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The Traditional Leadership Institutions and Local Development: An Analysis of the Role of Chiefs in Moses Kotane Local Municipality

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DECLARATION

I, Otshepeng Mazibuko, declare that ‘The Traditional Leadership Institutions and Local Development: An Analysis of the Roles of Chiefs in Moses Kotane Local Municipality’, is my original work in design and execution, and that all sources cited have been duly acknowledged.

.....

Signature

.....

Date

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God, being the creator of the earth and living things, I stand in awe still in disbelief of my completed Master's dissertation. I would have not done it without His might and strength. I would also love to convey my sincere gratitude to my immediate family and friends for their continued enormous support throughout. Also, my supervisor Prof Vusi Thebe for being patient and guiding me through the entire project. Indeed, I am grateful for his academic wisdom. Importantly, I am thankful for the National Research Foundation's funding.

ABSTRACT

An inclusion of patriarchal rule in contemporary legislative rule has been a central issue of traditional leadership since the dawn of colonization, apartheid rule, and the new dispensation. Literature indicates that these challenges are institutionally fragmented; and as such, roles of the traditional leadership in particular remains blur post-apartheid planning and established municipal planning systems. The study addresses the challenges and implications of the unclear roles of traditional institutions in rural planning institutions. It further investigates the established legislations that governs traditional institutions in facilitating land matters in their respective municipal jurisdiction – further assessing the compatibility of coexistence between traditional leadership and the democratic governance system. This concern is further premised on the experienced constraints that traditional leaders face in relation to the issue of inclusivity in all spheres of government. Perceptions on governing institutions in the studied municipality showed how community members preferred governance institution, and further encourage public participation. The study was conducted from December 2020-February 2021. During this phase, qualitative data collection techniques (in-depth interviews, non-participant observations) were employed to operationalize the environment for data analysis. The results indicated that the traditional institutions are perceived to be a strong pillar in institutional governance, particularly in socio-land related challenges experienced by individual communities in the Moses Kotane local municipality. Furthermore, the community of Moses Kotane demonstrated their views on the preferred institution of governance – frequently citing the traditional institution. This outcome derived from the results was an increased and comprehensive dialogue between the municipality, tribal leaders, and other involved stakeholders in administering service delivery to the community and other interrelated aspects of holistic development and growth.

The study concludes that the unclear roles of traditional leadership have widened the gap in the space of rural governance. This is indicated by the roundtable discussions that traditional institutions still have with the ministry of cooperate governance and traditional affairs to amend legislations (Spatial Planning and Land Use Management Act 16 of 2013) to better execute their duties in the space of governance. However, policy amendments that were intentionally ignored (recognition of the roles of traditional leadership on land use and development), brought realities of how deep the connection and daily interactions traditional leaders have with their respective traditional communities.

Keywords: Development, Local government, Rural governance, Traditional institution

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LIST OF ACRONYMS

CONTRALESA	Congress of Traditional Leaders in South Africa
CODESA	Convention for a Democratic South Africa
TBVC	Transkei Bophuthatswana Venda and Ciskei
UNDP	United Nations Development Programme
LGBER	Local Government Budgets and Expenditure Review
IIAS	International Institution of Administrative Sciences
ANC	African National Congress
IFP	Inkatha Freedom Party
SAYCO	South African Youth Congress
RDP	Reconstruction and Development Programme
IDP	Integrated Development Plan
SLSA	Sustainable Livelihoods in Southern Africa
GEAR	Growth Employment and Redistribution strategy
NDP	National Development Plan
TJIP	Traditional Justice in Practice
SALGA	South African Local Government Association
NWPL	North West Provincial Legislature
NW	North West
CoGTA	Department of Cooperative Governance and Traditional Affairs
Bop TV	Bophuthatswana Television
SABC	South African Broadcasting Corporation
UNIBO	University of Bophuthatswana
NWU	North-West University
SMMEs	Small Medium and Micro-Enterprises

MDA	Municipal Demarcation Act
TLGA	Traditional Leaders and Governance Act
TARG	Training and Assessment Research Group
SDI	Spatial Development Initiative
CMIP	Consolidated Municipal Infrastructure Programme
RHP	River Health Programme
LEDP	Local Economic Development Programme
LRP	Land Reform Programme
TCB	Traditional Courts Bill
HIV/AIDS	Human Immune Virus/ Acquired Immune Deficiency Syndrome
NGO	Non-Governmental Organisation
IFC	International Finance Corporation
WRG	World Research Group
WHO	World Health Organisation
CSR	Corporate Social Responsibility
MKLM	Moses Kotane Local Municipality
EFF	Economic Freedom Fighters
DA	Democratic Alliance
COPE	Congress of the People
UCDP	United Christian Democratic Party
SASSA	South Africa State Security Agency
EPWP	Expanded Public Work Programme
BEDU	Bakubung Economic Development Unit
MTN SA	Mobile Telephone Network South Africa
SACP	South African Communist Party

SLP	Social Labour Plan
IDC	Industrial Development Corporation
RPM	Rural People Movement
BAA	Black Authorities Act
SSA	Statistics South Africa
UN	United Nations
AZAPO	Azanian People's Organisation
PAN	Pan Africanist Congress of Azania
KZN	KwaZulu Natal
WDR	World Development Report

CHAPTER ONE

INTRODUCTION

1.1 Introduction/background

The situation of traditional leaders in rural governance has been widely researched and debated in Southern Africa (Maime, 2013; Ncube, 2017; Thebe and Lebusa, 2012). What emerges from the literature is that traditional leaders play crucial roles in eradicating poverty and ensuring equality than local councillors, who are predisposed towards patronage (Maime, 2013; Thebe and Lebusa, 2012). Unlike elected local councillors, traditional leaders, and chiefs according to history, are born within a royal structure and do not hold their authority through elections. This allows the traditional council to command allegiance in the community and to facilitate socio-cultural and economic provisions in the lives of their respective villages outside partisan politics. In other words, they possess a resource, which no other ordinary person has – ‘tradition’ (Kessel and Oomen, 1997: 562).

Others (Logan, 2009, Kessel and Oomen, 1997; Tsoko, 2014) have often characterized chiefs as being deeply connected to the people, and as such, better situated to understand and determine development needs for their societies. While advocates of liberal democracy tend to dismiss traditional institutions as undemocratic (Hendricks and Ntsebeza, 1999), there are some who believe that both institutions can find space to operate and contribute to development (Comaroff and Comaroff, 2009; Koelble and LiPuma, 2009; Logan, 2009). Blending the two models can be regarded as critical in any people-centred development agenda (Logan, 2009). Hence, the desire for inclusionary policies central to traditional leaders, particularly in strategic initiatives such as the Integrated Development Plans (IDP) of local municipalities. Despite such observations, the overlaps between the roles of the traditional institution and those of local government in the contemporary era, are hard to miss.

Literature (Shabangu and Khalo, 2008) has highlighted several responsibilities that traditional leaders performed in relation to their community and people in the past. For instance, traditional leaders were the main mediators and administrators of their collective villages (Turner, 2014). They were invested with power to rule their people, facilitate land affairs, and administer village affairs (Beall et al., 2005). Their (traditional leaders) roles consisted of

developmental dynamics and dimensions (Ntsebeza, 2002). Given their ability in effectively functioning administrative affairs, they played distinctive roles in resolving disputes, preserving traditions and customs, and ensuring peace and security is always maintained (Ntsebeza, 2002).

The traditional leaders are closer to their community than anyone else (Logan, 2009). They have their finger on the pulse of the community (Chief Linchwe II, 1989). They can communicate faster and more effectively with their constituents and provide guidance on policy issues (Ntsebeza, 2007). Their culture of consultation and consensus is one of their major strengths (Chief Linchwe II, 1989).

Although the significance of the traditional systems and the key developmental projects have been acknowledged, the traditional institution has slowly been replaced by the introduction and enforcement of the local government (Kessel and Oomen, 1997). Local government, as guided by Municipal Structure Act 117 of 1998, has the responsibility to:

- a. Define the types of municipalities that may be established within each category.
- b. Provide for the establishment of municipalities in accordance with the requirements relating to categories and types of municipalities.
- c. Establish criteria for determining the category of municipality to be established in an area.
- d. Provide for an appropriate division of functions and powers between categories of municipality.
- e. Provide for appropriate electoral systems; and to provide for matters in connection therewith.
- f. Regulate the internal systems, structures, and office-bearers of municipalities.

Of special interest to this study was the continued calls for increasing the role of traditional leaders, specifically with the argument being that the role of the traditional leaders comprises of all aspects of developmental dynamics as concerned (Hendricks and Ntsebeza, 1999). Furthermore, not only does the institution play a crucial role in preserving traditions and customs, and promotion of culturally based activities, land allocation and administration are daily duties of traditional leaders (Ntsebeza, 2007). Traditional leaders also hold a huge responsibility for promoting development introduced by local municipalities (Selepe, 2009).

Additionally, the needs and priorities of the community has become the most thriving goal to be achieved in order to keep up with the satisfactory mode of the community (Ntsebeza, 2007).

Among the critical activities of traditional leaders are the consultations with the community members through held public meetings. Tsoko (2014) acknowledges how these county participation engagements serve as meaningful contributions to development. It is in such platforms where issues such as water access, irrigation, Covid-19, burials/funerals, and other community themes are discussed. Outside, the community setting, traditional leaders can advise the government on specific traditional affairs through the house of traditional leaders, at provincial and national scales, respectively. However, much of these issues, particularly the water crises with respect to Covid-19 are often verbal with not much intervention. From an observatory perspective, water infrastructure is costly; and municipalities often take time in delivering this bulk infrastructure across widespread, often remote villages.

The governing legislations for the traditional leadership (Traditional Leadership and Governance Framework Act 41 of 2003; Spatial Planning and Land Use Management Act 16 of 2013) institutional system are broad and are not covering the main role and functions of traditional leaders in the local government sphere (Ntsebeza, 2007). Responsibilities are not clearly aligned alongside definite roles - a condition that undermines the traditional leaders' efficiency. Consequently, controversy has raged over the role of traditional leaders in governance that has been fuelled by the passing of legislation providing for a restructured local government system (Maloka, 1996). Forums such as the Congress of Traditional Leaders in South Africa (CONTRALESA) and the Convention for a Democratic South Africa (CODESA) have been formed to voice out the barriers traditional leaders face in leading developmental activities, particularly service delivery as most of the functions lie within the local tier while the majority of the traditional systems often play a dormant role (Kessel and Oomen, 1997). However, the important part is how ordinary people regard the institution and its role in the democratic dispensation to influence developmental activities (Maloka, 1996).

The broad argument put forward in the study was that although the emergence of the local government institution resulted in the loss of power in key community development aspects for the traditional institution, it posed a deep connection to the people because of the acknowledgement of authority and non-partisanship (see, Maime, 2013; Thebe and Lebusa, 2012). The state also encourages holistic participation by incorporating certain aspects of

traditional leadership functions into the framework (summoning community meetings and promoting development introduced by local the government (Maloka, 1996).

1.2 Traditional Leadership Institution in the North West Province

North West is an inland province in the Republic of South Africa that borders the country of Botswana. The capital city is Mafikeng; and is predominated by the Tswana ethic population. Four district municipalities and eighteen local municipalities are found throughout the province. It is deeply enriched in running its administration under strict supervision of legitimate officials. It involves mixed government (traditional leadership and municipality). During apartheid era it was semi-independent territory, with the same status as the British protectorates of Swaziland and Lesotho by the late *Kgosi* Lucas Manyane Mangope.

Bantustans were established for black Africans under the Bantu homelands citizenship act of 1970 with a single purpose of remaining in each state's tribe (Jones, 1999). The Bantustans formed included *Bophuthatswana* (Tswana), *Ciskei and Transkei* (Xhosa), *Gazankulu* (Shangaan and Tsonga), *KwaZulu* (Zulu), *Lebowa* (Pedi and Northern Ndebele), *Qwa Qwa* (Basotho), and *Venda* (Venda). The infamous independent states were and abbreviated for TBVC (Transkei, Bophuthatswana, Venda, and Ciskei) (Manson & Mbenga, 2012). *Bophuthatswana* was declared a self-governing state, which means only *Tswana* origins dominated the state in all its organs (Manson and Mbenga, 2012). The established Bantustans were compartmentalised by each specific tribe and appointed leaders (Jones, 1999). For instance, of the Bophuthatswana state, the leader *Kgosi* Lucas Mangope from Motswedi village near Zeerust town, was also a renowned traditional leader. The traditional leader treated *Bophuthatswana* as a fiefdom as the leader was lord and overseeing everything within the kingdom.

The late former *Bophuthatswana* leader emphasised on the importance of the ethnic origin of the *Tswana* nation as well as an outline on the position held as a traditional leader within the ethnonational entity (Lawrence and Manson, 1994). The traditional leadership institution, deeply rooted in customary practices, was ran accordingly in *Bophuthatswana* state. The leadership style inter alia, caused furore within the state, where a feeling of disenchantment covered the whole of *Bophuthatswana*. The state military along with opposing civic organisations, already had put on a stratagem to castigate the traditional leadership (Manson,

2011). Subsequently, the involvement of the apartheid regime resulted in the creation of a bifurcation. The outcome as narrated by Lawrence and Manson (1994) was a weakened traditional system that collapsed with time as the empire could pose a challenge to the governing state.

Post-1994, an independent *Bophuthatswana* state was dismantled following the new democratic dispensation in South Africa. As a result, the Bantu Authorities Act 1951 was revisited and amended to align the Republic's constitution. The establishment of the local government Municipal Systems Act 117 of 1998 was introduced to formulate a conducive environment for the successful operation of municipalities in delivering their mandates to the general communities, however, traditional leadership was given much attention from a legislative perspective during the dispensation.

Overall, the poor state of the traditional leadership in the province remains inevitable—particularly in remote villages where details go unnoticed amidst the challenges municipalities themselves face in delivering and fostering services. Other traditional regimes show signs of positive coordination, development, and service delivery, particularly the Royal Bafokeng nation and the Bakgatla-Ba-Kgafela traditional authority.

1.3 Aim of the study

The aim of the study is to investigate how the institution of traditional leadership negotiates barriers in their governance, they encounter executed by the local government for the development purposes in their respective societies. Specifically, the study seeks to address the following:

- 1) To determine the roles and functions of traditional chiefs as defined by the rural governance framework in South Africa.
- 2) To find out if traditional leaders obey to the prescribed roles in their governance of communities and people under their jurisdiction.
- 3) To explore how traditional leaders negotiate barriers and constrains posed by the documented legislation. To find out which institution do citizens view as the appropriate in leading development in rural society.
- 4) To determine how people view the institution of traditional leadership in a rural society.

1.4 Research questions

The main interest in this study is to investigate whether and how the traditional institution negotiates the constraints imposed by the establishment of the local government institution to play a positive role in the development of their societies. This investigation assumes that the advent of the local government did not completely erode the authority and connection of local chiefs on their people (Kessel and Oomen, 1997; Hendricks and Ntsebeza, 1999). As such, a principal question has been established:

- To what extent have the traditional institution of chiefs used its position in society to negotiate and respond to the development needs of their respective communities in South Africa?

This overarching question is addressed by attempting to provide answers to four specific questions, to understand rural governance dynamics in South Africa.

- 1) What are the roles and functions of traditional chiefs as defined by the rural governance framework in South Africa?
- 2) Do traditional leaders conform to these roles in their governance of communities and people under their jurisdiction?
- 3) How do traditional leaders negotiate constraints and barriers posed by the legislative framework? Which institution do rural residents view as most appropriate in leading the development in rural society?
- 4) How do people view the traditional leadership institution in a rural setup? Do they see it as having a role in the development process?

1.5 Significance of the study

The contributions made by the study presents benefits to the community of Moses Kotane municipality as the misconception of integration of rural governance institution is outlined and discussed in brief. It further assists in understanding the evolving developments that inform and involve integration and effective participation of traditional leadership institutions. This research appeals to social policy makers as findings influence direct policies in the sphere of rural community development.. The study additionally generates important information that (if taken into consideration) may be used in developing an appropriate governance model that clearly defines the roles of traditional leadership in a democratic state such as South Africa.

Sub consequently, should an appropriate model not yet be in discourse; the existing legislation would see the benefit of amending its policies for increased inclusivity of traditional institution in local affairs.

1.6 Definition of key terms

1.6.1 Rural governance

UNDP (2004) defined the term rural governance as ‘the exercise of social, economic, political and administrative authority to manage a country’s affairs at all levels’. It incorporates of multiple subjects in rural setting to authorise and influence developments to best reflect its capability (Zhihong et al., 2014).

1.6.2 Traditional institution

It is referred to as a native set of council, which allows for the betterment of individuals residing in that particular traditional setting (Ncube, 2017). This type of institution allows for rural planning to execute its mandate through its guidance.

1.6.3 Local government

Tsoko (2014) defined the term local government as administrative authorities over areas that are smaller than a state.

1.6.4 Development

According to Todaro (1994) development must be conceived as ‘a multi-dimensional process involving major changes in social structures, popular attitudes, and national institutions as well as acceleration of economic growth, the reduction of inequality, and the eradication of poverty’.

