

CHAPTER TWO

AUTHORITY STRUCTURES AND WATER SUPPLY IN THE NSIKAZI DISTRICT

2.1 INTRODUCTION

This chapter provides a brief outline of the history of the ruling lineage of the Mdluli people of the Nsikazi district of Mpumalanga where the research was done, as well as a brief description of the Mdluli indigenous authority system and its function. The Mdluli history and indigenous authority system is discussed in the context of the history of the former homeland KaNgwane, which today forms part of the South African province of Mpumalanga. It is important to note the people of the former KaNgwane's relation to Swaziland, if the South African Swazi's indigenous authority system is to be understood.

The Mdluli indigenous authority structure serves as an important basis from whence the role of provincial and local government bodies in water provision can be outlined. Without this background, the implication of water provision infrastructure in the two settlements and the maintenance thereof cannot be fully understood. A description of the different roles played by provincial, local and indigenous authorities in water supply is also given to clarify the structure of a community development project and indicate the development process. Furthermore, the history and future planning of water supply infrastructure in the Nsikazi district is discussed to show a shift in the South African Government's emphasis on such developments.

2.2 CONCISE HISTORY OF THE SWAZI OF THE FORMER KANGWANE

The people of the two settlements in the Nsikazi district where the research was done, namely Makoko and Phameni, are not all Swazi. The population of the two settlements also includes Zulu, baPai and Nhlangu. The Swazi culture is, however, dominant. Spokespersons from the two settlements describe themselves as living "as Swazis" and as



adhering to elements of the Swazi culture. This is the result of strong Swazi influence on the non-Swazi people in the two settlements. In view of this fact, it seems necessary to give a short summary of the history of the South African Swazi people, how they came to live in the former homeland of KaNgwane (now part of Mpumalanga) and how they became dissociated from the kingdom of Swaziland.

2.2.1 Relationship with the Swazi of Swaziland

The Swazi of the RSA and of Swaziland share the same history up to the middle of the nineteenth century. In the mid-eighteenth century, the Swazi king, Ngwane III, and his followers were the first “Swazi” people to occupy the territory today known as Swaziland. They moved into this area from northern KwaZulu-Natal via southern Mozambique. These people became the ruling clan in Swaziland, namely the *Nkosi Dlamini*. At that time, they subjugated a number of tribes, mainly Sotho, in the area which is today known as Swaziland. Ndvungunye succeeded Ngwane III and was in turn succeeded by Sobhuza I. In 1844 Sobhuza I was succeeded by his son, Mswati I. It is from the name “Mswati” that the name of the people was eventually derived, and they became known as *emaSwati* (Mabuza 1983:2,3).

During the reign of King Mswati I, a number of Swazi princes moved out of Swaziland to settle in the areas formerly called the Eastern Transvaal and Northern Natal. After a dispute between Mswati I and two Swazi princes, namely Malambule (who acted as regent after Sobhuza I died in 1839) and Malambule’s half-brother, Prince Somcuba, the two princes and their followers fled from Swaziland. Prince Somcuba settled near the Crocodile River in the former Eastern Transvaal and was later killed by King Mswati I for performing his own *Incwala* ceremony. The *Incwala* ceremony celebrates the first fruits of the season and may only be performed by the Swazi king (Marwick 1966:270). After the death of Somcuba, his surviving sons fled to Sekhukhuniland. Prince Bhevula, who also fled from Swaziland during the reign of Mswati I, settled in the White River district after the Anglo-Boer war. Prince Nyamayenja, another descendent prince, was driven out of Swaziland by King Mswati I. Nyamayenja and his followers, later known

as the Ndlela, settled in the Piet Retief district in the area formerly called Northern Natal (Mabuza, 1983:3).

King Mswati I died in 1858. His son Ludvonga later succeeded him in 1868 (Kuper 1963:10). Mswati's elder son, Mbilini, who contested the succession of Ludvonga, fled from Swaziland with the *iNyatsi yaMswati* regiment and was later given asylum by King Cetshwayo in Zululand. Some of Mbilini's subjects did not follow him into Zululand but settled in what are today the Barberton, Nelspruit, Carolina and Ermelo districts.

Prince Mabhedla also disputed Ludvonga's succession and had to flee to Sekhukhuniland with his followers. Prince Dantji of the Mpakeni tribe settled in the Barberton area after a dispute with one of his brothers. The exodus of these Swazi princes from Swaziland during and after the reign of King Mswati I is the reason for the great number of Swazi people who today live outside Swaziland's boundaries in South Africa (Mabuza 1983:4).

The border between Swaziland and the former Zuid-Afrikaansche Republiek was settled by the Pretorius and Alleyne Commissions of 1866 and 1879 and later ratified by the Pretoria Convention of 1881 as well as by the London Convention of 1884. This meant that all Swazi chieftains in South Africa fell under the authority of the Union of South Africa after 1910 and under the Republic of South Africa after 1961. With the establishment of the Swazi Territorial Authority in April 1976 and the later KaNgwane Legislative Assembly in October 1977, the Swazi of South Africa became a self-governing people within the context of the former homelands with their own central authority within KaNgwane (Mabuza 1983:4; Republic of South Africa 1951).



Table 2.1. Exodus of Swazi princes from Swaziland during and after the reign of King Mswati I (1844-1858)

King Mswati I	Became the Swazi king in 1844 in the area today known as Swaziland.
Prince Somcuba	Fled from the area today known as Swaziland during the reign of King Mswati I and settled in the former Eastern Transvaal near the Crocodile River.
Prince Bhevula	Fled from the area today known as Swaziland during the reign of King Mswati I and settled in the White River district.
Prince Nyamayenja	Driven out of the area today known as Swaziland by King Mswati I and settled in the Piet Retief district.
Prince Ludvonga	Succeeded King Mswati I in 1868.
Prince Mbilini	Fled from the area today known as Swaziland and was given asylum in Zululand
Prince Mabhedla	Fled from the area today known as Swaziland and settled in Sekhukhuniland
Prince Dantji	Left the area today known as Swaziland after a dispute with one of his brothers and settled in the Barberton district

During the reign of King Mswati I

After the death of King Mswati I

2.2.2 Political development of KaNgwane

The Swazi Territorial Authority was established on 28 November 1975 in terms of Section 2(1)(c) of the Black Authorities Act of 1951 (Republic of South Africa 1951). The Swazi Territorial Authority was given authority over three existing regional authorities, namely the Nkomazi Regional Authority, the Nsikazi-Legogote Regional Authority and the Mlondozi Regional Authority.

These three Regional Authorities were established in terms of Paragraph (b) of Sub-section (1) of Sub-section 2 of the Black Authorities Act of 1951 (Republic of South Africa 1951).

- The Nkomazi Regional Authority in the Barberton district was established on 31 December 1959.
- The Nsikazi-Legogote Regional Authority in the Nelspruit district was established on 2 November 1962.
- The Mlondozi Regional Authority in the Carolina district was established on 3 October 1975.

In terms of Government Notice No 1291 of 17 August 1962, six Tribal Authorities fell under the Nsikazi-Legogote Regional Authority. These six Tribal Authorities included

- the Mdluli Tribal Authority;
- the Gutswa Tribal Authority;
- the Nkambeni Tribal Authority;
- the Mpakeni Tribal Authority;
- the Masoyi Tribal Authority; and
- the Mbuyane Tribal Authority.



The two settlements where the research for this study was done, namely Makoko and Phameni, are respectively located within the areas of the Mdluli and Gutswa Tribal Authorities.

In 1976 the Swazi Territorial Authority had twenty-eight members of Parliament with *Sikhulu* J.M. Dlamini as Chief Executive Officer. Internal political strife in KaNgwane lead to the dismissal of *Sikhulu* Dlamini as Chief Executive Officer and to the election of Mr E.J. Mabuza to the position in March 1978 (Mabuza 1983:6). In line with the Constitution of the Republic of South Africa, No 200 of 1993 Annexure 1 (Republic of South Africa 1993), the KaNgwane Legislative Assembly, established in accordance with Article 1 of the Constitution of Self-Governing Territories (Republic of South Africa 1971), became part of the South African province of the Eastern Transvaal after the 1994 elections. The name of the Eastern Transvaal was changed to Mpumalanga in 1995.

2.2.3 Constitutional development: the role and function of tribal chiefs

The first official acknowledgment of the position of tribal chiefs in the Union of South Africa came with the acceptance of the Native Administration Act (Act 38 of 1927) (Breytenbach 1975:4). Proclamation 110 of 1957 describes the powers, duties and responsibilities of chiefs of Tribal Authorities and of headmen of Community Authorities. Els (1996:106-108) discusses this Proclamation in detail. Hartman *et al.* (1993) describe the development of the role and function of tribal authorities in detail.

The “interim” Constitution of the Republic of South Africa (Republic of South Africa 1993) states that all former self-governing territories and independent territories in South Africa are now united and regarded as national territory. Traditional authorities are acknowledged by the Constitution and, according to Article 182 of the Constitution, the “leader” of a traditional authority whose area falls within the boundaries of a local government, is an *ex officio* member of such a local authority and can be elected to any position within such a local authority (Els 1996:114-117).

2.3 HISTORY OF THE RULING LINEAGE OF THE MDLULI TRIBAL AREA

The two research settlements of Makoko and Phameni, even though they are situated within five kilometres of each other, do not fall under the auspices of the same indigenous authority. Whereas Makoko falls under the reign of *Sikhulu* Mdluli of the Mdluli Tribal Authority, Phameni is under the reign of *Sikhulu* Khumalo of the Gutswa Tribal Authority. Thus, the inhabitants of the two settlements fall under the jurisdiction of two different *tikhulu*.

For the purposes of this study, the history of the ruling lineage of the Mdluli people is discussed below. The latter was chosen purely for practical reasons, since *Sikhulu* Mdluli resides within Makoko, one of the settlements where the research was conducted, while *Sikhulu* Khumalo resides at Gutswa Kop, a settlement one hour's drive from the research area.

According to Van Warmelo (1935:111), the Mdluli are baPai, thus originally from Sotho stock. Van Warmelo (1935:111) believes this is proven by their language, described as a "peculiar form of Sotho". The name "baPai" is derived from Mbayi Hill, "which is thought to be situated far to the South near or in Swaziland". The baPai lived in the area of Mbayi Hill long ago until they were forced northwards during the influx of the Swazi forebears into Swaziland (Van Warmelo 1935:111).

