set for selection. Your involvement in this study is voluntary, so you may choose to participate or not. This sheet will explain to you the study I am undertaking and please feel free to ask questions about the research if you have any. I will explain anything in r detail if you wish.

Purpose of the Research Project

The purpose of my research is mainly to understand the role of traditional leaders in the development of their communities in relation to coal mining and wealth utilisation in the community. Further, this study seeks to understand the relationship between elected counsellors and traditional leaders. The study also seeks to understand the relationships between the community and the mining companies.

What to expect during the interview

I will start the interview by asking general biographical information (age, nationality, ethnicity, education and skill levels, etc). This will be followed by an unstructured interview which should take at most 1½ hours. I will also ask for your permission to tape-record the interview with you, which will be transcribed later. You will be given the opportunity to review the transcript and make corrections, and the tapes will be erased when the study is complete.

Benefits to participating

You may not personally or financially benefit from participating in this research project. However, the information that you will provide will be vital in bringing about important findings that will assist NGO's and governments, especially the South African government, in effectively dealing with the challenge of developing appropriate policy

Frameworks for regulating business and social partnerships between local communities and mining corporations.

Risks or discomforts to participating

You might feel a bit uncomfortable with the use of a tape recorder, however, be assured that all information obtained from you will be used strictly for academic purposes. Therefore there are very minimal chances of harm on your side as a respondent. Should you feel any discomfort or uneasiness with sharing any information with me, ask me to move on to the next question. I will keep confidential all mentions of third parties in these interviews. When I contact a third party that you mention during the interview, I will not reveal your details as an informant. In my presentation and publication, I will maintain anonymity of all respondents.

Confidentiality of your responses

I also request to use your responses as a research source and may sometimes cite them as direct quotes in my report. In all publications or presentations resulting from this research, your individual privacy will be maintained. I shall maintain the principle of anonymity at all times when using the quotes from your interview, even if I may use other references to your identity such as job, education level, gender, nationality, etc. I will store the tapes, field notes and transcripts in a locked filing cabinet when not in use. (I will then destroy all those that I finished using in such a way that no usable information can be extracted from them).

Voluntary participation & your rights

Your participation in this project is entirely voluntary, and you can choose to stop at any time without any negative consequences. You can also refuse to answer any question(s) for any reason. You can stop the interview at any time, or ask that the tape recorder be turned off for certain answers and then turned back on.

Kind Regards,

Mpumelelo Phakathi (MA student, University of the Witwatersrand)

Contact information:

Should you require further information, do not hesitate to contact the following:

1. Mpumelelo Phakathi

Department of Development Studies, University of the Witwatersrand

Cell: +27 (0) 84 2950 355; Email: phakathi1993@gmail.com

2. Professor Samuel Kariuki

Supervisor, Department of Sociology, University of the Witwatersrand E-

mail: Samuel.Kariuki@wits.ac.za office number: [011 717-4435](tel:0117174435)

All of my questions have been answered and I wish to participate in this research study.

Signature of participant

Date

Print name of participant

Date

Name of investigator

Date

APPENDIX 6: Ethics clearance certificate



SOSS Human Research Ethics Committee

Clearance Certificate

Protocol Number: DEV/18/02/02

Project Title: 'The relationship between traditional authorities and municipal councillors and its impact on local development: A case study of AmaNdebele Ndzundza Sokhulumi community'