1.7 Organisation of the Dissertation

The dissertation is organised into four distinct parts: 1) the introduction and description of the research problem, 2) the literature review and framework of understanding, 3) data presentation, and 4) discussions and conclusions. These distinct parts are further divided into individual chapters.

Chapter one is an introduction to the dissertation, providing motivation for the study. It also presents research questions and objectives. Subsequently, the chapter provides a brief definition of key concepts used in the study, before outlining the organisation of the dissertation.

Chapter two consists of the analytical framework for the study using key literature. The framework entails the provision of key concepts and discussions on the complexities of rurality intertwined with the governance structure. The relationship between two institutions (Traditional leaders and local municipality) is mostly discussed.

Chapter three provides a discussion of the methodological approach adopted by the study. It includes the methods, design, and formation of tools for data collection purposes.

Chapter four discusses the conceptual roles of traditional leaders by the South African law including the Constitution and frameworks formulated. It also discusses how chiefs have reacted to these legal changes, and their responses.

Chapter five draws data from the case study and discusses how chiefs have reasserted themselves to continuously play active roles in the development process. It also discusses the views of people with regards to the most appropriate institution to spearhead development in rural areas.

Chapter six provides a discussion of emerging issues and provides a conclusion before outlining the recommendations and policy implications.

CHAPTER TWO

LITERATURE REVIEW

2.1 Literature review

In understanding local governance institutions (traditional leadership and local municipalities), a proper investigation on the dynamics and discourses of rurality needs to be considered and properly executed. The legitimacy of traditional leadership institutions has been uncontrollably questioned to whether the institution is still able to adapt to the transformation set forth by the phenomena of increased globalization in which principles of land are highly upheld. The introduction of municipal systems act for governance, power authoritative dynamics begin to stir between the local government and the traditional tier. This results in power struggles among institutions on a single aspect of the role played on matters subject to planning and development, service delivery, and governance in general.

The framework of analysis that guides the study was derived from the following concepts: rural dichotomy, traditional chieftaincy system, local government system, decentralisation of governance, local development. To provide a purview of the study, this chapter presents an introduction of the reviewed literature in accordance with the concepts enlisted above. The relationship between the governance systems is also outlined. The discussion overlaps to challenges encountered by traditional institution before chapter summary.

2.2 Rurality and governance

2.2.1 Rural dichotomy

In understanding the concept of rurality and its dichotomies Aribigbola (2008) and Chigbu (2013) observe how linkages in governance institutions with rural development play a key role in fostering factors such as the adaptation to modern techniques. It further assists in determining whether the developmental mandates set to be achieved by the rural traditionalist communities would retain sustainability for future generations (Chapman and Hugo, 2017). This maintains a clear perspective on the interconnectedness of rurality and its dichotomies, along with the elements that build up the core concept (Chigbu, 2013; Vilakazi and Adetiba, 2020). The elements include rural people mostly affected by the derived rural developmental policies (McGrath and Brennan, 2011) rural governance institutions integrated for the attainment of one

common goal (Chigbu, 2013). Rural place outlines the extent of its cultural and traditional being (Paniagua, 2012) while the sociopsychology-rural perception element measures the attitudinal pattern differences across people in urban areas (Halfacree, 2004; Pretty, 2010). The most important element in this regard is rural governance.

2.2.2 Rural areas and rurality

In public discourses, rural is often contrasted with urban and often associated with a state of underdevelopment. Thus, rural is often an expression of ‘non-urban or periphery regions’ (Dax, 1996). Despite this, some sections of scholarship point to the challenges of differentiating rural and urban areas as ‘opposite types of spatial structure’ (*see* Dax, 1996) and question any attempt of adopting rural as an analytical category, which is argued to have been abandoned (Hoggart, 1990). This is because ‘what constitutes ‘rural’ is wholly a matter of convenience and that arid and abstract definitional exercises are of little utility’ (Newby, 1986). This view is supported by the assertion that what constitutes ‘rural’ will vary based on social group, national context, and the different regions (Dax, 1996; Tucoli, 1998).

The complexity of the term ‘rural’ is well accepted among scholarship. Wiggins and Proctor (2001) recognise the lack of definitional agreement, whether conceptually or empirically, but point to certain characteristics that distinguish certain areas as rural. There is also a consensus that rural is distinct from urban, and Wiggins and Proctor (2001) argue that rural areas can be a separate category. They observed that:

‘They constitute the space where human settlement and infrastructure occupy only small patches of the landscape, most of which is dominated by fields and pastures, woods and forest, water, mountain, and desert.’ (Wiggins and Proctor, 2001).

The description above insinuates that the rural population densities are often low with minimum to non-existing infrastructural provision. Wiggins and Proctor (2001) and Tacoli (1998). From another perspective, rural areas can be defined and classified according to the complexity of the economic activities – more prominently, agricultural development has been observed to be the dominant activity (Wiggins and Proctor, 2001). More important, rural areas are portrayed as traditional and in dire need for transformation.

In attaining sustainable and transformed rural areas, Burchardt (2010) observes how the preservation of tradition is duly maintained by the traditional leaders. This subsequently assists

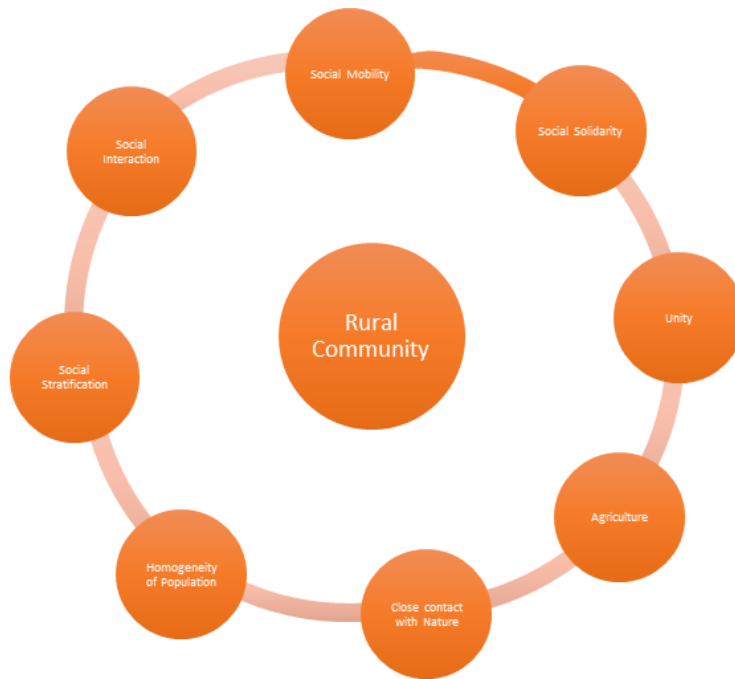
the traditionalist community members to adapt to the changing time while keeping everything in customary intact (Burchardt, 2010; Chigbu, 2013). However, the contestation of power struggles between two governance institutions are frequent and do not relatively satisfy the community (Mashau et al., 2014). The Intensification of such governance wars, visible to the outer world, enables the enemies to penetrate the rural demarcation area of the area of jurisdiction for traditional leaders (Woods, 1998).

The Global insight of the year 2009 indicates on how 15.9 million South Africans live in poverty (LGBER, 2011). 11 million people that represents 60% of the population, are based in rural areas (ibid). This leads to an introductory statement for the review made by local government, particularly on the budget expenditure. The review showcases the statistics which may have been doubled or tripled. In outlining attributes making up a traditionalist rural community and understanding the concept of rural governance, Cloke (1977) expresses the description below:

‘A condition of place-based homeliness shared by people with common ancestry or heritage and who inhabit traditional, culturally defined areas or places statutorily recognized to be rural.’

The description above is aligned with how rural people are drowning in poverty and inequality, subsequently demonstrating the differences in the censuses conducted (Statistics South Africa, 2003; Perret et al., 2005). However, positive characteristics that build up the rural community should be considered significant. The figure below illustrates synergy of the sub concepts that interrelate with the concept of rural settlement (Bannister, 2003; Gopaul, 2006; Du Toit, 2017).

Figure 1. Characteristics of a traditional rural community



Source: Author (2021)

2.2.2.1. Social interaction

According to Idang (2015) social interaction is constructed from common principles shared by members of the community of the same traditional rural setting. These relate to social values, moral values, religious values, political values, economic values, and aesthetic values (ibid). A holistic development and well-being of a community in a traditional setting depends on the frequency of social interactions (Idang, 2007; Leildé, 2008). Applying a comparative approach, the interaction is comparatively lower in rural areas as compared to urban settings due the diverse communication options that urban spaces have in advocating public participation.

The interaction level possesses more stability and continuity (Anderson, 2001), which is what rural settings lack. The relationships and interactions, at least, in the primary groups are intimate, particularly looking at community meetings held by tribal leaders. Traditional leaders then pass ethnicity lessons to households for continuation and preservation of values and culture. It is the family, which introduces the members to the customs, traditions, and culture of the society. Due to limited contacts, they do not develop individuality and their viewpoint towards the outside world is very narrow, which makes them oppose any kind of violent change (Leildé, 2008).

2.2.2.2. Social mobility

According to Fintel (2015), the proportion and frequency of social cohesion and mobility differs across communities. This concludes traditional rural areas mobility as rigid as all the occupations are based on social groups (Haddad and May, 2000). In this case, it would be African people from traditionally based areas. Carter and May (2006) also deduce that the phenomenon is greatly persistent and socially embedded in rural settings.. The historic legacies of colonialism and apartheid prompted for social cohesion and mobility (Carter and May, 2006; Burger et al., 2013) Social mobility by the traditional rural people then enable poverty escapement. Thus, socioeconomic hierarchy determines the social status of the rural people (Fintel, 2015).

2.2.2.3. Social solidarity

The degree of social solidarity is greater in villages as compared to urban areas (Idang, 2015). This is attributed by common experiences, purposes, customs, and traditions that form the basis of unity in the villages (Murithi, 2006). The features mentioned support community members being interdependent (ibid). In practice, social solidarity is promoted and enhanced through means of confronting corruption and promoting power-sharing, inclusive governance, and the equitable distribution of resources (Marks, 2000; Murithi, 2006). This enables indigenous and traditional approaches to play a significant role in the reconstruction of Africa, education, and training programmes based on African cultural values should be established for government and civil society actors (Khoza, 1994; Masina, 2000; Murithi, 2006).

2.2.2.4. Unity

Another characteristic feature of the rural society is the joint community system. An example is of the family that controls the behaviour of the individuals. Generally, the father is the head of the family and is also responsible for maintaining the discipline among members. They manage the affairs of the family. In the case of rural governance, particularly the traditional institution, – traditional leaders play a fatherly role to the community. They further maintain the order and law and uphold the spirit of *Ubuntu*- unity in the community (Masina, 2000). The traditional rural community comprises of a resilience dimension that contributes to the homogeneous unity (Venter, 1996).

2.2.2.5. Agriculture

Agriculture is the main occupation that sustains rural areas (Adeyemo and Silas, 2020). Members of the community, mainly in the traditionalist areas, depend entirely on the activity for survival (ibid). Agriculture is the fundamental occupation of the rural people and forms the basis of a dynamic rural economy (Bannister, 2003). Practising agriculture in rural areas offers unique opportunities to diversify farming systems, ensure food security and alleviate poverty while increasing income and improving human health (Bannister, 2003; Greyling, 2012).

2.2.2.6. Close contact with nature

The rural people are in close contact with nature as most of their daily activities revolve around the natural environment (Ramakrishnan et al., 1998). This is the reason why a rurality is more influenced by nature than an urbanite (Abramovitch, 2001; Ramakrishnan, 2001). The villagers consider land as their real mother as they depend on it for their food, clothing, and shelter. Some traditional societies retain elements of pantheism, the ‘original religion’ of all humankind (Idang, 2015). In these societies, religion, worldview, and environmental practice are often intertwined (Berker, 2013). Traditional worldviews may also help conserve biodiversity indirectly through the emotional involvement of people with their land and living things. According to international criteria by the World Commission on Environment and Development (1987), four characteristics distinguish indigenous peoples from others. They are descendants of groups inhabiting an area prior to the arrival of other populations; they are politically not dominant; they are culturally different from the dominant population; and they identify themselves as indigenous.

2.2.2.7. Homogeneity of population

A homogeneous society is one in which all its individuals share both the same racial ethnicity, the same language, and a series of beliefs (Cardenas, 2019). It is a society where its members share a culture, customs, and way of thinking (ibid). In that sense, it is often said that ethnic divisions are associated with profound differences in preferences, values, and attitudes (Cardenas, 2019; Easterly and Levine, 1999). The village communities are homogenous in nature. Most of their inhabitants relate to agriculture and its allied occupations, though there are people belonging to different castes, religions, and classes. Ethnic diversity is based on the implicit assumption that people belonging to the same ethnic group (Easterly and Levine, 1999). It shares social values and norms while people from different ethnic groups differ in

those values and norms. According to Collier and Dercon (2014) ethnically differentiated societies are often regarded as dysfunctional, with poor economic performance and a high risk of violent civil conflict.

2.2.2.8. Social stratification

In rural society, social stratification is a traditional characteristic, based on caste. The rural society is divided into various strata based on caste. The growth of the traditional rural society's elite is evident in advertising as in real life (Seekings, 2003). Social stratification can be analysed in many ways. First, societies can be analysed in terms of the categories which people themselves use. Secondly, class can be defined in terms of the productive assets (land or human capital/education) or entitlements (an old-age pension) 'owned' by individuals or households. The third way of analysing class is to see class relationally, in terms of the relations between classes.

2.2.3. Governance

Weiss (2000) refers to governance as characteristics that are generally associated with a system of administration. Intellectuals, academics, and practitioners view governance as a complex setting that holds attributes of structures and processes, either in the public or private setting. However, writers synonymously relate the term to government. This term weighs power for social purposes. In more general terms, it is the common way individuals within different institutions or involved in institutions manage common affairs. It is embedded and intertwined with civil society interactions (Weiss, 2000).

The system of governance situates how it should convey its designated role. Sovereignty status and relevance on the state of internal affairs should reflect its embedded obligation. Various organisations such as the World Bank (2020), United Nations Development Programme (UNDP) (2007), Commission on Global Governance and International Institution of Administrative Sciences (IIAS) (2002), defined the term 'governance' to its capability and competence. The International Institution of Administrative Science refers to governance as the process whereby elements in society wield power and authority, and influence and enact policies and decisions concerning public life, and economic and social development. In rural society, particularly in Africa, which are characterised by legal dualism, it is normal for the traditional system of chiefs to coexist with the contemporary local government system.

According to Jackson and Marquette (2000) traditional authorities and local government claim legitimacy and authority based on entirely different factors. On the one hand, the Local government claims authority on democracy and constitutional legality, much of which is inherited from the colonial period irrespective of colonialism being antidemocratic (ibid). On the other hand, traditional leaders claim of legitimacy is based on history and religion. Historically, traditional leaders' claim to political authority derived from the pre-colonial period (Mamdani, 1996). They are seen to represent indigenous, true African values and authority that upholds a high ontological density (Owusu, 1992). Religiously, they claim links to the divine, whether a god, a spirit, or the ancestors and maintain constant communication with their people.

2.3. Traditional chieftainship system

The governance system of traditional leadership is deeply enriched within customary and preserved cultural antiques (Plowman et al., 2007). It has existed for centuries, survived posed oppressing forces and modernist paradigms, which were meant to degrade their ruling powers and take over their area of jurisdiction. However, as anticipated by the oppressors, traditional leadership institutions were recognised and regarded as the only reliable governance institution to its people. The mode of pessimism was, however, anticipated by the oppressors and colonisers to diminish the institution if it cannot be ruled by their rules.

Traditional leadership institutions as existed from centuries and underwent colonialism in Africa, indirectly strengthened its position of governance in the process. Before attaining independence from the colonisers, countries that held strong instincts of traditional leadership were also colonised. Some were under the protectorate, which means that colonisation did not affect them. Instead, alternative ways were considered in implementing the desired governance model, thus creating a new system all together. Traditional leaders executed key roles during pre-independence period in most African countries which resulted in a more complicated and confrontational authority between the traditional institution and the local authority institution. As oppression and intimidation penetrated Africa, citizens lost trust in their indigenous traditional leaders on their core values and customs. The land issue is the most debatable overlapping aspect that rose on-going conflicts that are still happening.

2.3.1. Traditional leadership in Botswana

Botswana is a landlocked country in Southern Africa (Van Heun, 2019). It was previously known as Bechuanaland before adopting the original name after gaining independence in 1966. The country was under British protectorate from 1885. The traditional leadership institution enjoyed unlimited and undefined powers in pre-colonial period (Sharma, 2005). The powers invested in the traditional leaders and chiefs included administering on rural development affairs (Makgala, 2010). African advisory council established in 1940s, initially the native council in the 1920s. The council advised African traditional leaders were responsible on tribal affairs. (Morapedi, 2012). Consequently, the native proclamation in 1934 recognised tribal chiefs for their customary duties. Upon gaining independence, the powers chiefs were entitled to were eroded. The logic behind the slow dismantlement of traditional leaders was to execute on effective governance administration.