The baPai are said to have associated with the Kutswe, an eastern Sotho tribe who subjugated the baPai near the Swaziland border. The two tribes migrated north together. The baPai eventually dissociated themselves from the Kutswe and settled in the areas around what are today Pilgrimsrest, Schoonoord, Nelspruit and Barberton. According to Van Warmelo (1935:111), nothing is known of the relations and links between small groups of baPai in these areas. Van Warmelo's (1935) Map 14 shows that the baPai, during the reign of *Sikhulu* Jacob Mdluli, settled close to the border of the Kruger National Park, where they still live today (Van Warmelo 1935:Map 14).

The Mdluli tribe is made up of remnants of baPai, Nhlangu and Swazi-speaking people. Pai as a language is “almost dead” and the language most used is *siSwati* and a form of “corrupt Zulu” (Van Warmelo 1942: f 30). The Nhlangu living among the Mdluli are reported to have abandoned their own language, Tsonga. The people from the Mdluli tribe predominantly practise the Swazi culture. This is confirmed by spokespersons who say that they refer to the *sikhulu*’s first wife as *indlovukati*, meaning she-elephant, a traditional Swazi term for the queen mother (Van Warmelo 1942: f 30). Mdluli spokespersons said that they live according to Swazi culture even though the population consists of a mixture of Nhlangu, baPai, Zulu and Swazi. This explains why Van Warmelo’s unpublished report on the chiefs and tribes of the Nelspruit district (Van Warmelo 1942: f 45) refers to the people of the Mdluli tribe as “Mbayi turned Swazi”.

According to Van Warmelo (1942: f 30), very little is known about the origin of the Mdluli. Van Warmelo received his information on the Mdluli history in interviews at Mtimba in 1942 with Zanunu Mdluli, the son of the deceased *sikhulu* of the Mdluli, Jacob Mdluli, as well as from a number of Mdluli elders.

In drawing up the genealogy of the Mdluli rulers, Van Warmelo (1942: f 45) states that a man called Silimanyama Mdluli was born in Zululand, but the exact location and dates are unknown. Silimanyama settled “on the Mokwena where it flows into the Nkomati” and later moved to Mhukwini, “a hill north of Pretorius Kop”. Here Van Warmelo was referring to the area of Pretorius Kop, which today forms part of the Kruger National Park in Mpumalanga. Silimanyama was killed at Pretorius Kop during a Swazi raid and his people fled and scattered (Van Warmelo 1942: f 45).

Silimanyama’s son and successor, Bashise, moved to the Soutpansberg where he and his followers lived under the protection of João Albasini. During the time of the “battle of kaMahuluhulu”, a Swazi attack on the Sotho at Mariepskop in 1864, Bashise and his people moved to Sekhukhuniland to settle under Sekhukhune (Van Warmelo 1943: f 30). When Sekhukhune “became involved in a war with the Europeans”, Bashise and his

followers settled along the Sabi River, on what Van Warmelo (1943: f 30) refers to as “Perrys Farm 171”, where Bashise died “some considerable time prior to the rinderpest, 1897” (Van Warmelo 1943: f 30).

Bashise’s successor was his son, Jacob Mdluli. Under Jacob Mdluli’s leadership, Van Warmelo (1942: f30) claims, the Mdluli settled in kaNyandza (on what Van Warmelo [1942: f30] refers to as “Harmony or Langespruit 291”) until about 1926, when they moved to the area where they live at present (Map 3). Van Warmelo (1942: f30) describes this area as the “eNumbi ridge almost on the border of the Game Reserve”. Jacob Mdluli died there in 1941. Jacob had eight wives, of whom Nshalati, daughter of Mbalezulu Duba, a Swazi, was the *indlovukati*. Jacob’s other seven wives are not recorded either by Van der Merwe or by Van Warmelo (1992: f 2; 1942: f 30).

According to Van der Merwe’s unpublished report of 1992 on the history of the Mdluli tribe (1992: f 2), Mdluli spokespersons support Van Warmelo’s (1942: f 30) facts “as far as they can remember and their knowledge go[es]”.

Jacob’s oldest son and his would-be successor, Shubane Charlie Mdluli, the son of Jacob’s principal wife, Nshalati, died while his father, Jacob, still reigned. Shubane’s younger brother, Sithupa Silandzise (also a son by Nshalati), was next in line to become *sikhulu* of the Mdluli. Because Sithupa was still young, Jacob’s brother Mandundu Zanuni Mdluli became the *Lilambela* (acting *sikhulu*) for the minor Sithupa. Sithupa also died before coming of age. With the death of the *Lilambela* Mandundu in 1963, Jacob’s oldest living son and the next in line, Mqoshwa Zephonia Mdluli, inherited the throne (Van der Merwe 1992:f 3).

Mqoshwa Zephonia Mdluli was appointed *sikhulu* in 1964 in accordance with Subarticle (7) of Article 2 of the Black Administration Act (Republic of South Africa 1927) as defined in the Amendment of Government Notice No 1291 of 17th August 1962.

Mqoshwa Zephonia Mdluli died on 27 October 1998 during the time when this research was being conducted. His eldest son, Izak Mdluli, who was 34 years old at the time, was

appointed as successor. According to Mdluli spokespersons, Izak Mdluli was officially inaugurated as *sikhulu* one year after the late *sikhulu*'s death when his wives' mourning period was over, thus October 1999.

2.3.1 The Mdluli Tribal Area

Proclamation 1291 in the Government Gazette of 17 August 1962 (Republic of South Africa 1962) indicates the boundaries of the Tribal Authorities within the Nsikazi district (at that time referred to as the "Nsikazi reserve" in the Nelspruit district). The Proclamation also defines the establishment of six Tribal Authorities, including the Mdluli tribe, in the Nsikazi "reserve" in the Nelspruit district.

The boundaries of the Mdluli tribal area are defined as follows:

From the cement beacon situated on the boundary of the Kruger National Park and approximately 15 yards to the south of the Provincial bituminized road at Numbi Gate; thence in an easterly and southerly direction along the boundary of the Kruger National Park to the point where it joins the Nsikazi River to its confluence with the Nsikazi Spruit; thence upstream along the Nsikazi Spruit to the middle of the wall of the Nsikazana Dam; thence in a straight line in a north-easterly direction to the summit of Mpameni Kop; thence in a straight line in an easterly direction for approximately 2, 765 yards to a cement beacon on the bank of the Nsikazi River at a point where three spruits flow into the said river at approximately the same place; thence upstream along the Nsikazi River to its confluence with an unnamed spruit on Lot no 155; thence in a straight line in a north-westerly direction across Mahushu Kop to a cement beacon situated 15 yards to the south of the Provincial bituminized road from Pretorius Kop at the point where the said road joins the bituminized road between Bosbokrand and White River; thence in a south-easterly direction approximately 15 yards south of the Provincial bituminized road from Pretorius Kop and parallel to the said road to the point of commencement.

There are four settlements which fall within the jurisdiction of the Mdluli Tribal Authority, namely Makoko, Salubindza, Bekiswayo and Nyongani. According to Mdluli spokespersons, the late *Sikhulu* M Z Mdluli had no say in defining the boundaries of the tribal area. The boundaries were demarcated by the former South African Government's Department of Native Affairs in Proclamation 1291 in the Government Gazette, 17



August 1962 (Republic of South Africa 1962). This is confirmed by a report written by Van Warmelo in 1943 (1943: f 24-27) as an addendum to his inquiry report of 1942, in which details of a census count in what was then the Nelspruit district is given. The aim of the census was to establish how the followers of each *sikhulu* were distributed across the Nsikazi reserve within the Nelspruit district and the size of the population of each *sikhulu*'s area. On the basis of this information, the Nsikazi reserve would be divided into different areas. This was to be done in such a manner as to cause the minimum of disturbance "in case people want to remain under their present chiefs", but also "with some regard for the topography of the country, and existing natural boundaries" (Van Warmelo 1943: f 24-27).

The Van Warmelo report of 1943 (File 33-35 1943: f 24-27) then goes on to state that it is "quite out of the question" to keep each chief's people in his area due to the "positively fantastic distribution of some chiefs' adherents" and that the chiefs should be "lucky to get as many as they do".

As mentioned above, there were four settlements under the rule of the late *Sikhulu* M Z. Mdluli within the Mdluli tribal area, namely Makoko, Salubindza, Bekiswayo and Nyongani. The two settlements of Salubindza and Bekiswayo are situated 15 kilometres to the northwest of Makoko. The late *Sikhulu* Mdluli lived in Makoko and the Mdluli Tribal Office is also situated there. Spokespersons say the two settlements of Salubindza and Bekiswayo used to be known only as Salubindza, named after the Salubindza stream which divides the settlement in two. As population figures in Salubindza rose, the settlement was divided into two separate parts with the stream forming the boundary. This happened in 1980/1981. The area to the southeast of the stream was still called Salubindza, whereas the area to the northwest of the stream became known as Bekiswayo, named after the Bekiswako School, which was already in the area. Both spellings, "Bekiswayo" and "Bekiswako", are used. The name refers to "bhaBekiswayo" the praise name of the Mdluli, also known as the Mdluli's *isinanatelo*.

According to spokespersons, the name “Makoko” was derived from that of a person, Makoko Shabangu. Long ago, when the Swazi people still lived far from one another and not in clusters as they do today, Makoko Shabangu and his family lived in the area today known as Makoko. As time passed, boundaries between people were fixed and population figures increased. This forced people to move closer to each other. The “spot” where Makoko Shabangu lived happened to be viable for cattle farming because it was in the vicinity of the Nsikazi River where there was ample water. As people started moving closer to one another they settled in areas which suited their needs. When they were asked where they were going, the answer would be: “we are going to Makoko’s place”. Thus the area became known as Makoko.

The story of how some of the Mdluli people came to live in the settlement named Nyongani goes back to the time when Swazi people still lived in the area which today falls within the boundaries of the Kruger National Park.

According to spokespersons, people from the Mdluli tribe lived in an area named Mkhukhu. Today, this area falls just within the boundary of the Kruger National Park, to the northeast of the Makoko settlement. Mandundu, the acting *sikhulu* or *lilambela* for the late M Z Mdluli, lived at Mkhukhu in this youth.

In 1969/1970, with the building of the Kaapmuiden-Phalaborwa railway line, on the western border of the Kruger National Park, the Mdluli people living at Mkhukhu were removed by the officials of the Kruger National Park and resettled at Nyongani, a settlement located close to the Hazyview Station. The name “Nyongani” is derived from the name of a man called Nyongani Mkabela. This is a case similar to that of Makoko. Before people started living in clusters as they do today, Nyongani Mkabela lived with his family in the area that later came to be known as Nyongani (the place of Nyongani).