Investigator's Name: Mr Mpumelelo Phakathi, 671931

Department: Development Studies

Date Reviewed: February 2018

Decision of Committee: Approved

Expiry Date: March 2020

Date: 02 March 2018

Head of School: 
Professor Mucha Musemwa

CC supervisor: Professor Samuel Kariuki



Declaration of Investigator

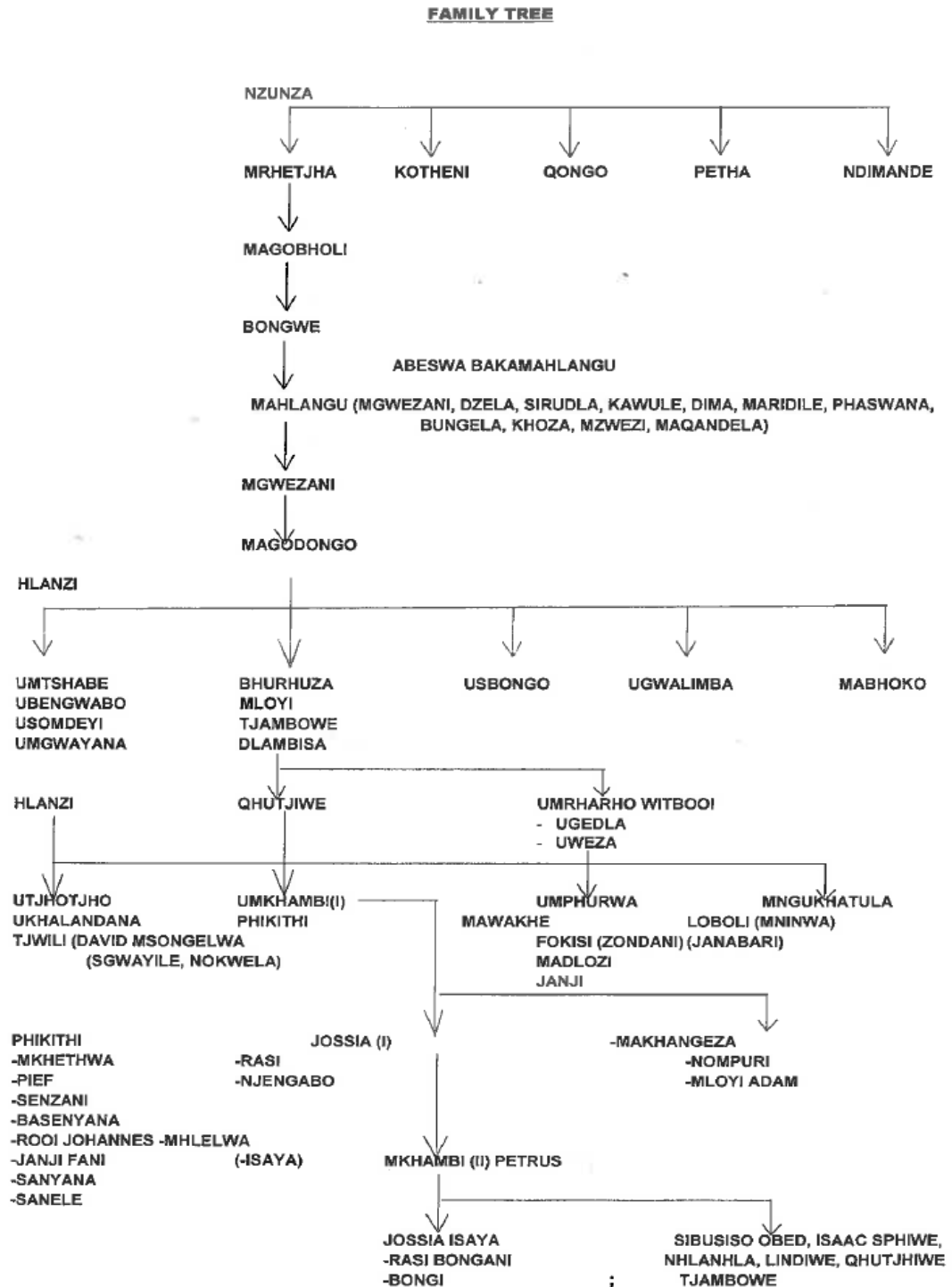
To be completed in duplicate and one copy to be returned to Ms. Sarah Mfupa in the School of Social Sciences, Room 152, 1st Floor, Robert Sobukwe Block.

I fully understand the conditions under which I am authorised to carry out the abovementioned research and I guarantee to ensure compliance with these conditions. If any departure from the research procedure as approved, I undertake to resubmit the protocol to the committee.


Student Signature

20/06/2018
Date

APPENDIX 7: Nzunza Family Tree



APPENDIX 8: Initiation Periods for males & Females

IMINYAKA YENNDANGA ZOKUWELA

UKUSUKELA NAKUBUSA IKOSI UMUSI KAMHLANGA .

UKUFIKELA ESIKHATHINI SAKAMAYITJHA WESITHATHU

AMasinya	1599	1659	1719	1779	1839	1899	1959
AMaphogo	1603	1663	1723	1783	1843	1903	1962
AMarhorha	1607	1667	1727	1787	1847	1907	1967
AManghana	1611	1671	1731	1791	1851	1911	1971
AMaduba	1615	1675	1735	1795	1855	1916	1975
AMadlowu	1619	1679	1739	1799	1859	1919	1979
AMadlhari	1623	1683	1743	1803	1863	1923	1982
INyathi	1627	1687	1747	1807	1867	1927	1985
AMarudla	1631	1691	1751	1811	1871	1931	1989
AMagawu	1635	1695	1755	1815	1875	1935	1993
AMadzibha	1639	1699	1759	1819	1879	1938	1997
AMathula	1643	1703	1763	1823	1883	1943	2001
AMadlaza	1647	1707	1767	1827	1887	1947	2005
AMarhasa	1651	1711	1771	1831	1891	1951	2009
AMadugu	1655	1715	1775	1835	1895	1955	2013

UKUKHULA KOMNTWANA WESIFAZANA

1.....Nasemncani	kuthiwa	Mntwana
2.....Akulakhule	kuthiwa	Mntazanyana
3.....Aphuhle amabele	kuthiwa	Litlawu
4.....Athombe	kuthiwa	Mntazana
5.....Nasele alungele ukwenda	kuthiwa	Mdzidlha
6.....Uyenda	kuthiwa	Mlobokazi
7.....Umfazi osesemtjha	kuthiwa	Liqhakazana

APPENDIX 9: Pictures



Figure 1 Traditional Council



Figure 2 local women and the Queen



Figure 3 senior traditional leader



Figure 4 The unfinished bakery



Figure 5 Local Library



Figure 6 The traditional Office