The traditional leadership institution is usually composed of specific and unique tribes. Looking at Botswana, the country composed of eight (8) tribes which still exist (Somolekae and Lekorwe, 1998). The tribes as recognised by the Constitution of Botswana include *Bakgatla*, *Bakwena*, *Bamalete*, *Bamangwato*, *Bangwaketse*, *Barolong*, *Batawana* and *Batlokwa*. They are referred to as Native reserves and are characterised by the land occupied and each unique totem possess. The retainment of chieftainship in Botswana was prompted by derived acts that governed the institution. The chieftainship act of 1966 clearly defined the institution of traditional leaders, thus providing its immediate functions and powers (Botswana Constitution, 1966). They were entailed at any given structured and tribal level. The act gave the chief to perform tribal duties as instructed by the elected minister. It, however, drew a boundary line of unpredicted repercussions to be faced by the traditional leaders. The way tribal affairs were handled demonstrated the internal governance system.

Local development is best illustrated and represented under intact traditional leadership. The significance role traditional leaders are expected to play, ultimately yield beneficial results. This develops a clear perception on traditional leadership and its structures. The legitimacy of leaders was deeply emphasised by established governing acts. This demonstrated rightful authority that the traditional leaders embedded along with the recognition received from independent contemporary Botswana (Molutsi, 1998; Somolekae and Lekorwe, 1998). Good governance criteria as correctly executed by the traditional leadership enable empowerment and necessity for citizen participation (Linchwe, 1994). The integration and further

complementation of both the modern government and traditional structures best drive development (Morapedi, 2010; Van Heun, 2019).

A variety of opinions by different age groups within a population may arise as a perception. A certain proportion of elderly population may prefer traditional leadership institution over modern governance system (Proctor, 1968). The case is different with the upcoming generation; young population, which possess education and can articulate on which governance system is relevant for ruling. This led to the amendment of the chieftainship act of 1970 that gave power entirely to the minister of local government and land to deal with occurred predicaments that unfortunately involved traditional leaders (Molutsi, 1998; Morapedi, 2010). This subsequently led to another amendment of the act in 1973 (chieftainship). The rationale behind was based on removing and reinstating of the traditional leaders in their hegemonic positions. During administration, the traditional leadership was then incorporated in state governance. This was to overcome the prospects and challenges encountered in maintain their existence and to preserve and continue the practice of customs and traditions.

2.3.2. Traditional leadership in Ghana

The Gold Coast was a British crown colony on the Gulf of Guinea in West Africa from 1821. Gold Coast used to describe four separate jurisdictions under administration of the governor of the Gold Coast. Ghana gained its status of independence in 1957. Prior to British in becoming Ghana's coloniser, Portugal was the first coloniser in 1471. This was of momentous discovery in Western Africa through mouths of Ankobra and Volta rivers. Subsequent, involvement in the local governance from colonial times by Ghanaians traditional authorities (Dano, 2019). As a result, roles that the Ghanaian traditional authorities were ought to oblige by and executed by the institution included being custodians of natural resources (land) and to guide its role in achieving social development of their people in affair and just arbitration representational role (Dano, 2019) to administer and facilitate accountability processes amongst people and indigenous guardians of traditional heritage of norms, values and principles (ibid).

Advisory role which was executed by the Ghanaian traditional authorities were guaranteed by the Chapter 22 of the 1992 Constitution of Ghana. This was to detract what may have inhibited the honour and dignity of the institution of chieftaincy in the country. The Constitution, however, established houses of chief systems in three tiers levels: National house of chiefs, regional house of chiefs, and Traditional councils. Each house had a function to play. The

National house were to undertake the progressive study, interpretation, and codification of customary law. Ultimately, an evaluation of traditional customs and usages. The regional house determines the appeals from the traditional councils within their region in respect of nomination, election, selection, installation/deposition of a person as a chief. Aye (2007) stated reasons for ineffective participation by traditional authorities as lacking a consistent policy regarding representation of traditional authorities in local government, lack of political will, and commitment by successive governments, ill-defined relationships between traditional authorities and local government units and lastly the traditional authority disputes.

2.3.3. Traditional leadership in Zimbabwe

Most of rural areas fall under the jurisdiction of traditional leadership institution. It is the closest institution that relates to its people's needs and priorities (Ntsebeza, 2002). It enormously developed from pre-colonial to post-colonial times (Lutz and Linder, 2004). As succeeded by the ancestry lineage to the throne rightfully, tribal duties and authorities are executed to deliver the traditional community from impoverishment conditions. Endurance thereof is what is required on satisfying the community. This, however, raises historical and political questions on collaborating with liberation struggles leaders, which either way brought necessary recognition of the institution (Kurebwa, 2018). It has demonstrated the adaptation to continuous transformation and development which thus retained its sources of legitimacy (Ray, 2003). Ismail (1999) concludes that it further outlined an amazing degree of resilience, which many did not invest and lost hope on the institution on its involvements and collaboration within local governance.

Zimbabwe was also a British colony in the 1880s (Ray, 2003). It gained independence in 1980; and between 1930 and 1980, the traditional leadership institution was an anchor of rural local government (Constitution of Zimbabwe, 1979). Being a pioneer and anchor of facilitation brought about huge responsibilities of being servants to their own traditional communities and area of jurisdiction (Holomisa, 2004). Section 282 of the Constitution of Zimbabwe as it recognises the institution, it clearly states the functions of traditional leaders to promote and uphold cultural values of their communities and, in particular, to promote sound family values; to take measures to preserve the culture, traditions, history and heritage of their communities, including sacred shrines; to facilitate development; in accordance with an act of parliament, to administer communal land and to protect the environment; to resolve disputes amongst people in their communities in accordance with customary law; and to exercise any other functions

conferred or imposed on them by an act of parliament (Constitution of Zimbabwe, 1979; Chigwata, 2016).

The inclusion of traditional leadership institution to local governance sphere led to improvements in integration of both dual governance system. This meant deriving developmental models not incorporated within western approach principles. The socio-economic needs of local communities were to be met through self-established models (Ndlovu and Dube, 2012; Dodo, 2013). Better participation of the local citizens would eventually lead to the acceptance of policy implementation. It, however, yielded in potential better responsiveness to local needs which the traditional leadership can attend to (Garbett, 1967). Lastly, the inclusion meant advocacy for peace building, which conflicts, and stronger ethnic divisions must be combated. In remaining a contemporary traditional institution in Zimbabwe, structural and non-structural challenges were encountered. Structural challenges included leadership disputes i.e., genealogical autonomy within the institution; weakness of the formed governance structures; understanding and better interpretation of the constitutional frameworks; political interference which raises a clear line between elected officials and unelected traditional chiefs (Chigwata, 2016; Kurebwa, 2018).

2.4. Local government system

Local government is an important link in the relationship between the government and the citizenry. Olowu (1988) defines local government as a by-product of devolution that accrued as a result of institutional decentralisation. The concept of local government in South Africa has set a positive track record of intergovernmental relations with other African countries, particularly the central government of Kenya (Smoke and Olowu, 1993). A common governing feature with reference to the above countries relates to a significant control and administration of local resources and distribution thereof. Therkildsen (1993) acknowledges that African countries are not a homogeneous group as they have all been subjected to different forms of rule, however, the governing system from the context of political processes involved is similar. Furthermore, a common feature across the majority of African countries (Namibia, Botswana, Nigeria, and Senegal) is the involvement of public participation across a variety of stakeholders involved. The differences experienced relate to the form of power distribution with regards to the overall development of the social, economic, and environmental attributes of the countries.

The existence of local government has always been defended on the basis that local government is a crucial aspect of the process of democratization and intensification of mass participation in the decision-making process. Furthermore, Mawhood (1993) and Wraith (1964) assert that no political system is complete and democratic if it does not have a system of an inclusionary local governance. As such, this form of inclusionary planning is often articulated through the encouragement of public participation. The unique features of public participation lies in the entrenchment of democratic values and having an accountable government as a defence mechanism against arbitrary powers exposed to by external factors such as politics and insurgencies.

2.4.1. Local government in South Africa

The Constitution of the Republic of South Africa 108 of 1996 states clearly under chapter 7 of local government, section 151 (1) that the municipalities must be established for the whole territory of the republic (Constitution of South Africa, 1996). Local government system of South Africa is one of the third government tier compartmentalised. The system as a category is instilled with its specific governing legislature. The system is thus responsible for incorporation of various stakeholder within the sphere. It was granted the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation as provided for in the constitution. Section 152 of local government states its objectives to:

- a. Provide democratic and accountable government for local communities
- b. Ensure the provision of services to communities in a sustainable manner
- c. Promote social and economic development
- d. Promote a safe and healthy environment
- e. Encourage the involvement of communities and community organisations in the matters of local government.

The sphere of local government as established during pre-1994 and amended in post-1994, it coincidentally had similar powers, functions, and roles that the traditional leadership institution executed. Initially, the local government was characterised as a racist and unlawful institution (De Visser, 2009). This was observed through the exploitation that was taking place under the theme of race. Prior to existing Bantustans with their respective independent states, the traditional leadership institution was thereof tasked to perform the local government

(municipalities) duties and functions. In attempting to deliberate the state of local government, negotiations were held to produce a transformation that the governance tier had to undergo.

The White Paper on Local Government (1998) emphasises on the importance of local government in promoting the bill of rights. It reflects the nation's values about human dignity, equality, and freedom, and uphold the principles enshrined in the constitution. In creating sustainable communities, the white paper outlined on providing for a decent quality of life, thus meeting the social, economic, and material needs of communities in a coherent way. The relationship between institutional systems including the metropolitan government systems, district government and local municipalities was discovered. The roles of each system mentioned above were provided. This included the metropolitan government system responsible for city-wide spatial integration and socially inclusive development; the promotion of equity, social justice, and economic prosperity; the promotion of local democracy; and the provision of affordable efficient services.

The roles for the district government include the integrated development planning; infrastructural development; technical assistance to municipalities; and direct service provision at local level. The local municipalities were bifurcated into urban municipalities and amalgamated urban-rural municipalities. Local municipalities were set to greatly reduce the cost of the national government by overcoming the duplication of municipal structures; increasing the efficiency of resource allocation; and broadening the tax base of the new municipalities. Improve the scale economies of service delivery and facilitate access to public services by rural communities.

The Municipal Systems Act 32 of 2000 was established under the local government entity and possessed the power, duties, roles, and functions like that of traditional leadership institution. The Act was formed to meet the basic needs of the citizens that were neglected during the apartheid era. Furthermore, the core principles, mechanisms, and processes that empower municipalities to progressively move towards the social and economic upliftment of communities encouraged the provision of basic needs to the disadvantaged.

2.5 Decentralisation of governance

Period of precolonial, postcolonial and apartheid era brought about centralisation in South Africa (Heller, 2001). Institutional organisations were dependent on the antecedent and authoritarian ruling system, which resulted in centralisation of power. However, the idea of decentralisation was then introduced for democratic empowerment purposes. The entrenchment of the concept was influenced by the republic's constitution of 1996. Disenchantment overruled and further suppressed the oppression, which led to the new dawn and hope for the republic (Heller, 2001). In the process of establishing and encouraging decentralisation, institutional organisations including local government (municipalities) encountered inadequate capacity (Koelble and Siddle, 2012). As the country was ambitious in building a developmental state, entrenching on municipalities divisions was the solution in achieving the basic services deliveries (ibid).

The involvement of other stakeholders and core integration assisted in avoiding a dysfunctional system which is assumed (Erk, 2018) to have technocratic skills and administration repercussions due to over-burdening and under-capacitation. The establishment of the Constitution thus introduced the concept of decentralisation (Sustein, 2002). In comprehending the concept, a provenance must be provided in terms of phases of occurrence. The period of decentralisation in South Africa begun in 1910- 1948, when the republic was established as the Union of South Africa. The white supremacy was decentralised which pinpointed most of the power they possessed for state resources and unnecessary oppression directed to the natives (Koeble and Siddle, 2012). The power circulated within the group. The Africans on the other side were centralised to white supremacy and highly depended over the state for basic services under hard and harsh labour conditions (Heller, 2001).

Taken over by the national party, the apartheid era ran from 1948-1984. In setting its own policies, their form of decentralisation was the establishment and partition of Bantustans (Independent homelands). The Bantustans operated as independent self-governing states, reporting thus to the NP. The rationale behind demarcating each homeland was ruled over the criteria for specific culture and tradition, language, ethnic groups. Each state was presented an opportunity to formulate its own policy for running administration, designing its own military system, and facilitating sub-entities to run the state.

In entrenching the concept of decentralisation, the main goals were to achieve efficiency, good governance, and equity (Smoke, 2003). However, in achieving such, commitment and electoral accountability had to be practiced (Erk, 2018). Considering the retainment of overall policy making and coordinating functions (including education and health) was the main objective (Wittenberg, 2006). Siddle and Koelble (2012) mentioned the protection that had to be enabled by the constitution for the local government's roles and functions. The intergovernmental fiscal system for the realistic decentralisation (in blueprint and constitution legislation) was to be inevitably achieved at the local government (Atkinson, 2001). Fiefdoms had to be abolished as it unnecessarily gave the institution power over other stakeholders (Koelble and LiPuma, 2010). It led to incompetence, disorganisation, and riddled with corruption; hence it lost its credibility in governance, eventually labelled as a state of paralysis (ibid).

Whilst looking at goals to be achieved, failures in the process occurred. Mismatch of policy imperatives and expectation by the local municipality which included the capacity of operation and exploitation of resources by the personnel (Isandla Institute, 2011). Heller (2001) stated that the governance was overwhelmed as it could not facilitate the process of power, authority, functions, and responsibilities simultaneously. A lesser interest in committing to decentralisation due to rather confusing wide-ranging legislations from the constitutional level, which failed to incorporate precepts of decentralisation. Jackson et al (2010) pointed out maladministration and incompetence resulted from bureaucratic apparatus, which led to the ultimate deterioration of local governance. Liberation struggles continued from impoverished municipalities in competition for electoral purposes (ibid). Overburdening of local government was also regarded as a failure for decentralisation (Manor, 1999). Complexity and arrangement which led to technocratic skills being implemented by the municipality was yet another failure to decentralisation (Manor, 1999; Grindle, 2004). The lack of capacity which bore notorious results of inappropriate appointments in governance and non-compliance was another failure to decentralise municipal powers and functions (Isandla Institute, 2011).

Adapting to the decentralisation process was to initially to promote self-governance based on values, aspirations, and innovations (Sustein, 2002). It involved three dynamics the first being, administrative decentralisation that encouraged on the notion of empowerment and upsurge of local democratic governance (Stanton, 2009). Secondly, the political decentralisation, for political democratisation based on technical capacity that focuses on planning, implementation, and monitoring of government policies. Most significantly on the political dimension, the

resolution of political conflicts to avoid institutional decay on the bureaucratic systems to scrutiny and transparency (Sustein, 2002; Erk, 2018). Above all, the collapse of favouritism, corruption, nepotism, and political cronyism that undermined the efficacy of good governance will be attended accordingly. (Erk, 2018). Lastly, fiscal decentralisation to scale activities of government and privatisation, revenues, and taxation. As a result, this was to use force than persuasion to financial institutions on conditionalities, in cutting down public expenditure and reduce in public employment to avoid incompetent personnel capacity (ibid). Essentially, the process, inclusive of its deliberated dynamics was intended to incorporate other stakeholders, including traditional leaders (Koeble and Siddle, 2012).

The concept of decentralisation involves the transition of powers from the national government to the local government. The powers involve decision-making activities for local development. Moreover, the power transfer within stakeholders involved civic group organisations, businesspeople, traditional leaders, and others. Also, it was intended to diminish the gap between democratic institution and population (Biyela, 2007). The incorporation of decentralisation, development, and good governance must enhance public participatory and accountability (Siddle and Koeble, 2016; Makara, 2017). The implementation thereof remains limited in terms of local power realities. Decentralisation comprises of three dimensions (administrative, fiscal, and political) the researcher focuses of administrative decentralisation in local governance. Stanton (2009) contends that the concept in the implementation of the decentralisation policy encounters hardships in constitutional mandate.

Administrative decentralisation redistributes authority, responsibility, and financial resources (Ozmen, 2014). From the traditional institution context; deconcentration, delegation, and devolution can eliminate the drawbacks experienced during the excessive centralisation. Equally important, local public service that is controlled by the central authority for effective, optimal and conscious organisational capacity needs to be in place. Constitutional and statutory powers result in amendments for pluralist democracy. Viglo (2014) concurs that the policies designed must be aligned with rural development. It prompts functions and responsibilities, corresponding with human and material resources.

The mandate behind promoting decentralisation process, particularly in the Moses Kotane municipality is to improve on the efficiency and responsiveness of the public sector in terms

of service delivery that is sustainable to protect the human rights of local traditionalist communities. By so doing, this would have promoted social learning in the local government to decongest the centre, empower local communities, introduce administrative efficiency, and bring authority closer to the people. After that, an autonomous body to create construct dialogue at various levels to eradicate backlogs that the apartheid regime created by designing the Reconstruction and Development Programme (RDP). Primarily, this was initiated for public accountability. Wittenberg (2003) reiterates that development policy was to steer decentralisation and on the other hand insinuate on how the apartheid government supported the motion. In support of the statement, Wittenberg (2003) argues on how power was distributed to traditional leaders through separate development policy and establishment of homelands to facilitate accountability to its constituencies.