The Nyongani settlement is located roughly 20 kilometres from Makoko. The resettlement of some of the Mdluli people to Nyongani happened after the late M Z Mdluli had been appointed *sikhulu* and had settled at Makoko.

2.4 THE INDIGENOUS AUTHORITY SYSTEM OF THE MDLULI

2.4.1 Central authority system

Within the Mdluli tribal area in the Nsikazi district of Mpumalanga, according to spokespersons, the central authority rests with the *sikhulu*. On a socio-political level, the *sikhulu* is, according to spokespersons, the highest authority and is perceived by his subjects as the “head or representative of the tribe”.

In reality, though, central authority within the Mdluli Tribal Authority does not rest with the *sikhulu* alone, but with the *sikhulu*-in-council. Spokespersons said the *sikhulu*'s council is called a “cabinet” or *libandla la sikhulu* (a *libandla* is an assembly of elders). The *libandla* consists of the *tindvuna* (ward headmen) of the four settlements of the Mdluli tribal area and the councillors of each *indvuna*. Each *indvuna*'s councillors are members of his settlement and are chosen by the residents of the settlement.

The *libandla* meets with the *sikhulu* every Monday at the Tribal Offices in Makoko to discuss the week's events of each *indvuna*'s settlement. All matters concerning internal tribal politics are discussed and decisions on these matters are made. Spokespersons said that unlike the *tindvuna*, the councillors of each *indvuna* are not all expected to be at each weekly meeting.

Apart from the *libandla*, the *sikhulu* also has one principal advisor. This man is the *sikhulu*'s senior secretary and he has a superior advisory position to the *sikhulu*. According to spokespersons from the Mdluli tribe, the current senior secretary has a tertiary education and was a member of the former KaNgwane Parliament. He must also be someone that the *sikhulu* feels is trustworthy, tolerant and always willing to assist the *sikhulu*.

Marwick (1966:269) indicates that in the distant past the family council played an important role in the decisions made by a Swazi king or by a *sikhulu*. The Swazi king was mainly assisted by his mother, the *indlovukati* (she-elephant) whose advice he would

take in all matters. His older relatives, such as uncles and brothers, were also supposed to assist him during proceedings of the tribal elders.

According to spokespersons, the role of the “family council” among the Mdluli has largely been taken over by the *libandla*. This is due to the fact that, in recent times, the *sikhulu*’s family members no longer live within close proximity of each other, or even in the same tribal area, and therefore it is not possible for them to be present at weekly meetings. The late *sikhulu*, M.Z. Mdluli’s sister, Phelani Mdluli, is his only sibling and occasionally acted as his advisor regarding internal family matters, such as succession. Phelani Mdluli lives in Phoka, a settlement which is one hour’s drive from Makoko and not within the Mdluli tribal area. Given this distance she could not fulfill the role of the *indlovukati*. Hence the *sikhulu*’s principal wife fulfilled this role.

The *libandla* also has the important task of assisting the *sikhulu* in matters of the *sikhulu*’s court. According to the Black Administration Act (Republic of South Africa 1927) and Black Administration Act 1927, Amendment Act (Republic of South Africa 1929), the jurisdiction of a chief’s court includes “all civil claims and disputes arising out of black law and custom between black people within his area of jurisdiction”. Examples of such cases would be claims arising from *lobolo* or disputes about succession. The chief has no jurisdiction to hear cases on divorce or separation arising from a civil marriage. As far as criminal jurisdiction is concerned, the chief can only try cases of common assault and petty theft and there can be no legal representation for any party during a court case.

The *sikhulu*’s secretary at the tribal office in Makoko has a copy of the Black Administration Act of 1927 and he reported that the *sikhulu*’s court operates in accordance with the stipulations of that Act.

On Mondays when the *libandla* sits at the tribal office to give the *sikhulu* their report on matters arising in their different wards, it is also decided which cases will be tried in the *sikhulu*’s court. Wednesday is “court day”, when the *libandla* gathers at the tribal offices to operate as the court council. Apart from the *libandla* and the *sikhulu*, the tribal



secretary and the tribal office clerk are also present to note all cases and record the verdict of the court.

According to spokespersons, the court is managed by the *ndvunankhulu*. The *ndvunankhulu* or *nkosana* (small *sikhulu*) can be described as the most senior *indvuna* in the Mdluli tribal area (discussed below). The tribal office sends out a summons to the parties who have to be present during the trial. Since there is no representation in this court, the plaintiff states his/her case to the court, the accused is asked if he/she agrees with what has been said and is given a chance to state his/her case. If there is agreement between the plaintiff and accused, in other words, if the accused admits guilt, the court issues the fine or sentence and the case is closed.

If the accused does not agree with what has been said, spokespersons say that witnesses can be called and the accused is asked to tell his/her version of what happened. The court asks questions and cross-examines the accused, plaintiff and witnesses until all parties feel that the whole truth has been told. According to spokespersons, it almost always turns out that the accused admits guilt and the case is settled. In instances where no verdict is reached, according to spokespersons, the matter is referred to the Magistrate's Court. Apparently this seldom happens. As the legal system in the tribal area was not the focus of the study, the matter was not pursued further, apart from establishing what the authority structure in the tribal area is.

Matters that are most commonly tried in the *sikhulu*'s court are cases of property trespass, disputes between families in customary marriages, petty theft and common assault. The tribal court gives fines and suspended sentences. In one such case, the court gave the guilty party a fine of R250 for failing to hand over *lobolo*. All such money is sent to the Magistrate's Office in Kabokweni where it is paid into the Mdluli Tribal Authority's account. Spokespersons said these funds are used to contribute to the payment of the Tribal Office's bills, such as electricity and telephone bills and to help pay a stipend to the *sikhulu*.

All cases tried in the tribal court at Makoko must be reported to the Magistrate's Office in Kabokweni. Once a case has been settled, four copies of the court report are made. One copy is kept by the Magistrate's Office, one by the plaintiff, one by the accused and one by the tribal office.

2.4.2 Decentralized Authority System (Tribal Wards)

Each individual settlement (tribal ward) in the Mdluli tribal area is under the decentralized authority of an *indvuna*. The residents of a settlement elect their own *indvuna*. The *sikhulu* has no say in the election of *tindvuna* and they are not necessarily related to him. Spokespersons report that after an *indvuna* has been elected, he is taken to the *sikhulu* to be introduced as the settlement's new *indvuna*. The *sikhulu* cannot reject him because the *indvuna* is elected by the *indvuna*'s own people. If, in due course, the *sikhulu* perceives the *indvuna* to be incompetent, he can inform the residents of the relevant settlement and ask them to elect a new *indvuna*.

An *indvuna* has to be a fair man, respected by the residents of the settlement for his compassion and interest in their well-being and for his ability and willingness to solve problems. The residents of the settlement trust their *indvuna*, as their representative to the *sikhulu*, to inform the *sikhulu* about the residents' problems and complaints regarding everyday life. The *indvuna* is seen as the link between a settlement's people and the *sikhulu*.

Unlike in the case of the *sikhulu*, an *indvuna*'s son does not automatically succeed his father. Whenever an *indvuna* dies or resigns his position, the residents of the settlement elect a new *indvuna*.

Apart from maintaining order and discipline in his settlement, the *indvuna* also has the task of allocating stands to residents and managing the *indvuna*'s court. The *indvuna* of Makoko is also a member of the local RDC (Reconstruction and Development Committee) and therefore plays a direct role in the development of his settlement.



The *indvuna*'s court tries lesser cases arising within the settlement. Unsettled matters are taken to the *sikhulu*'s court. The *indvuna* also elects to his own court council people whom he trusts. The *indvuna* of Makoko has four councillors, three men and one woman, all trusted elders in the settlement. One of these men is the *lesikela le indvuna* or deputy ward headman of Makoko. The councillors are not necessarily the *indvuna*'s family members.

If an accused is not satisfied with the decision of the *indvuna*'s court, the plaintiff can take the matter to the *sikhulu*'s court to be retried. If he/she is still not satisfied with the *sikhulu*'s court's decision, the plaintiff can then appeal to the Magistrate's Court. This is why the Magistrate's Office must have copies of all cases tried by the tribal court.

Fines imposed by the *indvuna*'s court are reported to be between R30 and R50. Fines given in the *sikhulu*'s court are much higher. This difference is mostly because the offences are of a more serious nature, but also because the *sikhulu* fines the accused for "playing with his *indvuna*". In other words, the accused disregards his *indvuna*'s authority within the settlement. All fines paid to the *indvuna*'s court are given to the tribal secretary and paid into the Mdluli Tribal Authority's account.

The *ndvunankhulu* (senior *indvuna*) of the Mdluli tribe is also the *indvuna* of Makoko. According to spokespersons, the *ndvunankhulu* is elected to this position during a meeting of all the *tindvuna* of the tribal area and the *sikhulu*. The *tindvuna* select one man from among them and the *sikhulu* questions this candidate regarding the performance of the duties of a *ndvunankhulu*. If the *sikhulu* is satisfied with the candidate's answers, the man is inaugurated as the *ndvunankhulu*.

Spokespersons indicate that the duties of a *ndvunankhulu* include chairing all meetings held by the *libandla* as well as judging court cases on Wednesdays when the *sikhulu* is not present. The *ndvunankhulu* is also known as *nkosana* or small *sikhulu*, implying that, when the *sikhulu* is absent, the *ndvunankhulu* embodies the highest authority and acts as *sikhulu*. The *ndvunankhulu* must report to the *sikhulu* when the *sikhulu* returns on all that happened during his absence.

Residents of a settlement also elect a deputy headman or *lisekela le indvuna*. Spokespersons say that this man's rank is just below that of the *indvuna* and that he is regarded as having a "sympathetic shoulder" and a willingness to help in times of trouble. The *lisekela le indvuna* normally functions within the section of the settlement located furthest from the residence of the *indvuna*, but he is still under the authority of the *indvuna*. This arrangement is made purely for practical reasons due to the size and layout of the settlements.

2.5 THE LAND TENURE SYSTEM IN MAKOKO AND PHAMENI

Before 1980, stand sizes in Makoko were 150m × 150m. Since then, due to population growth, stand sizes were changed to 30m × 25m. According to spokespersons, the decision on stand sizes rested with the Department of Agriculture of the former KaNgwane. Settlements are now divided into streets with stands on both sides to form a rectangular grid.

All stands have numbers and each stand owner's name is recorded next to his/her stand number in a book used specifically for this purpose. This "stand book" is kept at the tribal office. The payment of *khonta* fees (see below) is also noted in this book.

The area of each settlement considered to be the most fertile is kept aside for horticulture. The remaining area within the settlement serves as the grazing area for livestock.

The procedure a new resident must follow when he/she wants to apply for a stand in Makoko is to firstly introduce him/herself to the *indvuna* and to inform the *indvuna* of his/her desire to acquire a stand. The *indvuna* then takes the person to the *sikhulu* and introduces him/her as a new resident. If the resident has moved from a settlement in another tribal area to resettle in the Mdluli tribal area, a transfer letter from his/her previous *sikhulu* or the mayor of the township must be provided. Spokespersons say this letter gives a report on the person's character and the reasons for his/her leaving the settlement or township where he/she previously lived.



The resident must then pay a single payment of R100 as *khonta* fees, whereafter an annual payment of R6 serves as *khonta* fees. The word *khonta* literally means “to pay allegiance to” and *khonta* fees are symbolic of the resident’s loyalty towards his/her *sikhulu*. The annual R6 paid by all residents of a settlement is actually made up of two payments in one. Thus, R3 is paid as *khonta* fees and R3 is paid as *masimini*. *Masimini* is money paid for the right to practise horticulture and to graze stock in the tribal ward. The word *masimini* is derived from the word *insimi*, which means cultivated land or field. The territory of the settlement is seen to be held in trust by the *sikhulu* of the tribal area and therefore residents must pay for the right to use “the *sikhulu*’s” land. According to spokespersons, *khonta* fees are deposited in the Mdluli Tribal Authority account at the Magistrate’s Office in Kabokweni.

Because population figures are rising rapidly, spokespersons from the Mdluli Tribal Office said no resident of the Mdluli tribal area can have more than one stand, except if the second stand is used for a business. If a man has more than one wife, the whole extended family has to live on the same stand. *Tindvuna* report that exceptions are made in certain cases to prevent quarrels between wives of one husband who do not want to share the same stand.

According to spokespersons, polygyny is not generally practised in the area. Marwick (1966:38) suggests that polygyny was a Swazi preference that adds status to a man in the eyes of his peers. However, according to Marwick (1966:38), polygyny has been decreasing since the early twentieth century, due to factors such as the influence of missionaries, the weakening of family and tribal sanctions, and economic pressure. Allen (1974:154) stresses that Swazi women do not like polygyny, mainly because it causes friction within the household. Nevertheless, spokespersons indicated that a woman does not normally prevent her husband from having other wives beside herself.

During interviews, *tindvuna* stated that a single man is not permitted to live on his own stand before he is married, because such a situation would cause trouble in the form of “parties”. A young man must live on his father’s stand and under his father’s authority



until he marries. The same rule applies to unmarried women. A woman only lives without a husband (or father or brother) if she is divorced with children or widowed. If the divorce is caused by the husband's behaviour, the woman and her children can stay on the stand and the man must get another stand. The idea is that the original stand owned by the husband will one day belong to his children and that they can contact him whenever they need anything. If the divorce is caused by intolerable behaviour by the wife, spokespersons say that she must move back to her father's stand, while the children stay with their father and his people.

Spokespersons say that traditional rules are no longer followed with regard to where adult children live after marriage. They can choose where they want to live. It has been noticed in the research area that young married couples often share a stand with their parents. In most such cases, married women whose husbands are absent live on their parents' stand. In some instances, the father of the house is absent or deceased and the married son and his spouse live with the husband's mother. Allen's (1974:331) study shows that it is common practice for a newly married woman to live with her husband on his parents' stand but that often the married couple eventually move to their own separate stand. Spokespersons confirm that this is also the case in Makoko and Phameni.

The residents of Makoko include a number of refugees from Mozambique. Spokespersons said these refugees are treated as normal residents and there is no hostility towards them. *Tindvuna* reported that refugees who want to reside in their settlement must be individuals whom they have come to know over a period of time. Usually the refugees work on a farm at Kiepersol (Hazeyview) (see Map 2) and come to visit the *indvuna* regularly and eventually ask him for a stand. If the *indvuna* approves of the person, he/she would be given a stand and he/she is expected to pay *khonta* fees like all the other residents. *Tindvuna* further reported that there has been a decrease of refugees coming in over the last few years due to frequent police raids to remove illegal immigrants from the area.



2.6 POPULATION DENSITY IN MAKOKO AND PHAMENI

In 1996, the population of the entire Nsikazi district was projected by the Central Statistics Buro at 310 160. According to official figures of 1991, 81.4% of the population live in non-urban areas (commonly referred to as settlements). The black population makes up 99.7% of the entire district. The gender distribution is 47.4% male and 52.2% female. The non-urban black population was estimated at 81,2% of the entire Nsikazi district's population. Of the non-urban black population, 47.2% is male and 52.7% is female (Sentrale Statistieke 1991:96).

The largest part of the population of the Nsikazi district as a whole consists of children between the ages of five and nine years of age. This age group makes up 15.08% of the population of 310 160. The non-urban population of the Nsikazi district, which numbers 133 210, shows a similar trend with 29.3% of children aged between five and nine. An estimated 46.93% of the non-urban population is under the age of 15, while 58.24% of the non-urban population is under the age of 19 (Sentrale Statistieke 1991:154). These statistics in respect of age groups reflect a fast growing population, a phenomenon common in developing areas.

The two communities of Makoko and Phameni live in the northern part of the Nsikazi district and are both non-urban. Makoko has an estimated population of 5 600 and Phameni an estimated 2 200 (Makoko Needs Assessment 1996:3; Phameni Needs Assessment 1996:2). Statistics on the Nsikazi district's population indicate a rapidly growing population and this contributes to the growing water demand in the two settlements (see Sections 3.2, 3.3).



Table 2.2 Population figures of the Nsikazi district

	Total population	Black population	Non-urban, black population	Non-urban, black male population,	Non-urban, black, female population
Nsikazi district	310 160	309 466	252 026	119 089	132 937

Source: Information derived from Sentrale Statistieke 1991: 96; 154).

2.7 INCOME DISTRIBUTION IN MAKOKO AND PHAMENI

A total of 78.6% of the entire Nsikazi district's population is reported to have no income at all. This actually indicates that this percentage of the population does not have steady employment, not necessarily that there is no income. The remaining 6.2% of the entire Nsikazi population and 6.3% of the non-urban population's income varies between R1 000 and R2 999 per annum (Sentrale Statistieke 1991:154). This situation is due to the fact that the Nsikazi district offers few or no job opportunities (81.4 % of the Nsikazi district's population live in non-urban areas).

These statistics reflect the fact that it is extremely difficult to determine the income of rural households in settlements like Makoko and Phameni. The statistics mentioned above cannot be taken to be a true reflection of people's income. What the statistics do reflect, however, is the fact that the absolute majority of the residents of the rural areas of the Nsikazi district have no steady annual income and indeed a low income rate (Sentrale Statistieke 1991:154).

Therefore, an increased water demand (see Section 3.2, 3.3) among residents of the Nsikazi district cannot be ascribed to improved living conditions but rather to an increase in population figures. Given this context, it is clearly necessary to investigate the reality of water provision in the Nsikazi district.

2.8 WATER SUPPLY IN THE NSIKAZI DISTRICT

2.8.1 History of water supply in South Africa

According to the *White Paper on Water Supply and Sanitation* (Department of Water Affairs and Forestry 1994:4), water utilisation facilities in South Africa by the late nineteenth century were largely confined to commercial agriculture. Few dams had been constructed and water for irrigation was obtained directly from rivers. To try to counter the economic depression starting in 1929, and alleviate the drought which followed, the State constructed labour-intensive water schemes and, in the 1930's, subsidies were introduced to accelerate the development of private irrigation schemes (Department of Water Affairs and Forestry 1994:4).

As the industrial sector expanded in later years, the emphasis on irrigation in existing legislation proved inadequate. Consequently, a new Water Act (Republic of South Africa 1956) was promulgated in order to try to ensure equitable distribution of water for industrial and other users, and to authorise control over the abstraction, use, supply and distribution of water and prevention of water pollution (Department of Water Affairs and Forestry 1994:4).

After the Second World War, small municipal water schemes which would otherwise not have been able to provide water services of a satisfactory standard, were subsidised by the State to improve the standard of water supply. Several government regional water supply schemes were later constructed to promote the exploitation of gold. More recently, large inter-basin transfer schemes such as the Orange-Fish, Tugela-Vaal, Riviersonderend-Berg River and Usutu-Vaal projects were constructed by the State to overcome the scarcity of water and a geographical mismatch between demand and supply (Department of Water Affairs and Forestry 1994:4).

Due to South Africa's political situation prior to 1994, these developments in water supply were largely confined to the white sector of the population. Former homelands



had a lack of political legitimacy and, as a result, homeland budgets were absorbed into the payment of subsidies (Department of Water Affairs and Forestry 1994:5).

After 1994, amalgamation took place and all water and forestry personnel, functions and budgets of the previous homelands fell under a new national Department of Water Affairs and Forestry.

2.8.2 Water supply in the Nsikazi district

According to the engineer who has worked on the water supply of the Nsikazi district for the past twenty years, water reticulation pipes were installed in the Nsikazi district for the first time in 1979. Because factual literature on the water supply to the Nsikazi district is very limited, the information on the district's water infrastructure and supply was compiled on the basis of interviews with the chief water engineer for the district. The information below is based on his accumulated knowledge and experience over the past twenty years.

In 1978, a cholera epidemic broke out in the town of Kabokweni within the southern section of the Nsikazi district. This epidemic was the result of poor water supply in the area. Consequently, the former government of South Africa took action and an investigation was launched. The purpose of the investigation was to prevent a similar outbreak in future by providing the people of Kabokweni with improved water infrastructure and better quality water.

In 1979, the Former Department of Development Aid initiated a water scheme from the Crocodile River to Kabokweni (in the Guthswa traditional authority area - see Map 3). The fact that Kabokweni had been a proclaimed town since the 1960's was one reason why the former government took action in the way it did. All proclaimed towns fell under the auspices of the Department of Native Affairs while so-called rural areas fell under the auspices of the then Department of Agriculture. Because the northern Nsikazi area had no proclaimed towns, this area did not "qualify" for aid from the former Department of Native Affairs and people had to get water from rivers, streams, fountains

and some boreholes. Eventually the Kabokweni water scheme constructed in 1979 was extended to Kanyamazane (southern Nsikazi), the only other proclaimed town in the Nsikazi district.