According to Wittenberg (2003) decentralisation in the white South Africa initially focused on the process of subjugation. This was done to incorporate and control indigenous polities by handing over decision-making powers. The powers handed comprised of education, health, local government, roads, and physical planning. However, as municipalities carried out their functions based on the British model in urban areas, they were set out to handle water and electricity reticulation, refuse removal, traffic control, sewerage disposal, public health inspection, urban planning, and low-cost housing schemes. By comparison, tribal authorities oversaw rural administration, rural labour bureaux. Traditional leaders infer that the chiefs were of consultative bodies which stipulate that the local community was duly consulted on every developmental initiative taking place (Wittenberg, 2003). An overlap of jurisdiction between national, provincial, and local levels was bridged by the Integrated Development Plan (IDP).

Hendricks et al., (2014) articulate on how the process of decentralisation, even if its implementation failed, was adapted to resolve managerial challenges. This had a phenomenal impact on the duplication of functions in which the challenges experienced related to socioeconomic aspects of a community, particularly looking at the constraints of available resources (Nzimakwe and Pillay, 2014).

The concept was regarded as necessary for maintaining economic growth and promote public resources for effective and sustainable resource mobilization. In the same way, the convergence

of policy on human dignity, equality, and equity was aligned on the identification of community priorities. Social cohesion using historical legacies of local government was intertwined for compromising and continuity purposes of parallel systems of local government including tribal authorities (Chilenga- Butao, 2020). This was used to eliminate the evident disparity of lack of skills, deficient policy, implementation, and inadequate responsibilities to local challenges. Cameron (2014) asserts that compliance and coordination for developmental mandate was used for institutional weaknesses. Improving livelihoods implications and sustainability for divergent discourses and development agendas was greatly encouraged (Siddle and Koeble, 2016; SLSA team, 2008).

2.5.1. Federalism vs Feudalism

The doctrine of federalism comprises of a mixed and compound mode of government that combines all tiers of government for a common objective to be achieved (Dickovick, 2014). As decentralisation of governance is widely adopted, the federal system was invented and successfully ran at the United States in the eighteen centuries (Wolpe, 1972). The idea was to uniting people for a single purpose, however separate to preserve integrities (Inman and Rubinfeld, 1997). Also, it was characterised on building the society on coordinative relationships rather than subordinative type (Elazar, 1991). This was done based on equal claims of legitimacy. One common purpose of the emerged idea of federalism was to achieve greater local liberty and national unity (Bloch, 1962; Elazar, 1991). As opposed by other ideas, it was to prevent natural constituencies which could lead to institutionalisation.

Inman and Rubinfeld (1997) indicated on the principles of federalism which played a key role in fostering the concept itself. The principles included encouragement of efficient allocation of resources; political participation in the democratic community and help to protect basic liberties and freedoms. In ensuring that the objective principles are met, a sense of involving local government with required representation for central government and fair distribution of policy responsibilities ought to be done. This then leads to various federalism within the space of governance. A principle of economic federalism evaluates the goal of economic efficiency (Elazar, 1991; Bermann, 1994).

Cooperative federalism is another principle that prefers internalising all economic externalities (Inman and Rubinfeld, 1997). As a result, it advocates for the use of local government to

provide congestible public services. Much trust is put into this type of federalism because of its ability to resolve inefficiencies that may arise in the local government sphere. It therefore requires the local government to have elected representatives to correct any fallouts in between the policy recommendations. The last federalism type is democratic (Majority-rule) federalism, which is determined by the technology of public services. It seeks to balance the potential efficiency gains of greater centralisations (Inman and Rubinfeld, 1997). However, it is mainly operating on the fair decision-making activities which must be conducted fairly and just on the local government. The results obtained thus reveal how the legislation must balance preferences. Therefore, in considering federalism suitable for adaptation.

South Africa is a proclaimed democratic country that is governed by a liberal constitution (Muthien and Khoza, 1994). This unpacks the statement of federalism that should practise or be characterised by interjurisdiction (ibid). However, that is not a case in the concept of feudalism, which is characterised by landownership being the supreme method of determining social relations. The system thus agrees with hereditary chieftaincy, however, that contradicts the internal political and economic power relations (Bermann, 1994; Waldmeir, 1997). That is however, one of the principles of the concept. Being recognised as a pillar of rural underdevelopment in South Africa is what slows the progress, which ultimately puts it under arrested development (Waldmeir, 1997). In the case of neo feudalism, a theorised contemporary rebirth of policies of governance, economy, and public life reminiscent of those present in many feudal societies such as unequal rights and legal protections for common people and for mobility.

2.5.2. School of thoughts

The purpose of existence of school of thoughts is to bring about a clear perception on the worldviews. Its ability to tabulate arguments and counterarguments demonstrates the importance of doctrines. In this instance, views from traditionalists and modernists on traditional leadership institution will be provided. Such an activity shows how different schools of thought understands the concept and therefore, against or for the concept. In doing so, views obtained from both thoughts will be able to derive if the institution complies with what it must. The school of thoughts in this case for the concept of traditional leadership include traditionalists and modernists.

2.5.2.1 Traditionalists

On the one hand, the traditionalists regard the institution as the legitimate, for it is an integral part of people's lives (Mthandeni, 2002). This, however, outlines how they can contract strength from their only source: the community. The governance institution is seen as a conservative and reactionary for every mandate planned for the benefit of people (Apter, 1960). As a result, there seems to be a connection in practical terms. As local councils are elected, traditional leadership does not practice such as it is characterised as a hybridisation of systems. This emphasises the organic governance it possesses. Moreover, it outlines its relevance in the democratic dispensation in South Africa as they can adapt to changing systems. They are true representatives of historical and cultural realities (Logan, 2009). They can manage land tenure and ensures proximity and closeness. Its unique social order makes the institution to be recognised further and respected (Logan, 2009; Beall and Ngonyama, 2009).

2.5.2.2 Modernists

On the other hand, the modernists thought on traditional leadership institution differs from traditionalists. They see the institution as universal invalid. Only local government, specifically municipalities and elected councils are recognised and duly must serve as stated by the constitution (Chinsinga, 2006; Galland and Lemel, 2008). They indicate that traditional leaders are barbaric and undemocratic. They exercise indirect rule which outlines the incompatible governance. They also outline how traditional leadership institution do not consider human rights of their respective community members and pose on its male patronage (Goosen, 2017). Rationally, it questions its quality leadership. They are thereof regarded as symbiotically. Patriarchy is the main issue that modernists point out. This contradicts the stated core values of freedom and choice (Lule, 1995; Mamdani, 1996). Moreover, they are geunocratic and chauvistic. Modernists further state that the traditional leadership institution does not meet the democracy (Goosen, 2017).

2.6. Local development

The development of local people is envisioned through the efforts of the local government. Contemporary ideas on the concept of development through democratic transitions emphasised on the driven processes (Pike et al., 2006). As local government (Municipalities) are key drivers of the process (Rogerson, 2004), the Municipal Structures Act 117 of 1998, chapter 5 which entails functions and powers of municipalities, section 3; indicates on how the municipality is responsible for achieving the integrated, sustainable, and equitable social and economic

development of its area. This was gazetted in blueprint document upon the demise of apartheid system (South Africa: Municipal Structures, 1998). The White Paper on Local Government of 1998, introduced the concept of local government to salvage the damage apartheid government did in terms of the spatial, social, and economic environments.

Section B of the White Paper outlined on the developmental local government (South Africa: White paper, 1998). Emphasis was put on working together with various stakeholders for a common objective. In ensuring that the community meets its needs and priorities, interrelated characteristics had to be met. This included maximising social development and economic growth, integrating, and coordinating the process, democratising development, and leading and learning. The Reconstruction and Development Programme initially set out to to address the many socio-economic challenges facing South Africa. It made the local government the main director of the process to eradicate the legacy of apartheid system and ensures that the development is sustainable (Nel and Rogerson, 2005; Rogerson, 2010; Molaba, 2016). The Growth Employment and Redistribution strategy (GEAR) is linked to the RDP. It accelerates the existing policy. Some of the policies developed in the RDP were incorporated in the GEAR. The goals of the strategy implicated on the policies derived, supported the notion of local development.

Achieving local development in South Africa requires a fair decentralized approach (Rogerson, 2010). The approach encourages the forging and equalized functions and duties amongst various stakeholders within the local government sphere (ibid). This, however, prevents the slow growth and poverty which ultimately inhibits sustainability (Tijmstra and Rodriguez-Pose, 2007). The Integrated Development Plan (IDP) includes the concept of Local development within which the framework drives a larger proportion of activities in its area (Nel and Rogerson, 2005). It is the best approach that involves the entire municipality and its citizens in finding the best solutions to achieve good long-term development (Molaba, 2016).

Abrahams (2003) defines the concept of local development as a tool through which to achieve sustainable development. It is regarded as an important component to improve the quality of lives of the community members. Rogerson (2010) sees local development as comprehensive instrument through which all developmental activities and programmes are directed to. The strategies and goals are thereof aligned in the IDP, though they contain consultations from

community members and prioritized needs. Local development is an explicitly social and territorial approach to development. Including not only economic aspects but also employment creation, poverty reduction, quality of life and environmental sustainability (Van Der Merwe and Rogerson, 2018; Hadjimichalis 2017). As a sanction to strategically enable and achieve the goals, it is thus important in the National Development Plan (NDP) of the country.

According to Nel (2001) the local development approach to community members encourages partnerships among credible stakeholders. They involve businesspeople, community workers, local authorities (traditional leaders and councils). This promotes what the RDP envisioned: social cohesion and nation building (Nel, 2001). It is regarded as key tool to poverty alleviation and reduction of inequality in the society. Binns and Nel (2001) indicate the main objective as focusing on economic development and job creation to improve the livelihoods of marginalized and disadvantaged communities. As Nel (2001) stated various stakeholders including local authorities, Binns and Nel (2002) points out their capacity deficiencies which include: inadequate funding, and a lack of trained and experienced personnel.

2.6.1 Traditional leadership institution and local government

The local governance sphere is the closest to the people in terms of development. It collects raw grievances from the locals under which the policies designed are implemented for the betterment of the situations (Keulder, 1998). As a result, none of the events cannot take place when traditional leadership institutions and local municipalities are not involved in the process. The institutions integrated can lead developmental mandates and achieve common goals set. The rationale lessen the confusion on which institution is more responsible for handling such duties (Ntsebeza, 2006; Skosana and Buthelezi, 2019). This, in contrast promotes decentralisation of powers and functions amongst institutions. What the democratic South Africa longs for in terms of partnership among stakeholders at local level (Skosana and Buthelezi, 2019). It is supported by the legislation (constitution included) for the powers and duties of local government to be like those of traditional leaders (Bermann, 1994).

Democracy is best achieved when there is a common understanding and realistic and achievable goals (Ntsebeza, 2006). As it encourages partnership and active participation, important stakeholders, involving the traditional leadership institution and local government dually execute the set goals (Jackson et al., 2010). Both institutions are characterised by similar powers, duties, functions, and roles. They are, thus, leading the country to thrive in social,

economic, and political development. The concept of decentralisation plays a significant role as duties are shared accordingly to the institutions (Rugege, 2003; Sekgala, 2018). Hence proper administration at the local level is important and best handled by integrated institutions (traditional leadership and local municipality). Fair distribution, mobilisation, and allocation of resources to the community members detects a huge responsibility to the partnered institutions (Sekgala, 2018).

Traditional leadership is deeply-rooted in indigenous practices (Sekgala, 2018). Its role unfolds in all aspects of development including social, economic, political, cultural, and geographical dynamics (Jackson et al., 2010). On the social dimension, preservation traditions and customs are handled by traditionalist advisors (Ntsebeza, 2006). The allocation of land and its administration are daily duties performed by the leaders (Rugege, 2003). The traditional leaders hold a huge responsibility for promoting development as introduced by local government; most notably, the integration of the institution in the governance model (Selepe, 2009). Traditional leaders interact daily with their communities, they know who qualifies better than other people. When local councillors are appointed, their role is basically the role that traditional leaders play, precisely, which leads to rivalry occurring, (Tutu, 2008). However, councillors realise that for all meetings to form a good quorum, traditional leaders must be engaged. Traditional leaders have the authority to call people to attend meetings and such people will then attend at the homestead of that traditional leader (Ntsebeza, 2006).

Ensuring that the community improves its quality and standard of life was emphasised by the Municipal Systems Act 32 of 2000. It made concrete emphasis that the community ought to be consulted on its developmental needs and priorities and participate in the Integrated Development Plan (IDP) in the local municipality (South Africa: Municipal Systems, 2000). It, however, stresses the importance of approaching the traditional authority of the area to enable opportunities to express their inputs in developmental activities, furthermore, consult with others (ibid).

2.6.2 Challenges faced by both dual governance systems

Local governance institutions hold and execute important duties and roles in governing traditional communities. However, at such, traditional leaders need to be engaged with developmental processes. This is to avoid a misunderstanding about not being well informed about the developmental environment. On the local government and municipalities side, the

government prefers this system as compared to the traditional one, however, this raises challenges that both dual governance systems (traditional leadership institutions and local municipalities) encounters when driving development in the same administrative, executive and judicial areas.

According to Hamusunse (2015) Custom seems to be one of the challenges encountered by traditional leaders. It is caused by the misalignment of principles in relation to the Constitution and bill of rights, especially when approaching the gender issues of inclusion of women and youth in governance. This leaves the institution regarded as facing hardships including disorganisation, confusion, and distraction (Hamusunse, 2015). It becomes harder for the institution to adapt to modernisation, democracy, capitalism, civilisation, and the process of starting urbanisation in their traditionalist communities (ibid). Encouragement and participation by traditional leaders to the crime prevention and combating is also regarded as a challenge (Traditional justice in Practice TJIP). It is rejuvenated by the fact that remuneration will not be generated after performing such (TJIP). However, it is within the traditional leaders' roles and duties to ensure and maintain peace and security safety in their respective traditional communities.

Another challenge brought by the traditional institution is the legal status in local municipality and voting rights (SALGA, 2012). The Municipal Systems Act of 2000 stipulates the involvement of consulting and sitting of traditional authority to municipal council but does not state partaking in decision-making activities. This needs to be revised and amended as traditional leaders are important stakeholders in within the whole council. They are the mouthpiece and communication link between municipality and the community besides the elected councils. Overlooking at the important role traditional leadership institution play in the development processes, slows down their involvement, further consultation is no longer made, (SALGA, 2012).

Mashumba and Mindzie (2009) states that the lack of an increased political space is regarded as a challenge for traditional leaders. however, this hinders what it is stated on their legislation that they should remain apolitical (not getting involved or affiliate to any political organisation) as it will dictate the level of bias. Both governance systems raise adversarial relationship in between (Mashumba and Mindzie, 2009). This measures the level of competence one institution is doing than the other, also noting their shortcomings in contrast. Notable

challenges that traditional leaders' face are increased and enhanced authority of traditional leaders through legislation. This overlaps to the importance of synergy between two institutions. Another challenge encountered include political institution which have repercussions of violence, anarchy hegemony, partisan and coopted (Mbwirire and Dube, 2017). They eventually lead to corruption and nepotism in between the institutions (ibid).

2.7 Chapter summary

The objective of this chapter was to design a theoretical framework, by reviewing key literature. It introduced the rationale of the chapter, provided for key concepts which were to be discussed. These concepts included rural dichotomy, traditional chieftaincy system, local government system, decentralisation of governance, local development. Each had follow-up sub-sections that the literature was able to support. Through evident arguments and counterarguments made in the literature, the concepts mentioned earlier were exhausted necessarily. A comparative analysis on traditional leadership institutions was made. Three countries were used in reference which included (Botswana, Ghana, and Zimbabwe) to the South African traditional institution system. In making additional concrete arguments, school of thoughts including modernists and traditionalist perspectives were reviewed. They were included to bring a closer perspective on the institution. This led to the adaptation of two doctrines (federalism and feudalism). The purpose of including the theories was to differentiate between two systems that are interconnected to the traditional leadership institution. The ideas were meant to provide for debates on how traditional institution was featured. Factual remarks made on the relationship between traditional leadership institution and local government were provided. Lastly, challenges encountered by both governance institutions were outlined to best understand the shortcomings they encountered.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The chapter sets to discuss the methodological approach adopted in studying traditional institutions and its roles in development in post-apartheid South Africa. This is guided by a sequential design to answer the research questions, and ultimately achieve the research objectives set by the study. This chapter is organised in the following section discussion of the research design; provide deeper description of data collection methods and tools adopted by the researcher; the approach deployed to analyse data that was collected; ethical issues; and challenges encountered during fieldwork. The research fieldwork was conducted between December 2020 and February 2021. The time was convenient and well-located for respondents, dependable on their availability and schedules. Fieldwork was carried out within Moses Kotane municipal demarcation, to provide rural perspectives on traditional institutions.