In 1984, a master plan was drawn up to supply water to the whole of the Nsikazi district, which by that time was part of the KaNgwane homeland. At that stage the southern section of the Nsikazi district was partly provided for with water reticulation pipes, while the northern section still had no reticulation pipes. Installation of bulk water schemes in the northern half started in 1985/1986. Bulk water supply entails water reticulation pipes stretching from a river to a reservoir at a settlement and from the reservoir to taps on street corners within the settlement, but with no reticulation pipes to service individual stands.

The first settlements in the northern section of the Nsikazi district to be provided with bulk water reticulation systems were Nyongani, Shabalala, Sandrivier and Mahushu. These settlements were provided for first because they fell under the control of the former South African Development Trust and thus the former Department of Development Aid. Shortly afterwards, the rest of the settlements in the north were incorporated into the scheme by the same contractor, who constructed the water reticulation system.

Upgrading of water supply started in 1988/1989. The bulk-water reticulation system of the southern Nsikazi district was upgraded by order of the KaNgwane Government. Extra water pumps were installed in the Crocodile River to meet the increased demand. The reason for this was an increase in demand for water due to the population increase of the entire Nsikazi district. Upgrading in the northern section of the Nsikazi district started in 1994 and entailed the installation of additional water pumps in the Sabi River, but did not include extension of water reticulation pipes.

According to another engineer who is directly involved in the maintenance of the northern Nsikazi bulk water reticulation system, all bulk water schemes in the Nsikazi District were originally designed to accommodate upgrading required due to factors such

as population growth, which leads to expanding settlements, which in turn necessitates the upgrading of facilities such as water supply systems.

The former Department of Development Aid built the first reservoirs in the Nsikazi district in 1980 at Kabokweni, Pienaar and Hlau-hlau in the southern section of the district. Investigations at Kabokweni showed that more than one reservoir was needed to service the large population in the area. Even though Pienaar and Hlau-hlau were not proclaimed towns and were thus not the responsibility of the Department of Development Aid, it was decided to provide reservoirs for these two settlements as well. Eventually, five other settlements in the southern section also received reservoirs.

Nyongani, Shabalala, Sandrivier, Numbi and Mahushu were the first settlements in the northern section of the Nsikazi district to receive reservoirs in 1984/1985. Soon after that, three extra reservoirs were also constructed in the northern section.

Up until the time when this research was concluded, no dams had been built to supply the Nsikazi district with water other than earth wall dams in some of the smaller streams in the district to water stock. During the time of research the Inyaka dam was being constructed in the Merite rivulet north of the Sabi River to be completed in 2000.

According to spokespersons from the DWAF offices in Nelspruit, 13 megalitres of water is pumped from the Sabi River to the northern Nsikazi district daily. If this volume of water is divided by the population of the northern section of the Nsikazi district (that is, 177 000 people), the theoretical water provision is 76.47 litres per person per day. This is substantially more than the RDP minimum of 25 litres per person per day (see Section 2.9.6). However, in practice, the people in the settlements where the research was done do not receive this quantity, but far less. The reasons for this discrepancy are discussed in detail below.

During incidental discussions in Pretoria, a knowledgeable employee of one of the large mining companies in South Africa stated that his company had drilled about 90 boreholes in the Nsikazi district during the early 1990's. According to him, the results were very

poor. This comment is unconfirmed, but it suggests that the people living in the Nsikazi district are heavily dependent on water from the Crocodile and Sabi Rivers. Furthermore, this comment was supported by a statement by one of the directors of Mpumalanga's DWAF that boreholes are only seen as additional water sources in the Nsikazi district to supplement the primary water sources of the Sabi and Crocodile Rivers. The latter person also said that boreholes were less significant because boreholes tend to dry up in times of drought and cannot be depended on as a permanent water source.

2.8.3 Future planning by DWAF for water supply to the Nsikazi district

According to spokespersons from the DWAF offices in Nelspruit, four DWAF projects are either currently underway or planned for the district in the near future.

2.8.3.1 Northern Nsikazi Reservoirs Project

This project involves the construction of seven new reservoirs in the area of the northern Nsikazi water scheme to replace the existing plastic tanks currently serving as temporary community reservoirs. Makoko and Phameni are among the settlements that will receive permanent cement reservoirs and water meters in the near future. The business plan for this project was approved in April 1998, but due to insufficient funds the project was delayed.

2.8.3.2 Northern Nsikazi Bulk Upgrade Project

This project involves the investigation of sections of the bulk water supply pipes for leaks and unauthorised (private) connections and the subsequent repair of those pipes where necessary.

The bulk water supply line between Makoko and Phameni, as well as the branch from the bulk water line to the Makoko reservoir, must be investigated for private connections. Due to insufficient funds for the 1998 financial year, the project only started in 1999.



2.8.3.3 *Community Reticulation Project in Northern Nsikazi*

The two communities of Jerusalem and Numbi are currently part of the project for the upgrading of the water reticulation to RDP standard. This will affect the bulk water supply quantity to Makoko and Phameni in a positive manner. The Lowveld and Escarpment District Council will implement this project on behalf of DWAF.

2.8.3.4 *Nsikazi Bulk Water Meters Project*

This project involves the installation of insertion turbine flow meters throughout the northern and southern Nsikazi regional water schemes. The goals of the project include cost recovery, equitable water distribution and the detection of leaks or unauthorised connections. During the time of research the commissioning and installment of water meters were indefinitely delayed due to budget shortages.

Operations, maintenance and ownership of the Northern Nsikazi Bulk Water Scheme will in due time be transferred from DWAF to the Bushbuckridge Water Board which was officially constituted on 16 May 1998.

2.9 AUTHORITY STRUCTURES INVOLVED IN COMMUNITY WATER PROJECTS IN THE NSIKAZI DISTRICT

The role of central, provincial and local government in terms of water provision, as outlined by the *White Paper on the Water Supply and Sanitation* policy of 1994, is the following (Department of Water Affairs and Forestry 1994:11,12):

- Central government has two distinct functions, namely, managing the nation's water resources in the public interest, and ensuring that all citizens have access to adequate water and sanitation. (compare National Water Act Article 3 [Republic of South Africa 1998])
- Provincial government shares central government's responsibility for assuring water and sanitation provision specifically through the promotion of effective local



government. Close collaboration between central and provincial government is needed, given their joint interest in the development of the capacity of local government to provide water and sanitation services on an equitable basis.

- Local government, if it is functional and competent, is the key to sustainable water and sanitation development. Due to the fact that effective local government has not yet been established in all areas, water boards and local water committees have the task of water and sanitation provision for the immediate future. Water boards provide bulk water services and local committees undertake the task of local water and sanitation provision.

Water projects in the northern Nsikazi district start by identifying priority needs indicated by all the residents of the settlements in the district by means of their individual Reconstruction and Development Committees (RDC's), together with their Representative Council (RC)². Each priority list is sent to the District Council, which then prioritises projects in terms of the settlement's existing water infrastructure and population figures. The DWAF of Mpumalanga and the Lowveld and Escarpment District Council (LEDC) then allocate funds on a priority basis. Once a project has been approved, engineers and consultants are appointed to work in conjunction with the settlement's Project Steering Committee (PSC) and its Branch Executive Committee (BEC) to complete the project.

The *White Paper on Local Government* (Department of Constitutional Development 1998:27) refers to a representative council as a transitional representative council and to a local council as a transitional local council. However, during the time when the research was done, spokespersons from the said councils reported that the term "transitional" had

² The *White Paper on Local Government* (Department of Constitutional Development 1998:27) refers to a Transitional Representative Council as a "TRepC" to differentiate it from a Transitional Rural Council, which is abbreviated as "TRC". Due to the fact that spokespersons always referred to the Transitional Representative Council as a "TRC" and not a "TRepC", and later only as an RC, the abbreviation "RC" is used in the study.

been “dropped” and the councils are now referred to as representative and local councils. In this study, therefore, the said councils are referred to as representative councils (RC’s) and local councils (LC’s).

2.9.1 DWAF (National and Provincial Government)

DWAF is the custodian of water as a precious resource and has the national responsibility of ensuring that both the needs of the people and of the economy which sustains them are effectively met. DWAF’s policy is meant to ensure that all communities in the country have access to basic water services (Department of Water Affairs and Forestry 1994:1,9).

The Chief Directorate of Community Water Supply and Sanitation of South Africa has the following responsibilities (Department of Water Affairs and Forestry 1994:2):

- assuring the effective ongoing operation of potable water supply systems for which DWAF is responsible;
- planning the expansion of water services in collaboration with provincial governments;
- promoting investments necessary to achieve the expansion of services;
- developing organisations needed at local and regional level to achieve goals; and
- monitoring and regulating water supply and sanitation activities.

DWAF believes that provision of water services in poor rural communities will fail if the people themselves are not directly involved. The concept of “involvement of the people” is meant to emphasise that it is not the government’s responsibility to provide services of every kind. The people should have “a sense of entitlement towards government services” and people should therefore be willing to pay for services received (Department of Water Affairs and Forestry 1994:7).

DWAF promotes institutions at local and regional levels because they form the first contact between communities and the State and should ensure the involvement and empowerment of the population. The “empowerment of poor and marginalised communities”, as envisaged by local government institutions, entails granting service

subsidies to “the poor”, thereby providing the opportunity for low-income households to “improve their circumstances”. Furthermore, support to community organisations in the form of finances, technical skills and training will enhance “the ability of the poor to make their needs known and to take control of their own development process”. Lastly, “linkage policies” aim to link profitable growth and investment directly with redistribution and community development. An example of linkage policies is a development levy imposed in fast-growing areas, which is used to subsidise services for poor communities (Department of Water Affairs and Forestry 1998:41).

DWAF maintains that if this structure is successfully implemented, the central government can create an environment within which locally based organisations, such as local government institutions, can plan, construct and manage their own services (Department of Water Affairs and Forestry 1994:6).

The long-term goal of the central government in terms of water supply is that the provision of services should become the function of democratic local government institutions such as Metropolitan Councils (MC’s), District Councils (DC’s), Local Councils (LC’s), and Representative Councils (RC’s). Provincial government in the form of DWAF, for example, should support these local government institutions. Provision of bulk or regional water and wastewater disposal services becomes the task of Water Boards under the supervision of the Central Department of Water Affairs and Forestry (Department of Water Affairs and Forestry 1994:9).

The medium-term goal of central government is to support institutional development, in other words the development of the above-mentioned local government institutions and to provide financial and technical assistance for the development of water supply (Department of Water Affairs and Forestry 1994:10).