3.2 Research design

A research design represents a plan for connecting the conceptual research problems to the empirical research (Creswell, 1998). It thus, entails the approach the study deployed (Van Wyk, 2012). Kruger and Welman (2001) define a research design as a plan according to which researchers obtain research participants and collect information. The research questions and objectives lead on the research design. It thus allowed the researcher to articulate on which data was required and further direct to the methods used when collecting and analysing data,. The research design adopted by the research is a qualitative design. Its purpose was to position the status of the role of institution of traditional leaders as it governs a large proportion of rural areas in South Africa. The characteristics involved geographical areas that were easily adapted to study. A rationale behind selecting this approach was to provide in-depth insights into the subject. As Creswell (1998) observes, the purpose was to discuss the sample for the study and overall data collection and recording procedures.

The research based its designs on a combination of descriptive and explanatory design types characterised by exploration, evaluation, and historicising aspects of the study. The aim for using a descriptive format was to provide an accurate and valid representation of the traditional

leadership institutions the factors that are relevant to the research question. The combination of the explanatory design with descriptive design was significant in addressing most unforeseen questions raised on the traditional and local government institutions. The research designs, particularly allowed for the contextualising of words from interviews and observations conducted.

3.2.1 Research area

Moses Kotane Local Municipality

The study was conducted at the municipal demarcation of Moses Kotane, a sub-district of Bojanala Platinum District Municipality in the North West province of South Africa. It is the second largest municipal area, with over 107 villages and 2 formal townships (Mogwase and Madikwe) where the municipal offices are based. It shares borders with Rustenburg, Kgetleng River, Ramotshere Moiloa and Thaba Zimbi local Municipalities. Its headquarters are based in Mogwase Township, with some satellite offices in Madikwe Township. The economy of Moses Kotane is characterized mainly by tourism, mining, and agriculture.

Moses Kotane local municipality comprised of 243 649 people in population as of 2016 Statistics (as demonstrated on the below table). Its age structure consisted of the population under 15, being 33,2%, population of 15 to 64 (economically active population) being 59,5% and population over 65 being 7,3%. The local municipality experienced the population growth of 0,10%. It has 80 654 households with an average household size of 3.0, where 41,0% are female headed households, 85,6% are formal dwellings and 79,9% of housing owned, all under household dynamics. According to the municipal final IDP document, the unemployment rate of Moses Kotane municipality stands at 33,5% as of 2021, (Moses Kotane local municipality, 2021).

Table 1. Demographics of the Moses Kotane Local Municipality

Municipality	Population				No. of Households		Average Household		
	1996	2001	2011	2016	2011	2016	2001	2011	2016
Moses Kotane	229 621	237 175	242 553	243 648	75 193	80 654	4.4	3.2	3.0

Source: Moses Kotane Local Municipality Final IDP 2017

Moses Kotane is one municipality with the largest number of traditional authorities in North West province. Its traditional authorities before inception of local government fell under Mankwe before the name change. Their roles and responsibilities were evident to its respective traditionalist villages. An example could be of Bakgatla-Ba-Kgafela traditional administration, which has utterly served its people with diligence. Moruleng village situated at the east of the municipality, of the mentioned traditional authority has to date developmental initiatives that are handled by the traditional chief, without the involvement of the municipality. The pictures show the tribal administration offices of Bakgatla-Ba-Kgafela. Also, Moruleng mall picture benefiting the villages is also included. However, the challenges of governance in the municipality delays developmental initiatives. This indicates the slow rate of service delivery and infrastructural development and deteriorating process in the municipality.



Figure 2: Bakgatla-Ba-Kgafela Tribal office (left) and Moruleng mall (right) *Source:* Google Images (2021)

Moving to the west side of the municipality, the situation is far worse. The elected councillors and traditional authorities demonstrate unstable working relationship. This compromises development for community members. The impoverished state that majority of community members finds themselves, is attributed by the governance structure. This leads to poor conditions worsening at the traditional villages. Major issues including water and sanitation, infrastructure (roads and storms) deteriorates faster. Other villages are dependable on the municipality water tanks, while their traditional leaders have established water boreholes as alternatives. Also, as other villages are prone to natural disasters such as flooding caused by heavy rains, the disaster management programmes as designed by the municipality are underway, not yet implemented. This leaves villages displaced from damaged property.

A synopsis provided shows how the municipality and traditional authorities must work on improving the municipal's socio-economic status. This moves the study narrowing its specific areas for collecting data: Namely, Mabeskraal, Ledig, Pella Matlhako, Pitsedisulejang, Ratsegae-Siga and Mabaalstad. The traditional authorities each had a synopsis of what the village entailed. Such information demonstrated presents on each village's developmental disparities. It depicts on how they fall shortage of developmental needs at their respective villages.

3.3 Data collection

Research is defined as a systematic attempt to provide answers to questions. The study being social sciences based, is of qualitative inquiry. It divided the process into two parts. The first part dealt with the contextualisation of traditional institutions and its roles in developmental activities. It led the understanding of how the society benefit from the institution and interpersonal relationships with stakeholder members of society. An understanding of the status of traditional leaders and governing policies was significant. The researcher used one research approach aligned to the inquiry. The second part involved collecting data from the local levels. Collecting of data was from the society, mainly the Moses Kotane community, that are under both traditional institution and the municipality. To widen the understanding on the role of traditional institution, the study focused on one geographic setting (rural). This was utilised to capture different views from the population where traditional institution were in reign.

3.3.1 Macro level research

The macro level research is a tool that was employed to provide a background and context to assist in understanding the situation in the municipality. Aggregated data was obtained from national level data banks. The data was mainly from secondary sources like journals, archived governmental documents on the traditional institution. This was done to provide an overall synopsis on the status quo of hierocracy. These provided comprehensive understanding on the existence of traditional institution and emergence of local government, with guiding legal frameworks for its operation.

3.3.1.1 Review of literature

There is notable sufficient and adequate research on the institution of traditional leadership, especially on its role in the traditional rural communities. This was from reports, articles and

journals generated traditionalist scholars and governmental departments in conjunction with funding agencies. The generated documentation generally made comparison on which rural governance institution (between traditional institution and local municipality) best meet the needs and priorities of its subjects, and how they dealt with developmental disparities. It also demonstrated on stakeholders involved to support initiatives for basic service delivery (infrastructural development) and local development. The basic service delivery including components such as water and sanitation, infrastructure, roads, and storm to name a few.

The approach to the literature targeted aspects which are understanding of rurality, operation of traditional leadership in the past and present governmental power (colonialism, apartheid and democratic dispensation). The influence of traditional institution has shown impeccable stature throughout eras of state power. The mentioned aspects provided a guideway for which the concept of traditional institutions could better be understood. Literature that strongly narrates on the role of traditional institution in democratic dispensation was extracted mostly on archived governmental documentation. This included on the Constitution of South Africa, the white paper, the traditional leadership and governance act, municipal structures and systems acts. Moreover, the Moses Kotane municipality IDP documents of the financial years 2016/17, 2020/21 and 2021/22.

3.3.2 Micro level research

Information was collected from key informants and general participants. The first stage consisted of key informants which were government officials, political leaders, religious figures, businesspeople, and academics. The selection of key informants was based on the role they depict, knowledge they possess. They were interviewed on their individual capacity. The second stage of data collected was from community members.

At the micro level, the study relied on one research method. The semi-structured interview technique used on key informants which set a frame for prompting follow-up questions. Initially, there were supposed to be a focus group discussion with general participants. Due to the Covid-19 pandemic and compliance with the country's lockdown regulation, the researcher only used only the interviews. It led to the same technique being applied to the general participants (community members).

3.3.2.1 Key informant interviews

The focus on the analysis to the role of traditional leaders and local development in the municipality of study required an expansion in the inquiry beyond what was recorded. The significance of individuals involved in the institution could not be underestimated. 14 key informant interviews were conducted. These ranged from an hour to extended sessions with officials from North West Provincial Legislation. The interviews included, 4 political leaders, 2 religious figures, 2 academics, 2 business people and 4 government officials. Purposive sampling was used to select these key individuals. The sampling is where the researcher identifies and selects specific population and only its members are interviewed as they hold important and best information on the topic (Kelley et al., 2003). Thus, key informants were selected based on their role, extensive knowledge, experience and interest in the traditional institution and local government in Moses Kotane municipality.

Key informant interviews were mainly semi-structured but allowed follow-up questions on the expansion and expertise of the respondents. This further allowed the respondents opportunity and extension of time to share their knowledge and experiences. As semi-structured interview tends to be restrictive, the researcher was able to manoeuvre around to gather as much information as possible. An interview guide used was to ensure that all thematic areas are covered and control the interview process. This was important where appointment with officials had to be rescheduled or get interrupted in the middle of the session. Qualitative research designs can involve multiple components that builds up the method (Sharma, 2017). While the interviews conducted with officials from the NWPL on behalf of NW COGTA, they provided more insight on policy context. This confirmed corroborated information from traditional leaders.

3.3.2.2 Semi-structured interviews

This study was conducted in a period of three months from December 2020 to February 2021. Field research was carried out in Moses Kotane municipality, involving 6 traditional villages. The villages were Mabeskraal, Pella-Matlhako, Ledig, Pitsedisulejang, Ratsegae-Siga and Mabaalstad. The research in the mentioned villages each had a representative of an independent traditional leader. It sought insight from residents and traditional leaders on two main aspects: whether traditional leaders were involved in the development processes of the communities that they led. As part of this question was issue of how they participate in this process. Still related to this aspect were the development initiatives they have embarked on in their

communities. These issues were significant to the study, given the constraints imposed on chiefs by the introduction of the local govern system, and the systematic usurping of most powers and responsibilities by elected community councillors.

The second aspect, which was equally important to this study, was people's perceptions and opinions on which institution should be involved in their development. Related to this issue the challenges faced by communities, more importantly, commitment. These were complex issues and needed a detailed engagement with different groups in the community.

Interviews focused on three different groups of people. First, interviews were held with traditional leaders in the villages, and focused on the former set of questions. The interviews sought to understand chiefs and their roles in developing their communities, the dynamics of their involvement and their relationships with the community councillors. Interviews also sought to understand the development challenges that the chiefs thought were pressing and needed addressing, and what they have done about these over the years. The interview process was open but controlled and gave the chiefs opportunities to share their knowledge, frustrations, and visions, without being too open to degenerate into a wild discussion. The semi-structured nature of the process allowed the process to focus on the issues of concern, but without being too restrictive.

The second group involved were the elderly citizens. The interviews addressed the latter set of questions, although they also dealt with the former. The interviews sought to understand development challenges in the community, as seen by these elderly citizens. They also sought to understand, who these senior citizens thought should champion the development process, and more importantly, their experiences and interactions with the two institutions over the years. Like with the chiefs, the researcher allowed the process to flow, kept it open, but controlled. This allowed the elderly citizens to air their views, speak their minds and dominate the process, but within the scope of the interview. This way, it allowed the research to gain insight even on issues that she had not thought about but controlled what was discussed. The elderly people had a lot to say and drew on their experiences.. They, thus, would tend to draw on scenarios that were further from the interview scope, making control a necessary tool.

The last group was that of the young people. These were not necessarily youth, but people who were relatively younger and understood worldly processes. The interviews were semi-structured, and the semi-structured nature of the question defined the topic under investigation but provided opportunities for both interviewer and interviewee to discuss some topics in more details (Mathers et al., 2002). The process here was different and was more of an exchange with the researcher asking follow-up questions and joining in the discussion. These turned into useful conversations, which were generally frank. Because of the contested nature of the subject, participants were willing to share on their experiences and frustrations on both local governing institutions, leading interviews being longer than planned.

Like with key informants, an interview schedule to maintain control of the conversations was designed. During the interviews, attention would be based on the emerging issues for further probing. This proved helpful and ensured that the interviews were rich. There was more in the topic and participant were always willing to share. This was particularly so, with chiefs and the elderly, whose interviews generated a number of new questions that had to be followed up. As such, in some cases the process was extended. Capturing of the interview processes, vocal recordings were employed, however, with the permission of the participants. These recordings underwent transcription.

Advantages of adopting a semi-structured interview approach

Semi-structured interviews are useful when collecting attitudinal information on a large scale, or when the research is exploratory and it is not possible to draw up a list of possible pre-codes because little is known about the subject area (Mathers et al., 2002). Semi-structured interviews are also an effective method for data collection when the researcher wants to collect qualitative, open-ended data. To explore participant thoughts, feelings, and beliefs about a particular topic and to delve deeply into personal and sometimes sensitive issues are some of the merits of semi-structured interviews. The development of the interview schedule, conducting the interview and analysing the interview data all required careful consideration and preparation. Well planned and conducted semi-structured interviews are the result of rigorous preparation beforehand.

3.4 Sampling techniques

Sampling is the representative of the population. Bless, Higson-Smith and Kagee (2006) defined a sample as the subset of the whole population which is investigated by a researcher

and whose characteristics will be generalised to the entire population. Reason for deploying a purposive sampling design as a sample method lies in information-rich cases, that the study is capable to find. Not everyone in the community studied had the required information. The six chiefs had to be purposely identified because of the specific information required by the study, while at the broader societal level, people with certain information were needed to draw on this rich resource. For example, the knowledge on the history of Bakwena-Ba-Modimosana-Boo Morare Tribal Authority, experience in working with both authorities, and younger participants that could provide a different perspective. This dictated an adoption of a purposive sampling technique. Thus, participants in the study were selected because of information and knowledge they had on traditional institutions. Others were identified by the significance socio-economic status they held in the community, be they chiefs or local councillors.

Observation and personal experiences

Data was supplemented from interviews through observations carried out in the six villages during the study. Non-participant and participant observation were applied to observe the state of development in the communities and who was involved in these processes. This was accompanied by transect walks, taking note of physical and other developments. Site photos were taken during these community tours. Additional participation in community processes including attending tribal community meetings, and other activities including where communities held meetings to discuss development or lack of was done. This would include attending meetings convened by the traditional leaders on developments made to the village. On numerous occasions, these meetings would include external stakeholders involving, private entities and the municipality for neutrality and accountability purposes. These occasional episodes of participation played a huge role in shaping my understanding on the roles of chiefs and assisted in designing questions for respondents. These observations and experiences were incorporated into the data gathered and triangulated the findings.

3.5 Data analysis, research ethics and fieldwork challenges

The purpose of this section presents the data analysis approach adopted by the study together with research ethics that apply to the study. This section also brings into the discussion challenges encountered during fieldwork and how they were appropriately handled. It is, thereof, significant as it demonstrates that the study was not compromised.

3.5.1 Data analysis

The data analysis approach adopted relied on thematic analysis to the degree on direct interpretation. Both micro and macro levels of data collected led to open coding system. This got reaction from the researcher on how respondents responded and reacted to raised questions. The aim was to reduce information to themes and categories. Also, using the same data analysis, different perceptions that respondents had on issues to the role of traditional leadership and whether respondents were satisfied with the present local governance system for service delivery and infrastructural development. According to Neuman (2003) the researcher conceptualised on formulated definition and assisted to examine the relationship among different concepts. The analysis coding of all the data and extracting the relevant themes was done.

Data analysis is the heart of any research because it involves making sense of what the data collected says in relation to the problem statement of the research. A linkage of main concepts derived from the theoretical framework derived on the literature review, were put into themes. Beginning with the first step of data analysis was transcription reading. This was to carefully note on the themes and patterns. Ideas were derived from the respondents' experiences and were clustered with preliminary analysis from categories and themes from initial transcriptions and notes. Also, the researcher had to make sure that categories established are exclusive and make sense in relation to each other. A tabulated framework outlined on the representing main themes, which would later be used to guide discussions. Correspondingly, the derived themes had to link with authors in the literature review chapter.

The researcher looked at the responses from all 20 informants to find patterns for respondents' reactions, dominant views, contrasts, and justifications for their opinion. The researcher then used these narratives to establish a picture of the context for each theme/concept. The main aim was to interpret data from the findings and draw on conclusions based on extensive evidence that came up from data collection. The respondents' responses were drawn in themes to answer the set different research questions. The themes arose from the analysis as factors influencing policy implications and amendments.

3.5.2 Research ethics

Data collection requires researchers to have physical interaction with subjects, if not other means of collection. Upon conducting qualitative research, researchers ought to adhere by the ethical duty to respect the participants:

University of Pretoria ethical clearance

The researcher obtained an ethical clearance from the University of Pretoria ethics committee (Faculty of Humanities), as the study is social science based. The clearance granted the researcher to proceed with fieldwork. With the permission attained, it allowed easier access to the key informants about the intentions of the study.

Informed consent

In adhering to the conditions of the ethical clearance, the researcher introduced herself and the research interest to the approached target population. This led to the researcher explaining what was expected of the participants by printed out the consent forms which already outlines that respondent was voluntarily participating, and no payment or token of appreciation would be made. The researcher made a conversion of language to *Setswana*, to avoid language barrier and to allow participants to fully answer the questions with understanding and avoid being out of context. The informed consent assured the participants of the principle of confidentiality and anonymity. It further assured the importance of adhering to the principles.

Anonymity and confidentiality

Respondents were assured by the researcher that information provided would not place them in danger, nor endanger their circle. Further emphasis was on the naming aspect of the respondents. Confidentiality of the respondents was maintained throughout the study. Also, even though pseudonyms were to be used as indicated by the researcher, respondents were allowed to choose whether their personal identity to be disclosed or not. However, pseudonyms were rather used to avoid violating the research ethics and identities of respondents.