The short-term goal of central government is to ensure the smooth integration of all former homeland staff, functions and budgets, such as those of the former homeland of KaNgwane, into a new national Department of Water Affairs and Forestry with regional structures. The short-term goal is thus to transform and democratise water boards in



order to achieve the long-term goals of central government (Department of Water Affairs and Forestry 1994:10).

Consequently DWAF has set up a list of policy principles in terms of water supply and sanitation assuming a context of equality for all people of the country (Department of Water Affairs and Forestry 1994:8):

- Development of water supply and sanitation should be demand-driven and community-based.
- Basic services are a human right.
- Priority in planning and allocation of funds is given to communities currently inadequately served.
- Equitable regional allocation of development resources must take into account the population and existing level of development of water supply and sanitation.
- Water has economic value and service provision must not undermine its sustainability.
- The user pays to ensure development and management of water supply and sanitation.
- Water and sanitation development must be integrated with development in education and training, job creation and the promotion of local democracy.
- Environmental integrity must be present in all development activities

Spokespersons from the provincial DWAF offices in Nelspruit, Mpumalanga, reported that at present DWAF is the **water service provider** to any given settlement within the province. The local authority (LC or DC) for the settlement is the **water service authority**. This means that DWAF is only responsible for the day-to-day operation and maintenance of water provision meaning the technical aspect of water provision. The local authority is accountable to the settlement's residents for water provision and makes decisions on tariffs paid for water services as well as on development of water provision infrastructure.

As mentioned above, in due course the local authority will take over the responsibility from DWAF as the **water service provider** to settlements within its area of jurisdiction.



According to spokespersons from the DWAF offices in Nelspruit, this transfer of responsibility will be achieved by means of each district's District Transfer Committee, which will make a draft proposal on managing all the existing water schemes within its area. Until such time that the local authorities have the capacity to handle all aspects of their own water schemes, DWAF will continue to handle the technical aspect of water provision.

The *Water Services Act* (Republic of South Africa 1997: Article 11-21) describes the new policy regarding water service authorities.

2.9.2 Lowveld and Escarpment District Council (local government)

The following information on the role played by government institutions during development projects refers to development in general. Literature on the role and function of government institutions in infrastructure development outlines the development process in terms of any given development project, which automatically includes water infrastructure development.

According to the *White Paper on Local Government* (Department of Constitutional Development 1998) the 1996 Constitution of South Africa mandates local governments to:

- provide democratic and accountable government for local communities;
- ensure the provision of all services to communities in a sustainable manner;
- promote social and economic development;
- promote a safe and healthy environment; and
- encourage the involvement of communities and community organisations in matters of local government.

The powers and functions of district councils as municipal institutions are determined by provincial proclamations, which differ from province to province. According to the Local Government Transition Act, Act No 209 of 1993, a district council, with the approval of local, rural and representative councils, formulates and implements an



integrated development plan for its area of jurisdiction. A district council must also formulate and implement such a plan in respect of each local, rural and representative council. Furthermore, a district council must ensure the provision of financial, technical and administrative support service to and proper functioning of all local, rural and representative councils in its area of jurisdiction.

According to the *White Paper on Local Government* (Department of Constitutional Development 1998:26), a district council's main role is assisting in the development of new primary structures in rural areas in order to extend services such as water supply to poor rural communities. District councils serve areas of different sizes and settlement patterns, from densely populated settlements to vast, sparsely populated regions. District councils also have a strong redistributive function, as a large proportion of district council levy income is collected from urban areas. Problems with redistribution arise due to the fact that wealthy metropolitan areas do not fall within district council areas and levy income collected in metropolitan areas is used exclusively for the metropolitan area concerned. This creates a situation in which provision of water to rural areas becomes very expensive, due to the fact that the residents' low income rate (see Section 2.7) creates an inadequate tax base.

Spokespersons from the Lowveld and Escarpment District Council (LEDC) reported that the LEDC has two major functions. Firstly, the LEDC acts as the local authority for the Representative Council (see Section 2.9.2), and, secondly, it is the area's development agent regarding development projects, which include water development. The LEDC's role as development agent means it is responsible for collecting monthly levies from businesses in the area to create a budget from which funds are distributed to the different settlements' development committees. The budget is sent to the National Finance Office in Pretoria for approval. The District Council has the power to allocate funds then for different development projects.

According to spokespersons from the LEDC, additional funds are also received in the form of annual intergovernmental grants from the Departments of Local Government,



Housing and Land Administration. The Mpumalanga Department of Local Government receives funds from the above national government departments in the form of intergovernmental grants. All provincial Departments of Local Government have the authority to distribute these funds amongst the district councils of the province in respect of the number of representative councils each district council has within its area.

Spokespersons from the LEDC stated that the provincial Departments of Local Government also receive so-called “C-MIP” or Consolidated Municipal Infrastructural Programme funds. C-MIP is a programme of the National Department of Constitutional Affairs which distributes C-MIP funds to the provincial Departments of Local Government. District councils can apply to their province’s Department of Local Government for part of the C-MIP funds by specifying the amounts needed for specific development projects in specific areas. C-MIP funds are usually applied for when a district council has insufficient funds to launch a specific development project.

Spokespersons from the LEDC reported that the body is constituted of 34 members. Members are chosen representatives of representative councils and local councils falling under the auspices of the LEDC. (The difference between representative and local councils is explained below.) Members of the LEDC are elected proportionally to the members of the representative council and local councils – the more members a representative council and local council has, the more of its representatives have a seat on the LEDC. A Management Committee of fourteen members is chosen from the 34 representatives. The LEDC meets once a month and the Management Committee meets twice a month.

There is a close working relationship between a district council and government departments, such as DWAF, to keep each other informed of all development projects. All district councils report directly to their province’s Department of Local Government.



2.9.3 Representative councils and local councils

Spokespersons from the Whiteriver-Nsikazi Representative Council reported that, within the region of the Lowveld and Escarpment District Council, there are eight representative councils:

- Whiteriver-Nsikazi
- Pilgrims Rest II
- Lydenburg
- Nkomazi West
- Nkomazi East
- Barberton
- Kruger National Park South
- Nelspruit

There are ten local councils within the jurisdiction area of the Lowveld and Escarpment District Council:

- Greater Nelspruit
- Greater Whiteriver
- Graskop
- Sabi
- Malelane
- Komatipoort
- Steelpoort
- Burgersfort
- Marloth Park
- Barberton

According to spokespersons from the Whiteriver-Nsikazi Representative Council, a distinction is made between “farm or agricultural Representative Councils” and “village Representative Councils”. The farm or agricultural representative councils represent clusters of farms that surround towns while the village representative councils represent

settlements in the former homeland areas. Village representative councils enjoy a higher priority with the district council than farm representative councils in terms of funds allocated towards development, because the former are perceived to have more infrastructural developmental needs, such as water development projects.

According to spokespersons from the Whiteriver-Nsikazi Representative Council, a representative council is a local government body elected by the people from the area for which the representative council is constituted. A representative council has only representative powers at district level, due to its lack of resources. A representative council's lack of resources is due to the fact that no taxes are paid to the representative council by the people of its area. As a result, a representative council cannot sustain itself financially and the settlements it is responsible for remain underdeveloped in terms of infrastructure such as water and electricity. A district council always performs the municipal function and management of the representative councils in its area.

One of the main aims of a district council is to build the administrative and financial capacity of the representative council and its officials in order for the representative council to become autonomous. District councils accept that areas with representative councils have priority above areas with local councils for development and fund allocation. A district council allocates funds *pro rata* in terms of population sizes.

According to the Local Government Transition Act (Republic of South Africa 1993), a representative council has the following powers and duties:

- to elect amongst its members a person or persons to represent the Council on the district council in question;
- to secure through the elected person(s) the best services possible for the inhabitants of the area;
- to serve as the representative body of its area in respect of any benefits resulting from the Reconstruction and Development Programme and in the development of a democratic, effective and affordable system of local government; and



- in general, to represent the inhabitants of its area in respect of any matter relating to rural government.

According to spokespersons from the White River-Nsikazi Representative Council offices at Malekuthu, which represents the two settlements of Makoko and Phameni, the main function of the representative council is to convey the development aspirations of the local people from its area to the district council. The representative council also has the task of explaining the responsibility of the district council to the local people, namely constantly to ascertain whether a service can be sustained after a development project of any nature has been completed in a settlement because the settlement's residents can and will pay for the service and maintenance. This double function of the representative council is made clear in its collaboration with project steering committees (see Section 2.9.5).

Spokespersons from the Whiteriver-Nsikazi Representative Council stated that a representative council can develop into a local council as soon as the necessary financial capacity exists and is approved by the Department of Local Government. A local council has taxing powers and therefore the financial capacity to do its own budgeting and finance development projects within its area. Subsequently, a local council gets less development funding from the district council but when a financial crisis develops, it can apply for a grant from the Department of Local Government.

2.9.4 The Reconstruction and Development Council (RDC)

According to the chairperson of the RDC of Makoko, the link between the residents of a settlement, such as Makoko or Phameni, and local government starts with the RDC. The RDC is a local settlement body whose members are chosen by their fellow residents to represent them at district level. According to spokespersons from the White River-Nsikazi Representative Council, there is a close working relationship between a settlement's RDC and the representative council concerned to determine and prioritise the development needs of the settlement's residents which are reported to the district council for consideration.



A settlement's RDC compiles a document which defines the residents' general development needs. The needs assessment document for Makoko was viewed by the researcher at the offices of the RDC chairperson of Makoko. The document contains information on the settlement's location, traditional leaders and RDC members. The document states the settlement's existing infrastructure and problems that need attention. Lastly, the document lists residents' needs in order of priority, such as upgrading of health services, education facilities and water services. According to the chairperson, copies of the document are sent to the relevant representative council and district council offices to serve as a guideline according to which future development projects are planned and prioritised.

2.9.5 The Project Steering Committee (PSC)

According to spokespersons from Makoko, a PSC is a local settlement committee ensuring the residents' involvement and approval of projects in the settlement. The PSC's function is to represent their settlement's unique infrastructural development needs and to inform all residents of development projects to be launched in their settlement.

Spokespersons from Makoko's PSC stated that the members of a PSC are all residents of a particular settlement and are elected by their fellow residents. The chairperson of the PSC is the local representative council member who represents the specific settlement's residents at the district council.

The functions of a RDC and a PSC should not be confused. A PSC is formed once a project is launched to regulate the process from start to finish in the settlement in order to ensure the residents' approval and involvement in the specific project. The RDC is involved in the preliminary planning and prioritising of projects. Members of the settlement's PSC usually include most members of its RDC.

According to spokespersons from the Whiteriver-Nsikazi Representative Council, this structure of local resident involvement in the government process of development ensures transparency in the use of allocated funds. It is the policy of the Representative Council



that residents of the settlement must at all times be aware of the project funds allocated by the District Council or Government Departments as well as of appointed construction companies. It is the task of the PSC to ensure that wherever possible, the residents of the developing settlement must form part of the workforce for development projects in their settlements.

Spokespersons said that, in theory, a project can be initiated from two “angles” - the residents can decide that their community needs upgrading in terms of water facilities. By means of the RDC, this need is conveyed to the Representative Council, who in turn informs the District Council. If the settlement as well as the need is one of the District Council’s development priorities, in theory, funds are allocated and the project is launched. Close cooperation throughout the project must be maintained between the PSC and the appointed companies, including engineers, to ensure residents’ participation and their approval of the completed project.

In practice, however, the initiative for identifying development projects usually originates when a government department such as DWAF does research and analyses an area’s water development needs. Settlements that need infrastructural upgrading are identified, needs are prioritised and, in conjunction with the involved district council, water projects are planned. When sufficient funds are available, the representative council, the RDC, and later the PSC become involved to ensure that the residents are notified and are part of the final planning and completion of the water project. Although the Act implies a bottom-up approach to development, in practice it often remains a top-down process.

2.9.6 The Reconstruction and Development Project (RDP)

The RDP Commission’s functions are to ensure the existence and functioning of effective RDC’s in communities. It also has to ensure that any project adheres to RDP standards. The RDP standards in terms of basic water supply are the following (Department of Water Affairs and Forestry 1994:15,16):

- Quantity – a minimum of 25 litres of water per person per day for direct consumption, for preparation of food and for personal hygiene.
- Cartage – a maximum distance of 200 metres to a dwelling – and less in steep terrain.
- Availability – the flow rate of water from the outlet within the settlement should not be less than 10 litres per minute and water should be available on a regular daily basis.
- Assurance of supply – providing water with no more than one week’s interruption per year.
- Quality should be in accordance with accepted minimum standards in terms of health-related chemical and microbial contaminants and should be acceptable to consumers in terms of its potability (taste, odour and appearance).
- Upgrading – the desire of communities to upgrade basic water services for household connections should be taken into consideration during planning done by the relevant institutions such as the RDC, representative council and district council. If this is not done, the system could fail due to illegal connections, or could result in expensive upgrading later.

2.10 THE ROLE OF LOCAL GOVERNMENT IN SUPPLYING WATER TO MAKOKO AND PHAMENI

In an interview, an engineer who was directly involved in a project to extend the water reticulation pipes in Makoko at the beginning of 1998, indicated how the local government institutions function in practice.

According to the engineer, the water pipe extension project that he worked on is one of four individual projects that, put together, should improve Makoko’s water shortage to a large extent. The other three projects planned, none of which had as yet been started at the time when the research was concluded, are the following:

- the upgrading of the bulk water supply line of Makoko due to the existence of private connections (see Section 2.8.3.2);
- the building of a permanent reservoir for Makoko (see Section 2.8.3.1); and

- the repair of all private connections made to the water reticulation pipes within Makoko to prevent water loss.

The water pipe extension project already completed in 1998 provides the residents of Makoko with about 40 new water taps located on street corners. According to the engineer, these taps were installed to adhere to the RDP minimum standard of water points being within 200 metres from all residents as far as was realistically possible. Due to Makoko's existing water supply problems (an inadequate reservoir and the existence of private connections, see Sections 3.2.1 and 3.2.2.1), the 40 new water taps yield no or very little water. Only once the three the above-mentioned projects are completed will these taps yield sufficient water to comply with RDP standards.

The Lowveld and Escarpment District Council was the engineering firm's client during the water pipe extension project. According to the engineer, right from the start of the project, the firm worked directly with the Project Steering Committee (PSC) of Makoko. The PSC of Makoko supplied the engineers with a priority list of where the existing water pipes in Makoko should be extended. The PSC contact person was the community liaison officer. On the basis of two incidents during the completion of the projects, the engineer concluded that there was not always good communication between the PSC and the residents or the PSC and the engineering firm.

Firstly, as the policy of the PSC stipulates, the workforce on the water pipe extension project was a team of local male residents from Makoko. Shortly after the project in Makoko started, there was a disagreement between the PSC and the local workers about the workers' remuneration. The wages agreed upon between the PSC and the contractor were less than those agreed upon between the PSC and the workforce. In the end, the contractor had no choice but to alter his budget to pay the workers the amount the PSC and the workers had agreed on.

As the project continued, a second quarrel arose between the PSC and the workers. The foreman of the workers was under the impression that the water pipes would also be extended to Makoko B (Mashonisa), where the foreman lived. The residents of Makoko



B felt there was a demand for water points closer to their residences. When it became apparent that this was not the case, the foreman confronted the engineer, who in turn informed him that Makoko B was not on the list for installation and that no extension of water pipes was planned for that section of Makoko.

The engineer concluded that the PSC members did not believe that Makoko B was in need of extended water pipes and that Makoko B was therefore not included on the list of sections of Makoko that needed water pipe extension. The engineer further mentioned that none of Makoko's PSC members lived in Makoko B and that this might be a reason why the PSC members had no knowledge of the need for water points closer to residences in Makoko B. He also added that he felt the foreman of the workforce should become a member of the PSC, to ensure representation for all Makoko's residents.

As Makoko's water pipe upgrading project neared completion, it became apparent that there were sufficient funds for the project to continue and to extend the water pipes in sections of Makoko that were not on the PSC's original priority list. This meant that Makoko B's water pipes were also extended to provide water points closer to its residents' homes.

From this example, it seems clear that the constitutional mandate of local government, in this case the Lowveld and Escarpment District Council, to encourage the involvement of communities and community organisations in matters of local government, was met. The existence and functioning of the PSC of Makoko ensures the involvement of community organisations. Furthermore, the Local Government Transition Act No 209 of 1993 stipulates that the RC of a rural area has the duty to secure the best services possible for the inhabitants of the area. This duty is fulfilled through the RC's collaboration with the PSC of Makoko to determine the Makoko residents' priorities for water supply development.

It is the policy of the PSC to be representative of the settlement's unique infrastructural development needs (see Section 2.9.5) in order to ensure that development projects of any nature is to the residents' advantage and meet with their approval. It can thus be

concluded from the two above incidents during the water pipe extension project in Makoko that this function of the PSC of Makoko is not always performed to the satisfaction of all residents. However, according to the engineer involved in the water pipe extension project, it is not that the members of Makoko's PSC are not trying their best, but rather that they lack the capacity to manage such projects. The concept of a PSC was only established after the national elections of 1994 and the functioning of such councils is a new experience for all involved. The engineer therefore contended that the PSC's mistakes are due to inexperience and said that he believed that the PSC's capacity to manage development projects will improve as they gain more experience.

A further point of note is that the members of Makoko's PSC change with every new development project. After the completion of the water pipe extension project, a second project was initiated to tar the road between Makoko and Malekuthu. The engineering firm involved in the water pipe extension project was also involved in the road-tarring project. The PSC members involved in the road-tarring project were, however, different residents of Makoko from those who were involved in the water pipe project. This meant that the experience and capacity the PSC members of the water pipe project had built up in terms of conveying the detail of the project to the residents of Makoko and conveying the residents' needs and suggestions to the engineers and the RC was now lost. If for every new development project there are different PSC members representing the residents of the settlement, it means that every new project has to be completed with the contribution of inexperienced PSC members. This could imply that the lack of capacity of the PSC will take longer to overcome than it would if the members were on the committee on a permanent basis, or at least some experienced members are retained.

The engineer involved in the road-tarring project (also involved in the water pipe project) agreed with this statement. He stated that it would generate more stability within the PSC if the members were permanent. The engineer pointed out that all the PSC members of Makoko did not always attend meetings between the engineers and the PSC. As a result of this, it was decided that no quorum was required at PSC meetings and that the meetings would continue even if certain PSC members were not present. All decisions

made at meetings would be binding and PSC members who were not present at previous meetings could not query such decisions. This in itself is a self-defeating process and has no benefit for the residents of the settlement. Only the engineer can benefit from this, as his company can continue with its work.

According to the engineer, the fact that all PSC members did not attend all meetings might be related to misconceptions about the responsibility involved in being a PSC member. He suggested that the District Councils should train the PSC members in order for them to understand that a PSC member has a responsibility towards the residents of the settlement which he/she represents. Such training would allow a PSC member to understand that it is vital to attend all meetings because decisions on development projects are made there that affect all residents of the settlement. The engineer also stated that the non-attendance of PSC members was sometimes the result of poor communication between members. For example, the chairperson of Makoko's PSC did not attend the first three meetings of the road-tarring project. It was later revealed that the chairperson had not received any of the notices stating the dates of the meetings. Note that no PSC members are paid for their involvement in projects.

Apart from the PSC, the BEC (Branch Executive Committee) is also involved in development projects of any nature in Makoko. The role of the BEC is similar to that of the PSC in so far as it represents the residents of the settlement concerned at meetings between engineers, the Representative Council and settlement representatives (see Section 2.9.5). However, the BEC is a political committee, since it represents the ruling political party (at present the ANC). It is also the only political party represented at such development meetings.

One can argue that due to the current sensitive nature of politics in South Africa, it would be more desirable to either have representatives of all political parties that are favoured by the residents of the settlement concerned at development meetings or none at all. Therefore, if all of Makoko's residents were to associate themselves with the ANC (as represented by the BEC), the BEC's presence at development meetings would not cause



dissent or factions. But, if another political party had strong support among the residents, the opposite might happen. According to the engineer involved, the BEC's presence at development meetings did not cause any problems during the previous development project. He did, however, state that political parties should not use development projects for political gain.

In order to test the residents of Makoko and Phameni's knowledge of the government structures involved in the development of their settlement's water supply, questions on this issue were included in the questionnaire. Residents were asked whom they considered to be in charge of their settlement's water supply. A total of 53% of the respondents indicated a local Makoko resident who is employed by a local construction firm. The former KaNgwane government's Department of Public Works hired this local firm to maintain the hand pumps and diesel pumps of Makoko and Phameni and to operate the valves of the water reticulation system. In 1994, the local DWAF offices hired the construction firm to do the maintenance. Consequently, the same individual was given the maintenance job he had previously held.

Respondents indicated that they assumed this local resident to be in charge of their water supply, because they often saw him working on the hand pumps of both settlements and operating the water pipe valves which regulate water to Makoko and Mashonisa (Makoko B). Some respondents said he often tells residents not to waste water by leaving taps open and he scolds children who play in the water. This has led to the belief that this person is responsible for the water supply to Makoko and Phameni.