Volunteerism and reward

The researcher greatly encouraged on reading the informed consent for full understanding. A point made in informed consent was of voluntarily participating and not expecting any reward. The researcher emphasised that the whole data collection process was for academic purposes. Also, the researcher highlighted on not bringing any developmental initiatives through the study, even when it would fall in the hands of policy makers. Moreover, interviewees were allowed to partake voluntarily without expecting monetary compensation or materialistic gifts. Therefore, the researcher clearly stated on intentions with identity, supported by documents from the University of Pretoria.

Storage and distribution of information

The data were stored in a password protected computer during field work. It was also proposed in writing that the data would be stored in the Department of Anthropology and Archaeology for a period of 15 years for archiving purposes within which it could only be used for research purposes. The results could be produced in the form of a dissertation or scientific paper or presented at both local and international forums like workshops and conferences.

3.5.3 Challenges encountered on fieldwork

The fieldwork in the Moses Kotane rural setting started in December 2020 and had to complete by February 2021. The intended plan followed the following sequence: 1). Starting out with government officials (either national or provincial or local) 2). key informants (traditional leaders) and 3). community members. Data collection was, however, initialized in the process as issues relative to scheduling appointments and timely attendance of scheduled interviews was consistently experienced. The researcher also witnessed emotional and fierce sessions where participants poured their emotions. However, the researcher tried to not be judgemental and grasp all information as clear as possible.

3.6 Chapter summary

This chapter presented on the research methodology carried out during the study. The logical steps with this chapter and succeeding information formed on greater majority of the study. The themes, arguments presented on the selection of the methodology was done. The first section set a frame for the introduction along with how the research questions were used to guide and extracted questions for the interviews. The following section focused on the study area, which was Moses Kotane local municipality. Although the study area was outlined, specific communities were provided, which included Mabeskraal, Pella-Matlhako, Ledig, Pitsedisulejang, Ratsegae-Siga and Mabaalstad. Further, the chapter outlined on the deployed research design, sampling techniques and data analysis.

The study was of qualitative inquiry in nature. It allowed the researcher to use a specific sampling technique (Purposive sampling) to identify necessary respondent to gather information. Purposive sampling was used to select key individuals and informants. The chapter in detail described on research strategies to employ data namely, semi-structured interviews and key informants' interviews. Semi-structured interviews were used on key

informants which were traditional leaders, government officials, religious figures, political leaders, academics, businesspeople, and the general population. The last section of the chapter outlined on data analysis procedure and thematic tool employed. Ethical considerations and fieldwork challenges encountered during the study were presented and discussed in brief.

CHAPTER FOUR

THE ROLE OF TRADITIONAL LEADERS IN SOUTH AFRICA

4.1 Introduction

Questions have often been asked whether indigenous institutions have a place in the modern era of neoliberal democracy. The focus being on an important institution in rural governance, the traditional leadership institution. The role and relevance of this institution has long been associated with rural society and has been debated and critiqued. There are different views on the institution; some which support the continued presence of this institution in rural governance, and those that believe that it has passed its sale by date. In the study of the dual rural governance in rural Lesotho, Maime (2013) found that the transfer of power from the chiefs to the elected councillors created a vacuum in rural society and led to exclusion of certain members from community projects, by the councillor, who happened to be a member of a political party.

This chapter discusses the roles of the traditional leaders as defined by the governing legislative law documentation at the national level. It provides for the background and contextualisation of the issues concerning the roles and duties of the articulated governance institutions in contemporary South Africa. This was approached by singling out each framework and stating the institution of traditional leadership. Further, the traditional leaders' reactions to the amendments to these legal changes done. The ministry of cooperative governance and traditional affairs seems to be largely rectifying and at the same time, influencing each decision taken that the coronavirus command council committee took upon the lockdown restrictions.

In breaking down the sections mentioned above, the contextualisation of key concepts was provided from the available secondary data through the incorporation of information collected from key informants. This enabled the researcher to answer the research questions through legal documentation. That includes frameworks and acts from precolonial era to post-1994. Moreover, this included policies derived by the National Party to dictate the Bantustans. Thus, the Bantustans and homelands to be deliberated were on the infamous Transkei, Bophuthatswana, Venda, and Ciskei (TBVC). Moreover, a section of constitutional recognition on the institution was provided with a brief outline on how the institution formed its forum to

escalate its grievances and injustices posed by the legal documents. Furthermore, a synopsis of service delivery particularly the issue of water scarcity and development in the local government was presented, thus involving the readiness of the country as outlined by the Minister of Health in controlling the infection rates of Covid-19 cases.

4.2 The chieftainship before, during colonialism and apartheid

The pre-colonial South Africa consisted of diverse culture and linguistic settings which prompted the grouping of different African population groups governed by traditional leaders (Khunou, 2009). Mbenga (1996) asserts that the traditional institution was a political and administrative centre of governance for traditional rural communities in South Africa. They executed their legislative, executive and judiciary roles to their best capability (Ndlela et al., 2010). Shembe (2014) then supports how the institution was able to handle its subjects through its duties which involved allocating both grazing and cropping land, order regiments to war to fight for the additional land, adjudicate on land and livestock disputes and issue fines which mostly was in the form of livestock. As a result, the production method was termed around primary agriculture by the absolute traditional leader reigning (Shembe, 2014).

The institution of traditional leadership including its authorities has always been regarded imperative in South Africa mainly because of its position and role that it has demonstrated in rural communities of the country. Literature has often emphasized the strong relationship between traditional leaders and the people (Khunou, 2009; Ndlela et al., 2010; Shembe, 2014). Indeed, as documented by Ntloedibe (1998) traditional leaders held a huge responsibility to answer to their subjects, emerging into existence as leaders, not rulers. The traditional leaders executed an important role in the everyday life administration of their areas and lives of traditional people in the pre-colonial era. During colonialism, the institution was used as means of indirect rule. This was to administer Africans under the colonial administration thus using traditional institution to control their communities.

During this era, the colonial government formulated frameworks that traditional leaders had to comply and conform (Liebenberg, 1969). This mainly served the interests of the colonial government. Compliance was monitored and failure to comply often led to the diminishing of the authority, and being declared as illegitimate to rule (Khunou, 2006). As such, traditional leaders were reduced to puppets of the system (ibid). In supporting the claims made by the apartheid government, Fintel (2018) expresses that in executing the ideology of separate

development, traditional leaders were placed front on the oppression legal inequality, subsequently putting the institution to handling its communities in containerisation. The basis of internal control within the groups was idolised around traditional rule as per the derived policy.

The indirect rule in this instance meant that the colonial government holds the supreme power, which vested the governor general powers being the supreme chief to the chieftaincy system in South Africa (Halbach, 1988). Khunou (2006) holds the view that, the governor-general had powers to appoint and fire traditional leaders. Ultimately, this led to traditional leaders serving in accordance with their constituency, but through the colonial government's interest. Whenever traditional leaders contravened the policy and rules set, their legitimacy to their thrones was questioned and disciplinary and harsh conditions would then apply (Scully, 2019). Traditional leaders who conformed to their roles and duties, were compensated and remunerated when necessary (Halbach, 1988; Scully, 2019). This was in the scope of their mere role in arbitration as highlighted in the excerpt below:

'The combination of both the colonial government and apartheid government strapped away hope that their traditional communities had instilled in them. The reason being the complications brought by the governments, which transformed the chiefdoms into local government. Moreover, not only the introduction of developmental local government was done, but an indecisive and unclear status of the institution of traditional leaders is not attended as a matter of urgency. However, the salvation that the democratic government could have done, was to begin by upholding the institution of traditional leadership as significant before the law.' (Int, Ntsoane, 2021).

Upon the traditional leaders' appointment and recognition by the for the persuasive chieftaincy, the governor-general prescribed the duties, powers, privileges, and conditions of service of chiefs and headmen. These prescribed roles and administrative duties were contained in accordance with the *Proclamation Act 110 of 1957* which were amended as follows:

- a. An appointed chief or headman shall constitute a community council.
- b. He shall seek to promote the interests of his tribe or community.
- c. He shall maintain law and order.
- d. He shall bring unrest to the notice of the Native Commissioner.
- e. He shall enjoy the privileges and status conferred upon him by the recognised customs and usages of his tribe.
- f. He shall be entitled to the loyalty, respect, and obedience of all natives in his area.

- g. He shall exercise his powers, privileges, functions, and duties in accordance with the provisions of a law or usage in consultation with his council.
- h. He shall carry out all the lawful orders of the native commissioner or other officer of the government duly authorised by the secretary for native affairs or the chief native commissioner.
- i. He shall ensure the enforcement within his area of all laws, orders and requirements of the government relating to the administration and control of the natives in his area in general.

With regards to the latter, traditional leaders had specific responsibilities, which they were expected to perform, which included:

- (a) public health
- (b) registration of taxpayers
- (c) registration of births and deaths
- (d) taking of census and collection of statistics
- (e) prevention and eradication of animal diseases
- (f) occupation or cultivation of land
- (g) preservation and erection of beacons
- (h) prevention, detection, and punishment of crime
- (i) efficient control of labour resources
- (j) unauthorised influx of natives into urban areas
- (k) eradication of weeds
- (l) preservation of flora and fauna
- (m) protection of public property, monuments, and historical objects
- (n) rehabilitation of land, prevention of soil erosion, veld fires and overstocking

The traditional leader was a messenger of the government and acted as an intermediary between the government and his people as reflected in the last rule of the proclamation, which required traditional leaders to bring all new laws, orders, and requirements to the notice of their tribes. Therefore, traditional leaders played an important role in the colonial administration (Maloka, 1996).

4.2.1 Traditional leaders and homelands governance

The traditional institution became particularly relevant with the development of self-governing homelands, as traditional leaders became an integral part of the homelands system (Ntsebeza, 2003). The model was guided by the *Bantu Authorities Act 68 of 1951* provided for the establishment of certain Bantu authorities and defined their function in place of the *Representation of Natives Act of 1936*. Furthermore, the act as it established the authorities, also made provisions to constitutionalise the tribal authorities. As the institution was seen as an important tool for their colonial mandates, a radical change involved a strategic formation of Bantustans, which were formed to create self-governing states (D'Amato, 1966). The arrangement was initiated for the African population for tribal divisions' purposes. The African population in South Africa comprises of different cultures and language groups (Halbach, 1988; Ntsebeza, 2003). The units consisted of the Nguni's (i.e., Swati, Tsonga, Venda, Xhosa, and Zulu) tribes and Tswana, Pedi (North-Sotho) and Sotho (South-Sotho) (Ntsebeza, 2003).

The authorities appointed in the respective units were responsible for administrative affairs and placed as land custodians (Muller, 1963). The government's contention was that each unit on its own demarcated borders be in no interference with the other unit's development process, hence focus on self-sustenance (Khunou, 2009). As one of my informants remarked:

'Traditional authorities formed the governing body. With responsibilities, not only of governance, but of all development aspects of the authority and the people living in the territory. Traditional leaders, therefore, played a crucial role as both rulers and custodians of natural resources, while they also oversaw to development and welfare of their people. They were the responsible authority for all development needs in these authorities.' (int. Tsotji, 2020).

Even the *Promotion of Black Self-Government Act 46 of 1959* was very clear about the role of traditional authorities by emphasising on separate development (Union of South Africa, 1959). The effect it had on black groups was the solicited grand apartheid, which played a huge role on the demarcation of blacks to white (Govender, 2003).

The Preamble of the Act emphasised on not constituting homogenous being. The separate development initiated was based on language and culture (Muller, 1963). The promotion encouraged handling affairs of own unit without meddling in other units' affairs (Union of South Africa, 1959). In so doing, reporting was done in the greater South Africa. As the system

implemented was initially formed to divide and rule black people, the traditional leaders were easy subjects to be used by the government (Geldenhuys, 1981). They (traditional leaders) were put in charge of the units, to maintain and sustain the idea of the Bantustans, which were renamed homelands. Geldenhuys (1981) contends that in protecting the government's idea, the homelands were formed to strength representation and empowerment opportunities to the African population. Initially, there were ten (10) homelands formed. As a result, in satisfying the Union of South Africa's requirements and compliance, only four were granted independence as per the government's agreed vision and mission (Halbach, 1988). The four homelands included Transkei, Bophuthatswana, Venda, and Ciskei, hence the abbreviation TBVC.

Khunou (2009) reported on how the traditional leaders responsible for each unit or homeland, especially of the TBVC became part of the development vision. Traditional leaders were supporting and encouraging the Union of South Africa's mission for white South Africa purpose (West, 1988). Separate development was believed to accommodate and act as a mediator to reconcile cultural differences among various unit groups (West, 1988; Halbach, 1988). It was a policy framework derived in adoption of nation-building and socio-economic progress. The core objectives of this policy included to (1) have a population structure based on cultural and race differences, (2) interaction pattern made based on the forms of social, geographical, and political dimension for the promotion of interdependence measure, and (3) prevailing power concentrated in the hands of the whites, on the formality of institutional and economic power.

The traditional institution is more than a political institution. Traditional leaders mandate is quite simple, that is executing roles ranging from maintenance of social norms to provisions of basic social amenities. During pre-colonial to post-apartheid, solely they were able to establish a variety of facilities that were to be utilised by the community (Mbenga, 1996). The facilities included clinics, schools, tribal administration hall, and recreational halls which were set to benefit the entire community in accordance with their needs. In an interview with a traditionalist and archaeologist, the scholar emphasised the importance of the institution at the time:

'The traditional leaders role is of prominent practice, which emphasised on its significance on enhancing sound governance, accountability, and practices of transparency principles. Furthermore, the institution's professionalism is consistent within the vicinity of the law. However, drawing on the distinction made modernised system and traditional system as the element of successes.' (int, Mkhwanazi, 2021).

Baldwin (1975) attributes that the implementation of separate development by traditional institution will prevent agglomeration. Another affirmed role towards the success of apartheid policy by traditional leaders was to ensure that welfare differences between homelands are prevented thus maintain, and monitor institutional hindrances (Richard, 1984). The separate development through traditional institutions was to be achieved by encouragement and promotion of rural economy. The institution of traditional leaders represented an early form of societal organisation as regarded by the apartheid government. Magnifying the duty in land administration and allocation, preservation of arts and culture, and the welfare of the communities to satisfy the architects of apartheid as contended by Du Plessis and Scheepers (1999). The separate development policy was said to be precautionary measure, claiming that the document existed to end white political domination over blacks (Richard, 1984). In contrast, the reality was that the continuation of white domination was still practiced, multiracialism (Du Plessis and Scheepers, 1999). The policy was enacted for the reduction in foreign pressure that was being exerted on South Africa. There was a misalignment in accordance with the international standards and norms to policy's core objectives (Khunou, 2009). This placed the traditional leaders the institutional system in the perplex of the situation (Geldenhuys, 1981). It can be noted that traditional chiefs were placed as leaders of the established homelands.

Traditional leaders encountered hindrances in the implementation of the separate development policy. The difficulties included contemplation of the policy to actively guard the Europeans for the colonial government by extracting migrant workers for cheaper labour in exchange of personal benefits (Khunou, 2009). Chiefs were not able to protect their subjects as the policy overlooked the Africans' political and civil rights due to the *Promotion of Bantu Self-Government Act 46 of 1959*, which ultimately led to the loss of citizenship. This brought resistance of tribal authorities by other chiefs that did not support the apartheid ideology, for it promoted isolation and controlling features by the colonial government as bureaucratic mechanism as affirmed by Richard (1984). The policy extorted the traditional leaders, exploiting the institution amid development purposes for cultural paradigm (Baldwin, 1975).

4.2.2 Homelands as specific case studies

Transkei

Transkei became an independent state upon the acceptance of the *Status of Transkei Act 100 of 1976*. The act authorised the recognition, roles, and functions of the institution of traditional

leaders to justify its legitimacy in tribal affairs and policies (Vorster, 1995). The declaration was to pursue the idea of separate development through traditional leaders as they possess much influence (Chidester, 1992). Its purpose was to ensure that the traditional leaders execute their roles just as expected (Mqoke, 1997). This meant the legal role of traditional leaders was taken into consideration at the legislative assembly. As a result, the institution thereof had seats reserved. This was done to indirectly implement the democratic mandate the greater and Union of South Africa was bringing (Voster, 1995; Chidester, 1992; Mqoke, 1997).

Major participants who were involved in the Transkei government were fortunate to be employed by the white authorities (Voster, 1995). The introduction of *Black Authorities Act* resulted in a collaboration of those traditional leaders with the oppressive regime (Union of South Africa, 1959). Chief Matanzima became the president of the homeland. He was enthroned as the authority paramount chief of the Tembu kingdom (Matanzima, 1976), by the government and this resulted in conflict. His role was to influence other traditional chiefs within his authority to implement the apartheid policy in their respective villages or face repercussions. Consequently, some traditional leaders in the homeland resisted the policy whilst others conformed to the framework.

As a result, Chief Matanzima was regarded as the white South African puppet, who selflessly demonstrated the support to the motion of separate development. His authority was backed by the *Promotion off Black Self-Government Act 46 of 1959* policy. The framework stressed on how the policy was of a practical solution and how justice should be served to each population group (Union of South Africa, 1959). Also, the framework indicated on personal growth and how development could be best advanced and reached. Equally important, Chief Matanzima underscored the significance of separate advanced nation building (Southall, 1983) through the initiative of separate development. Lipton (1986) put on the perspective that Chief Matanzima's acceptance to the granted independence was to have in control the political and economic freedom of the Xhosas. That being, preserving the history and cultural identities through separate states.

The *Transkei Authorities Act 04 of 1965* made provisions for the appointment of chief and headmen within the region of Transkei. The appointed traditional chiefs and headmen were to perform developmental activities that were to the Transkei people, subsequently benefit the apartheid government (Southall, 1983; Lipton, 1986). In ensuring that took place, Chief Matanzima as paramount chief made sure that traditional councils within his homeland comply

with the constitution and the acts (Voster, 1995). The homeland legislative assembly consisted of 64 chiefs and 45 elected members. The role of the chiefs in this regard was to exercise duties over taxation and control over agriculture (Heydt, 1978). However, they (traditional leaders) took over some duties which were authority over defense, security, railways, banking, hospitals. No other function was delegated to the institution of traditional chiefs (ibid).

Bophuthatswana

The *Self-Governing Territories Constitution Act 21 of 1971* led to Bophuthatswana gaining its independence in 1977. Vorster (1995) contends that the *Status of Bophuthatswana Act 18 of 1977* gave its enactment. The act, however, did not directly state on the definite roles, functions, and powers of traditional leaders. This was because the state did not have attributes of a sovereign and independence (Lawrence and Manson, 1994). Also, it did not match the international standards for ruling (ibid). That on the other side, gave direct recognition of traditional leaders' authority in the legislative assembly. Chief Lucas Manyane Mangope was the leader of Bophuthatswana, (Balatseng and Van Der Walt, 1998). Traditional leaders concede that he self-claimed that he was the Paramount chief of the Bahurutshe. His claim, however, was invalid which subsequently led to stages of homeland formed (Balatseng and Van Der Walt, 1998).

Bophuthatswana Traditional Authorities Act 23 of 1978 was introduced by the state for the purpose of regulating the traditional leadership institution in Bophuthatswana. The act had uncertain defined powers, roles, and functions of the traditional leaders in Bophuthatswana. The traditional chiefs were paid salaries and stipend as for their participation in the parliament and were regarded ex officio members (Francis, 2002). In this context, the chiefs were placed at the centre of political affairs. This evidently depicts a contradiction made by the Bophuthatswana government that largely comprised of traditional leaders, to reverently oversee the homeland. This was done to depose and replace traditional leaders that could not comply to the legislative measure put in place.

The *Bophuthatswana Traditional Authorities Act 23 of 1978* indirectly gave the president the powers to depose and reappoint traditional leaders as pleased. It is notable that Bophuthatswana was attached to the institution of traditional leaders. The president was a traditional chief himself, and thereof appointed traditional leaders to be part of Bophuthatswana government. Traditional leaders became members of the cabinet, and some members of the Bantustan legislature. Some traditional leaders were considered legitimate, and others suspected to be

illegitimate because of the ruling Mangope did of deposing and reappointing other traditional leaders, who would obey to his rules. Chief Mangope's regime was said to be held together by personal rule and corrupt activities. The constitution of Bophuthatswana provided a framework and had set limits of government powers. It was imposed as a controlling agent against all other laws to be tested.

Bophuthatswana legislative assembly consisted mainly of traditional leaders. Their primitive role in sitting in the assembly was to ensure that the state was governed in accordance. This included looking after the villages where they come as they are traditionalists and embedded their everyday lives in culture and custom practices. They had to maintain order within the state, make sure that people are entitled to their rightful citizenships. They also maintained law and order by establishing security forces, which created Bophuthatswana Defence Force which when the state was dissolved, they were incorporated to the South Africa Defence force and Police service. They also facilitated their own media production, primarily known as Bop TV, which through the emergence of democracy, was integrated to SABC and having a Setswana radio station, Motsweding FM.

The leader of traditional chiefs and president of the state, Kgosi Lucas Mangope invested in education, which led the state into building the university for higher learning and training. This institution was primarily known for producing good teachers, lawyers, and social workers in the country, which still does maintain its standards. The institution initially was called UNIBO (University of Bophuthatswana), which under transformation and adoption of democracy when states were demolished, was then called the University of North West. Recently, it had changed its name and integrated to its unified statutory form to North-West University, consisting of three campuses (Mafikeng, Potchefstroom, and Vaal-Triangle).

The state through the implementation of separate development policies had its own mandate for executing its plans. The developments that the traditional leaders sitting in the assembly brought, were one of its kind. Firstly, establishing Mafikeng as the capital city of the province, which had the third largest Tswana kingdom of Barolong. The provinces biggest economic and social potential was based on tourism and mining activities. The traditional leaders through their active participation encouraged the development of tourism sector in the province which led to the establishment of Sun International, a 49/51 percent partnership with Sol Kerzner, and other neighbouring bush lodges, that created job opportunities for its residents. Under Sun City,

Tlhabane Sun, Morula Sun, The Carousel, and others were built. Pilanesberg National Park was also established to boost tourism.

Rural economy was enhanced through its agricultural activities. Farms (both livestock and crop) were endorsed for commercial purposes for improving the livelihoods of the communities. Bophuthatswana established agricultural colleges and an agricultural bank to assist emerging farmers. The production made were capitalised and supplied to companies. Mining rights royalties were used to build infrastructure and compensate teachers and the police.

Following the above, the revenue collected from production of commercials and residents through taxes was used to develop the infrastructure for the province and to maintain its cleanliness. Traditional leaders through their capacitated knowledge, designed arts and culture programmes, that the development plans have integrated the preservation of traditions and practices. However, the constraints that the institution of traditional chiefs encountered on implementing other development plans, was the political leaders opposing interfering unnecessarily in their projects and reporting directly to the governor-general. It was reported that the president of Bophuthatswana was subsequently involved in corruption scandals. Ultimately, this led to the dissolution of the state upon democracy, integrating the state to form part of the provinces in South Africa.

Venda

The Venda National Party consisting mainly of traditional leaders influenced the power for Venda to gain independence. Traditionalist scholars report that people were resistance to the independence, which resulted in the traditional institution not recognised by the international organisations (Cadman, 1986). The traditional chiefs in this instance were used as scapegoats against the introduction of the separate development policy by the apartheid government (ibid). The institution of traditional leadership was centred around Venda supremacy. The *Venda Tribal and Regional Council Act 10 of 1975* was put in place to ensure smooth running of the traditional leadership institution. However, the act revoked the *Bantu Authorities Act of 1951*. Its primary objective was to substitute tribal and regional councils for the tribal and regional authorities in Venda; to maintain law and order; to provide for the functions, powers, and duties of the Venda traditional leaders; and to ensure compliance with all laws, orders, and instructions of any competent authority.

The Venda homeland president Chief Mphedu did not agree with the western style of democracy to run the state and did not want to abandon the appropriate and compatible way of running an African tribe as Venda (De Beer, 2006). This became clear and indicated a clarification of Chief Mphedu's behaviour towards the intolerance of democracy. Thus, influencing traditional leaders to resist the plan. De Beer (2006) speculates on how opposition organisations formed made people turn their back on traditional chiefs and developed hatred towards the institution. This answered the people's speculation on traditional leaders in charge, also their president being puppets than servants of apartheid. The speculations led to the reduction of status and pride of the institution of traditional leaders, and their influence over developmental mandates over the village (ibid).

According to Minnar (1991), Venda traditional leaders were believed to practice fallacy activities which acted as constraints and a threat to the credibility of the institution. The traditional leaders were associated with such inhumane activities. The death of Chief Mphedu in 1988 exposed information that the leader of the state was linked to the witchcraft activities, as cases reported vanished. However, the society resorted to witch burning. If one was suspected to have participated in witchcraft activities, besides the process of prosecution to prove innocence, mob justice was served through burning or driving them out of the village each night. The reason behind misconception practices were for *muti* making for enhancing one's power and success. Another painful reason was to settle old scores, individual success, and personal jealousy. The accusations then reduced the credibility and destroyed the little reputation that the institution of traditional leaders had in Venda. Even the innocent traditional leaders who did not participate in such activities were no longer trusted. This reduced them to being seen as guardians and protectors of their subjects because of the activities they practiced instead of developmental projects they should have encouraged and promoted.

The prominent roles that the traditional leadership institution played during the colonial era were depicted. Under the Bantustan and homelands system, they became synonymous with administration and control of territory. They were virtually rulers, performing political, administrative and development roles. As one of the residents explained, 'when the democratic government took over, Bophuthatswana was the most developed of the Bantustans' (Int. Modubu, 2021). Linking these case studies to the topic under discussion, it stipulates that traditional leader can have a bigger role to play in the development of their areas if given a platform and with a correct framework.

Ciskei

The homeland of Ciskei was declared independent in 1972. The president of the homeland was Chief Sebe. Both Ciskei and Transkei were homelands belonging to Xhosa tribe, the Transkei being the largest influencer due to tribal rivals. However, the existence of the *Constitution of the Republic of Ciskei Act 20 of 1981* then planned for the representation of traditional leaders in the national assembly (Vorster, 1995). The Ciskei president has put into public agreement deal between himself and the Minister of Cooperation and Development. The deal entailed that Ciskei had to be different from Transkei, Bophuthatswana, and Venda. This was to be achieved by allowing Ciskeians to retain their identity and nationality, but not relinquishing their citizenships. Above all, Ciskei was finally granted independence in December 1980, due to the *Status of Ciskei Act*. Chidester (1992) stated that Chief Sebe on his address said ‘Our homeland, with fellow Ciskeians lived as a proudly independent and free nation, quite separate and distinctly different from the other nations of South Africa. Ciskei was not being created but was being restored to its former glory’.

Chief Sebe at his enthronement and inauguration at the ceremony said, “The Chief was the central symbol of national honour and pride, the custodian of all those tribal and national customs and practices that are dear and sacred to tribe”. Chief Sebe’s saying was to legitimise and justify his traditional and political power. Crucially, the independent state of Ciskei, as different from other states, demonstrated the important historical moment adapted when the institution of traditional leadership was recreated by the apartheid government. The primeval institution of traditional leadership was then not always referred to as the traditional leaders at Ciskei did not support the independence granted. However, the cabinet and parliament of Ciskei were seated by the very same traditional leaders. The motion of Chief Sebe and other traditional leaders manipulated institutions of traditional leaders to justify the concept of homelands and independent nationality.

Ciskei as a homeland was established to entrench the South Africa apartheid policy (separate development). As it was declared an independent state for its developmental activities. The apartheid government through traditional chiefs, under Chief Sebe as the leader, manipulated projects involving economic strategy they derived which was aimed at supporting schools, the police force, hospitals, and other facilities. The philosophy behind policy was for the advancement of individual development. The traditional leaders as instructed were to facilitate

only the projects the government dedicated for further reviewing and approvals. As any homeland that celebrated its success, it encountered hardships and constraints caused by the government in implementing their development projects.

The traditional leaders involved in the plans were rather exploited for regional physical resources (Ward, 1980). This led to the misleading and incorrect evaluation tools derived on the homeland which brought about the jeopardization of future projects. Residents were not afforded opportunities to enhance their wellbeing. Academia and businesspeople asserted that implications were drawn to agricultural production and rural living standards. Political leaders then specifically made an indication on the dependency over finance aspects and its institution. This made the governor-general take power over traditional leaders' role in administrative independence. The little power that the traditional chiefs had in possession was no longer accountable to the community but to the government in control. Also, traditional authorities were bureaucratized, establishing, and consulting the plans directly to the government in general.

The people of Ciskei, like other homelands lost their citizenship when the Ciskei was declared independent. This brought limited opportunities for emancipation of human beings. Cheap labour was introduced to the homeland, however whoever was against the idea, had to be left in poverty, or have migrants working in their own land. The traditional leaders in this instance tried to promote rural markets, promote the small, medium, and micro-enterprises (SMMEs) in rural areas, support agricultural programmes and promote tourism and ecotourism (Nel et al., 1997).

4.3 Traditional leadership in the modern democratic dispensation

South Africa transitioned from colonialism and apartheid era to democracy. Upon the process, the institution of traditional leaders had and still must position themselves in South Africa's new democracy. The phase of democracy entailed inclusive dynamics that the traditional leaders had to adapt. This included aligning their roles and functions to the bills of rights. In doing so, the institution before the declaration of post-apartheid had negotiations to include and make recognition of the importance of the rural governance to the deliberated interim constitution at the Convention for a Democratic South Africa (CODESA) in December 1991.

The post-apartheid interim constitution document recognised the traditional institution, its roles, and functions, including its exercise of supreme power over development beneficiaries. The negotiations that took place, afforded the traditional leaders an opportunity to table their views regarding their respective institutions. This was to further include their institution as another tier of government structure to the society. Finally, to entrench its powers to lead and empower the community members.

Initially, the interim constitution of the Republic of South Africa - gazetted in 1993, recognised the institution of traditional leaders. It stretched its protection over the institution. Most rural areas in South Africa fall under the jurisdiction of traditional leaders. The constitution rather made the institution ex-officio in the place of municipality. Consequently, what worsened the provisions was in relation to the newly adapted constitution of South Africa of 1996, which only recognised the institution, its status and role as according to customary law. Therefore, in fitting to democratic South Africa, the institution is uncertain of its role and function in the society.

The analysis in this section is cognisant of the assertion that the new constitution in South Africa only recognized the traditional institution and its status and role according to traditional law, and in terms of the new governance structure, the institution was accorded ex-officio role in the municipality system. Thus, in terms of law the local government institution (local municipality) seemingly replaced the roles and functions of traditional leaders and left the indigenous institution distorted and unrecognisable. The new institution had a developmental role and was introduced as a decentralised arm of central government. Even then, most rural South Africa falls under the jurisdiction of traditional leaders. This has created a contradiction and left the institution in limbo and without clearly defined roles and functions within their communities. This also created opportunities for the institution to play prominent roles in the development of their communities by exploiting the uncertainties in the system as happened in other countries like Zimbabwe where traditional leaders reasserted their prior rights to the rural societies (Mohamed-Katerere, 2001).

4.4 Post-apartheid and legislation framework on traditional leadership

The existence of the institution of traditional leadership system held supreme powers within their area of jurisdiction. Primarily, as the institution was and is still of significance in this age

of time, it differed with phases through precolonial, colonialism and apartheid policy in accordance to executing their unprescribed roles and duties. Legislation documentation was derived to dictate the indigenous institution and overpower their respective functions. This was done in detail to the acts that indirectly served to notify on certain issues concerning traditional authorities, through tribal and territorial structures and development of the villages independently. As a result, traditional leaders were to conform to the acts to avoid their powers and roles replaced. This was to change with the advent of independence as the post-apartheid state put up measures to transform the institution.

4.4.1 Legislative framework on traditional leadership

The post-apartheid era in South Africa ushered a new era of democratic governance which entailed changes in certain institutions. The area of rural governance was affected by these changes which sought to democratize society. One area that was affected was that of traditional leadership where there were changes in their operations and responsibilities. Several legislations were passed to enable these changes. This section is a discussion of these legislations.

The Interim Constitution of South Africa Act 200 of 1993

South Africa as it was transitioning constitutionally, negotiations began, and an interim constitution was formulated for citizens' equality before the law. Thus, this included a variety of stakeholders to build the envisioned South Africa. As a result, the independent states act that granted them status was temporarily assigned to the Department of Justice and Constitutional Development. Upon democracy, the 1996 Constitution continued with the before 1994 legislation documentation, alongside the interim constitution.

Chapter 11 of the Act 200 of 1993, recognised traditional authorities and indigenous law. It however had constitutional provisions that:

- a. A traditional authority, which observes a system of indigenous law and is recognised by law immediately before the commencement of this Constitution, shall continue as such an authority and continue to exercise and perform the powers and functions vested in it in accordance with the applicable laws and customs, subject to any amendment or repeal of such laws and customs by a competent authority.
- b. Indigenous law shall be subject to regulation by law.

The chapter 11 in the Interim Constitution for the institution of traditional leaders recognised its role, functions, and powers in accordance with the customary law, were subjected to the chapter on the Bill of Rights. The constitution further provided for the traditional leadership recognition from local house of traditional leaders to the national house of traditional leaders' level. The constitution meant that the institution may practice sound governance as it has always been. Furthermore, the entrenchment meant that their roles were highly considered of importance to the society and every decision they took impacted on the growth and development of their respective traditionalist communities.

Established traditional leaders in the North West, Kwa-Zulu-Natal, Mpumalanga, the Free State, Eastern Cape, and Limpopo determined the powers, functions and duties of the respective houses. The houses were given power to advise on and recommend on the Bill of Rights in respect to status, powers, functions of traditional authorities, affairs of traditional communities, traditional and customary law. The interim constitution gave effect to the protection of the indigenous institution. This entirely permitted the traditional authorities to execute their roles as expected and diligently so.