The truth of the matter is that this man is only a caretaker of the local boreholes and has no authority over the distribution of water or over the upgrading of the water system. He is simply acting on orders from the DWAF officials. During an interview with him, he stated that he is aware that residents perceive him to be in charge of their water supply and that he is quite despondent about this. Residents assume that because he operates the water pipe valves and fixes the boreholes, he must be responsible when there is no water. Residents come to him to complain about their water shortages and blame him for their

dry taps but he has no authority to make any changes to the water distribution. He further stated that he often took it upon himself to tell residents not to waste water because there is already a shortage.

This person also says that he has seen the effect of private connections (see Section 3.2.2.1) on daily water supply from the Sabi River. According to him, the biggest problem is private connections made to the bulk water supply line of the settlements. These private connections cause the daily quota of water in the temporary reservoir to be significantly less (see Section 3.2.2.1). This is so because the households with these private connections have access to and use the water before it enters the temporary reservoir. Consequently Makoko starts every day with a water shortage.

Data from the questionnaire indicates that 21% of the respondents answered that they did not know who was in charge of their water supply. The rest of the respondents indicated a number of different senior local residents who also have no authority over water supply. It is interesting to note that only one respondent answered DWAF and none answered the PSC, RC or DC. This indicates a lack of knowledge or understanding of the water provision and reticulation process for and in Makoko. This is a situation which definitely contributes to gross water wastage, serious water shortages and it impedes on any development in Makoko. This situation plus the incapacity of the PSC needs urgent attention before realistic development can take place in Makoko.

2.11 SUMMARY

The Mdluli of the northern Nsikazi district in Mpumalanga are a mixture of baPai, Swazi, Zulu and Nhlangu. The genealogy of the Mdluli begins with *Sikhulu* Silimanyama Mdluli who was born in Zululand. Around 1926, under the rule of Silimanyama's grandson, Jacob Mdluli, the Mdluli settled in the area where they still live today. Van Warmelo (File 33-35 1942: f 30) describes the area as "eNumbi ridge almost on the border of the Game Reserve". Jacob Mdluli's grandson, Mqoshwa Zephonia Mdluli, became *sikhulu* of the Mdluli in 1964. Mqoshwa Zephonia Mdluli died in 1998, during

the time when the research for this study was done, and his eldest son Izak Mdluli was appointed as successor.

The Mdluli adopted the traditional Swazi culture due to the strong Swazi influence on the non-Swazi people of the Nsikazi district over a period of time. King Ngwane III and his followers settled in the region today known as Swaziland in the mid-eighteenth century. Later, under the rule of King Mswati I these people became known as *emaSwati*. During the reign of King Mswati I, a number of Swazi princes and their followers moved out of Swaziland and settled in the former Transvaal and northern Natal. This exodus of Swazi princes from Swaziland is the reason for the great number of Swazi people living outside Swaziland's borders in South Africa.

The border between Swaziland and the ZAR was settled in 1866. Consequently, all the Swazi tribes and chieftaincies in South Africa fell under the authority of the Union of South Africa after 1910, and under the authority of the Republic of South Africa after 1961. The Swazi Territorial Authority, established in 1976, became the homeland of KaNgwane under the authority of the KaNgwane Legislative Assembly in 1977. The Nsikazi district formed part of the former homeland of KaNgwane. In 1993, the homeland of KaNgwane became part of the South African province of the Eastern Transvaal. The name of the province was changed to Mpumalanga in 1995.

The Mdluli tribal area consists of four settlements, namely, Makoko, Salubindza, Bekiswayo and Nyongani. The central authority within the Mdluli tribal area is vested in the *sikhulu*-in-council. The *libandla* (*sikhulu*'s council) consists of the *tindvuna* (ward headmen) of the four settlements as well as members of each *indvuna*'s own councillors. Apart from handling internal tribal politics, the *libandla* also assists the *sikhulu* in matters of the *sikhulu*'s court. The *sikhulu*'s court is managed by the *ndvunankhulu* (senior *indvuna*).

Each settlement in the Mdluli tribal area falls under the decentralized authority of an elected *indvuna*. In addition to keeping order and discipline within his settlement and allocating stands to the residents of his settlement, the *indvuna* also manages the

indvuna's court. The *indvuna*'s council, which is appointed by the *indvuna*, assists him in managing the *indvuna*'s court.

Stand sizes within the Mdluli tribal area are 30m × 25m. All resident stand owners pay a first time single payment of R100 *khonta* (to pay allegiance to) fees and thereafter an annual payment of R6 *khonta* fees. *Khonta* fees are symbolic of the residents' loyalty towards their *sikhulu*. *Khonta* fees are deposited into the Mdluli Tribal Account at the Magistrate's office at Kabokweni. Unmarried men and women are not allowed to live on their own stands since such a situation is believed to cause trouble in the form of "parties".

Statistics on the population density of the Nsikazi district indicate a fast-growing population. A total of 29.3 % of the rural population of the Nsikazi district is between 5 and 9 years of age. Statistics of this nature are common in developing areas. Statistics on income distribution indicate that 78.6 % of the entire Nsikazi district's population have no steady income. This is due to the fact that the Nsikazi district offers very few or no job opportunities and therefore residents are forced to practise subsistence horticulture.

The Nsikazi district's first water reticulation system was installed in 1979. This reticulation system was installed from the Crocodile River to Kabokweni in the southern Nsikazi area by the former Department of Development Aid. The northern Nsikazi district first received a water reticulation system from the Sabi River to five settlements in 1985/1986. This system was installed by the Department of Development Aid. In theory, 76.47 litres of water per person per day are pumped from the Sabi River to the residents of the northern Nsikazi district. In practice, however, residents receive much less (see Section 3.2.1).

Currently, extensive planning is being done for upgrading the water infrastructure in the Nsikazi district.

At the national and provincial government level, DWAF is the authoritative body involved in water projects in and for settlements in the Nsikazi district. At the local



government level, DC's, RC's, LC's, RDC's, PSC's and the RDP are the authoritative bodies involved in water projects of settlements in the Nsikazi district. The indigenous authority structure (the *sikhulu* and his *tindvuna*) in Makoko and Phameni has no official authoritative role regarding development (water) projects.

At the national government level, DWAF has the responsibility for ensuring that all South Africa's residents have access to basic water supply. DWAF's national policy states that DWAF has the responsibility to plan the expansion of water services in collaboration with provincial governments and to monitor and regulate water supply and sanitation activities. At the provincial level, DWAF acts as the water service provider to settlements within a given province until such time as the local authority of the settlement has the capacity to handle the technical aspect of water provision.

At the local government level, a district council is responsible for ensuring the provision of all services including water supply to settlements under its jurisdiction in a sustainable manner. DC's must also encourage the involvement of the residents of settlements under its jurisdiction as well as of community organisations of such settlements in matters of local government. DC's also act as the local authority for representative councils. One of the main aims of DC's is to build up the administrative and financial capacity of RC's so that the RC's can become autonomous.

RC's have a responsibility to represent the residents of their settlements at the local government level. The RC's has a duty to ensure the best services possible for the residents of its settlements through such representation. The main task of the RC is therefore to convey the (water) development aspirations of the residents to the DC.

A RC can develop into a LC as soon as it has the financial capacity. Unlike a RC, a LC has taxing powers and can therefore finance (water) development projects within its area of jurisdiction.

The RDC is a local settlement body and works closely with the relevant RC to convey each settlement's unique (water) development needs to the DC. The RDC compiles a

document stating the specific settlement's existing infrastructure and problems arising therefrom. The document also contains a priority list of all development needs within the specific settlement. An RDC thus performs its duty (preliminary planning and prioritising of projects) before a project is launched.

A PSC is a local settlement committee with the main function of ensuring a settlement's residents' involvement and approval of projects launched in such a settlement. A PSC thus performs its duty once a project is launched by informing the residents on all aspects of the (water) development projects, which ensures the residents' continuous approval till the end of the project. The PSC also has the task of ensuring that the local residents form part of the project's workforce.

The function of the RDP Commission is to ensure the existence of effective Reconstruction and Development Councils in rural areas of each province. The Reconstruction and Development Project Commission's task is to ensure that all water projects adhere to RDP standards in terms of quantity, quality, cartage, availability, and assurance of supply and upgrading.

During an interview with an engineer who was directly involved in a project to extend the water reticulation pipes in Makoko at the beginning of 1998, he indicated how the local government institutions function in practice. It was concluded that the constitutional mandate of Local Government, in this case the Lowveld and Escarpment District Council, to encourage the involvement of communities and community organisations in matters of local government is met. The existence and functioning of the PSC of Makoko ensures the involvement of community organisations. Furthermore, the Local Government Transition Act No 209 of 1993 stipulates that the representative council of a rural area must secure the best services possible for its inhabitants. This duty is fulfilled through the Representative Council's collaboration with the PSC of Makoko to determine the Makoko residents' priorities for water supply development.

However, it is the policy of the PSC to be representative of its settlement's unique infrastructural development needs in order to ensure that development projects of any

nature are to the residents' advantage and meet with their approval. It is concluded from two incidents during the water pipe extension project in Makoko that this function of the PSC of Makoko is not always carried out in a manner that satisfies the residents' needs. However, the concept of a PSC was only established after the national elections of 1994 and the functioning thereof is a new experience for all involved. The PSC's mistakes can therefore be explained as a lack of capacity which will improve as it gains more experience.

A further point worth noting is that the members of Makoko's PSC change with every new development project. This means that the experience that the PSC members involved in previous development projects gained in terms of conveying the details of the project to the residents of Makoko and conveying the residents' needs and suggestions to the engineers and the Representative Council, is lost. If this practice continues, the lack of capacity of the PSC will take longer to overcome than it would if the members (or at least some of them) were on the committee on a permanent basis.

Also, all PSC members do not attend all meetings between engineers, the Representative Council and settlement representatives. This might be related to a misconception about the responsibilities of a PSC member, which include attending all meetings because here vital decisions on development projects are made which affect all residents of the settlement. Non-attendance of PSC members is also the result of poor communication between members. PSC members receive no remuneration.

Data from the questionnaire further indicate that 21% of the respondents answered that they did not know who was in charge of their water supply. The rest of the respondents indicated a number of different senior local residents who had no authority over water supply. It was disturbing to note that only one respondent answered DWAF and none answered the PSC, Representative Council or District Council. This indicated that the people had very little knowledge about what happened in the development of their water supply.