A conjunction of traditional authorities and local government was included. The primary motive for this inclusion was to make the institution entitled to be *ex officio*. The limitation was for active participation among traditional leaders through continued discussions. Though, being reserved the role of being a custodian to the land, representation, and accountability to the sovereign state by the traditional leaders was always constant. As the constitution formulated was thought to properly define and articulate on institutional systems existing within the forms of governance in the country, the traditional leadership institution was part of the roundtable discussion to its publication.

The Constitution of the Republic of South Africa, 1996

The Constitution of the Republic of South Africa of 1996 is the supreme law of the country that citizens must abide with. It provides the legal foundation for the existence of the republic by setting out the rights and duties of its citizens and defines the structure of the government. Every citizen, party or solely organisation is sought to recognise its own position within the constitution, and its good standing. As a result, it recognises the injustices of the past colonial

and post-apartheid legacy, making an inclusion on every citizen's rights for good governance purpose. The chapter 12 of the Constitution of Republic of South Africa bases its recognition and role of the institutional system of traditional leaders. It recognises the institution on the basis that:

- a. The institution, status, and role of traditional leadership, according to customary law, are recognised, subject to the Constitution.
- b. A traditional authority that observes a system of customary law may function subject to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs.
- c. The courts must apply customary law when that law is applicable, subject to the Constitution and any legislation that specifically deals with customary law.

Core principles of cooperative government and intergovernmental relations in all spheres of government are stipulated in chapter 3 of the constitution. The intergovernmental relations thereof include traditional leadership. The informants on the case of constitution arguably stated that the government needs to revisit the document to make clear and direct roles of the traditional leaders. In doing so, an inclusion of the traditional leaders needs to exist, to derive effectiveness participation. Moreover, their involvement and participation in three spheres of government needs to be clarified.

Section 212 on the traditional leaders chapter of the constitution enact and emphasizes on the general roles of the traditional authority system as an indigenous institution at the local government sphere. It further described the platform of dealing with matters of customs in the rural communities. However, the roles are vaguely outlined and not specific. Even in the recognition section for traditional leaders, there are unclear and partially visible issues pertaining to the indigenous system. Traditional leaders consistently and still in debates on the recognition given to their institution based on constitution. Thus, make the traditional leadership institution difficult to have a common working ground and relationship with other government institutions.

The contemporary challenge South Africa is facing with the constitution in terms of traditional institution is the structural governance (Endoh, 2015). The constitution making its provisions must be clear on how the institution will be contributing the practice. Endoh (2015) further advises on how traditional leaders will be able at all government levels and spheres, address and outlined on the implementation of developmental projects and improving livelihoods of

their people. A transition that the country made to adopting the democracy route, observing its necessary characteristics had to ensure that all stakeholders concerned abide by the law.

Traditional Leaders under Municipal Structures Act 117 of 1998

The Municipal Structures Act 117 of 1998 for local government preamble states that; “whereas there is fundamental agreement in our country on a vision of democratic and developmental local government, municipalities must fulfil their constitutional obligations to ensure sustainable, effective and efficient services, to further promote social and economic development, encourage a safe and healthy environment by working with communities, including relevant institutions, in creating environments and human settlements in which all our people can lead uplifted and dignified lives”. An inclusion of the institution would discontinue the deprivation of other stakeholders in ensuring their contribution to developmental policies are at the best interest of communities.

Chapter 4 of the Municipal Act for internal structures and functionaries, on part 6; on participation of traditional leaders, it states that municipal councils must ensure active participation in the proceedings of the council of that municipality and must be allowed to attend and participate in any of the council. The traditional leaders are then presented an opportunity to make an input on the matters affecting the communities before the municipal council may resort to decision-making activity based on the input produced. Other affairs including but not limited to finances and remuneration of traditional council are to be covered by the municipality clause 5(a) (i) as indicated in the act. It then acts as an affirmation that traditional leaders serving in the municipal council and their organ role are regarded significant.

The legislation as passed by the parliament, however, impacts the traditional leadership institution. The *Municipal Demarcation Act 27 of 1998* gives the local government powers to control what happens within the area, particularly with/without agreement from traditional leaders. Resources found in the area could be stripped without knowing or proper consultations handled. The Act indicated on obliging to its objectives aligning them with the constitution; to establish an area that facilitates, to attain financial and administrative viability, and to creating a safe and healthy environment.

The Act on the other hand encourages active participation from traditional leaders as they sit on the municipal council. However, another contradiction occurs that as traditional leaders sit on the council, they are not allowed to partake and influence decision-making processes. This

led to dissatisfaction they show towards participating in meetings that municipal council have with them. Again, decisions pertaining the development of the traditional leaders own villages and communities, has led to improper and uneven distribution of resources and funds, and deteriorating service delivery. This incur uncountably as their raised opinions and inputs towards decisions making activities, concerning their land, are not being considered. This demonstrates unfair and unjust functioning local government does yet practicing democracy. As a result, traditional leaders demand facilities and funds to run their own development projects in a manner satisfactory to them.

The Municipal Systems Act 33 of 2000

The Act was revised to amend the Municipal Structures Act 117 of 1998 to further regulate the contents of notices establishing municipalities; to further regulate transitional measures when existing municipalities are disestablished and new municipalities established; to further regulate the determination of the number of councillors; to redetermine the provisions from which a municipality may be exempted; to determine the date on which the first term of municipalities end; and to further regulate the transitional arrangements; and to provide for matters connected therewith. The formation of the Traditional and Local Government Affairs (TLGA) tried to plan an integration that traditional leaders and local government work together and reach concise workable decision, for the benefit of the villages. It also suggests that municipalities should always when amending the Integrated Development Plan (IDP) consult traditional leaders in accordance with the stated principles.

To begin, roles and responsibilities of the institution of traditional leaders were always and were not properly addressed by the constitution from the beginning. The *Municipal Structures Act 117 of 1998* also failed to directly define the roles, power, and function of traditional leaders at local government level. On the contrary, the elected councillors' roles and functions are clearly defined and stated, although the Act encourages participation of traditional leaders in a limited manner. However, the act constrains traditional leaders to openly express their views and opinions on any decision affecting the chief's area of authority. In this regard, the municipal council takes the lead in decision-making.

The White Paper on Traditional Leadership and Governance 2003

The core objective of the White Paper on local government and traditional leadership of 1998, was to define the place and role of traditional leadership within the new system of democratic

governance, and to restore the integrity and legitimacy of traditional leadership in accordance with customary law and practices, in transforming it with constitutional imperatives. Chapter 3 of the White Paper thereof seeks to reflect the cooperative nature of the role traditional leadership. Moreover, it bases its key strategies on the relationship between the institution and development. The paper comprised of four phases which includes research, debates, extensive consultation, and discussions.

The framework further states that many people, particularly the African community, reside under the jurisdiction of traditional leaders. However, the mentioned ethnic group strives to live in unbearable conditions of poverty and underdevelopment, with less or no access to socio-economic opportunities. It resulted from the legacy of colonialism and apartheid regime. Upon the democratic dispensation, several development programmes emerged and were adopted; including the Reconstruction and Development Programme (RDP), which aimed at addressing rural poverty and lack of development taking place. Within the formulation and adoption of Reconstruction and Development Programme (TARG, 1996), initiatives were launched to gear towards improving living conditions in rural areas. The initiatives included Spatial Development Initiative (SDI), Consolidated Municipal Infrastructure Programme (CMIP), River Health Programme (RHP), Local Economic Development Programme (LEDP) and Land Reform Programme (LRP). The traditional leadership in rural areas in relation and interconnectedness to local government, is assumed the authority and responsible for the provision of infrastructure and basic needs.

The formation of the white paper came as a new hope that could position the roles, powers, and functions of the institution of traditional leadership. It had to complement to the democratic state that South Africa was transitioning to. Thereof, it has key objectives that the institution had to comply on which included:

- a. To define the place and role of the institution within the new system of democratic governance.
- b. To transform and support the institution of traditional leadership to play a role in socio-economic development and contribute to nation building; and
- c. To ensure the integrity and legitimacy of the institution of traditional leadership in accordance with customary law and practices.

The paper stipulated on allocation of roles and functions that the institution could play, from national, provincial, district houses and traditional councils. Through mentioned policies derived that the government initiated, in accordance with the framework from the national sphere to district sphere, traditional leaders were to advise government and participate in developing national, provincial. and district policies impacting rural communities. In addition to the advisory role, this would mean such policies are consulted from traditional councils. Those policies were to match and suit the community's realities. Furthermore, they had to ensure that the community's needs and priorities are featured in the documents. In this instance, it would mean IDPs will be the correct template utilised.

Traditional Leadership and Governance Act 41 of 2003

The Traditional Leadership and Governance Framework Act 41 of 2003 seeks to provide for the recognition of traditional communities, and further the establishment of traditional councils forms a statutory framework for its leadership. The preamble of this Act articulates and sets the legal framework within the institution of how traditional leadership should undergo transformation. Moreover, it embraces the traditional leaders' duties and functions, as the constitution could not, or rather barely did. The Act further recognises the removal from office of traditional leaders. Provision of houses for traditional leaders are depicted. Moreover, the provision of functions and roles of traditional leaders to provide for dispute resolutions and the establishment of the commission on traditional leadership disputes and claims. Renumeration of office bearers act is also outlined in the Traditional Leadership Governance Act framework 41 of 2003.

The framework appeals to the state to set out a national framework, stipulating the norms and standards that clearly define the roles of traditional leadership within the system of democratic dispensation. As South African people are indigenous and diverse from cultural communities; respect, protection and promotion are essential and imperative, to provide appropriate support in nation building in South Africa. It thereby ranges from inequality to freedom, human dignity, gender equality, enhancement of culture and tradition, harmony and peace amongst pace, fair legal system of administration of justice as envisioned in the applicable legislation.

The Act presents an opportunity for the participation of women in traditional affairs. This includes them being not limited to traditional leaders/chief, kings, and queens and headwomen and headmen, therefore, providing for a statute recognition. In the Limpopo case, the successor of the throne would usually be the eldest son, appointed by the royal or traditional council. As

apartheid largely negatively impacted the black population, it demonstrated for marginalising women and their emancipation during the regime. However, the act seeks to reverse what the apartheid government did on relegating women, thus depriving them of an afforded opportunity to grow themselves and reach their fullest potential for the principle of women emancipation.

Initially, traditional leaders assumed that the act was designed to diminish the institution. Therefore, some leaders could not comply with the act and resorted to the establishment union called the Congress of Traditional Leaders of South Africa (CONTRALESA). The institution claimed that an interference in the lineage affairs was not good for royalty. The foreseen roles of traditional leaders as stated by Act included art and culture, land administration, agriculture, health, welfare, the administration of justice, safety and security, the registration (of births, deaths, and customary marriages), economic development, environment, tourism, disaster management, management of natural resources; and dissemination of information relating to government policies and programmes. Secondly, as the act provides for the establishment of the local house of traditional leaders, their functions in the house include participating in local programmes of the development of rural communities, participating in local initiatives aimed at monitoring, reviewing, or evaluating government programmes in rural communities, develop planning frameworks impacting on traditional communities and the by-laws.

The traditional leaders and governance act presents traditional leaders as office bearers for traditional community affairs. This makes it vulnerable to the democratic government controlling, though the involvement of local government is visible. Further, it is unable to create an opportunity for traditional leaders to initiate independent decisions and execute authority when necessary. Its strategic alignment of plans and pointers differed from the colonial eras, even the apartheid government to match the international acts and transition processes well into democracy. In contrast, the act could not align with the values of the constitution. Above all, the act had set out a national framework and norms and standards to define the place and role of traditional leadership within the new system of democratic governance, to transform the institution in line with constitutional imperatives and to restore integrity and legitimacy of the institution of traditional leadership in line with customary law and practices.

4.5 Constitutional recognition of traditional leadership

The Constitution of the Republic of South Africa as discussed from the section of legislation framework, outlined on the recognition of the institution. Not only did it recognise the traditional institution, but it recognised the status they hold in the society. The roles and duties in accordance with the customary laws, subjected to the constitution. The debate on the inclusion of the roles of the traditional leaders has been going on for years now. Countless recommendations made by traditionalist scholars are being used amid continuing discussions with national government and traditional institution. The traditional leaders' plea to government is to take cognitive resolution of the institution as of importance to the society. Basically, their roles, duties, and functions must be stated in the constitution/ This would lead to the amendment of the *Environment Conservation Act 73 of 1989* and *National Heritage Resources Act 25 of 1999*. Traditional leaders are known as knowledge systems, and will enhance on the conservation, customary law, and land tenure systems (Int. Rev Zulu, January 2021). This would embed traditional leaders to the nature of power relations, as principals of reality.

In considering the management of preservation of cultural and traditional responsibilities, this would help combat vandalism of natural and cultural resources. Equally important, decontextualising the cultural connections to bring about the reform, and initiate empowerment to conservation. The potential of the institution in the enhancement of African democracy would be greatly renounced. This comes after the provisions in terms of the *Municipal Structures Act 117 of 1998*. In contrast to the arguments posed to the constitutional recognition thereof comes after the financial resources that acts as a constraint to the traditional leadership institution. That should not be an inevitable incorporation to undermine the institution's effectiveness, efficiency, and competency.

4.6 Establishment of CONTRALESA

Congress of Traditional Leaders of South Africa is an organisation group representing and unifying traditional leaders and chiefs. It aims to work together with the South African government, concurrently the ruling party. They speak with one voice on matters and societal rifts affecting their traditional communities and overall constraints they come across on their position of authority and governance. The group is mainly seeming like a union in which traditional leaders affiliate on since traditional leaders are obliged to remain apolitical. Initially, it was established for the eradication of the Bantustan system that was implemented. The

matters deliberated on are then escalated to the national government through cooperate governance and traditional affairs department for further intervention and possible reliable satisfactory outcomes. They address issues that concern their position of handling anything related to governance. The African National Congress (ANC) is recognised as it played a significant role in growing and legitimizing CONTRALESA.

The union further acts as a mediator between traditional communities to avoid incompetency and a lack of demonstration of leadership skills pointed towards the institution. It was also established to negotiate on the challenges they encountered whilst in office as constraints are countless but negatively affect their ruling.

CONTRALESAs, through traditional leaders had disagreed with many registers of legislation and government documents which seek to provide more rights to women but that in the process tend to undermine traditional chiefs and leaders. Since the establishment of the Traditional Courts Bill (TCB) was tabled, many criticisms have been levelled against the ANC by CONTRALESAs for the stance that it took in matters pertaining to traditional justice. CONTRALESAs see this bill as a threat to the authority and power of chiefs and seeks a reform to this bill because of its lack of respect for traditional societies. They also see this bill as deeply flawed and incorrect on many aspects of traditional justice, such as the representation of women within it.

Chapter 2 on the Constitution of the Republic of South Africa on bill of rights, provides for the rights, application, equality, human dignity, life, freedom and security of the person, privacy, freedom of religion belief and opinion, freedom of expression, assembly (including demonstration, picket and petition), freedom of association, political rights, citizenship, freedom of movement and residence, freedom of trade (including occupation and profession), labour relations, environment, property, housing, health care, food, water and social security, education, language and culture, cultural, religious and linguistic communities, access to courts, just administrative action, access to information, and states of emergency.

The congress focused on section eight of the chapter, which provides for application of either a natural or juristic person. They specifically looked at the effects of cultural values when equality is applied. These aspects concerning (1) bridal price - looking at how the system would

be affected if changes incur on how things have been practiced, (2) the institution of traditional leadership - basing its principle on how male leadership domination, have been in-charge from the beginning, invisibly promoting patriarchy, (3) deflowering of a virgin - the male person must take responsibility to avoid delicta repercussions. Another concern raised by the congress on the constitution was chapter (7) which focused on local government. The constitution expresses that in the local government tier, municipalities will be established throughout the country and have executives and legislative authority elected vested in its municipal council. However, this act as a contradiction with the institution of traditional leaders as section 151 (3) openly states the right to govern affairs of its community by the municipality without an integration of other stakeholders (traditional leaders), whereas traditional leaders and council initially performed more of the same duty. Also, this shows how the traditional leaders' roles and functions are shoved down in the local level.

Chapter 12 of the constitution on traditional leaders provides for the recognition and role of traditional leaders. Section 212 (1) outlines how the national legislation should be responsible for providing roles for this indigenous institution at the local level. Section 212 (2)(a) continually expresses how a system of customary law should be observed, thus dealing with matters relating to the institution and customs. It further permits both national and provincial legislation to establish houses and councils of traditional leaders. Traditional leaders as significant leaders in the society deserved more recognition on the constitution than a half of obligations that rather legislations are responsible to do.

4.7 Traditional leaders and service delivery

Good governance has always entailed delivering services and resources in a just, even, and fair manner (Vrey and Solomon, 2020). This was and still done to promote and enhance local development and empowerment, an integration of various stakeholders, and encouragement of public participation. Particularly, when discussing the distribution of resources in a context manner, it implies that citizens are bound to be taken care of, regardless of the nature of an area, be it rural or urban. This includes the fulfilment of sociocultural development, economic development, and political development. In a case of meeting the needs and priorities of rural communities, traditional leaders are assumed to be responsible for such duties (Vrey and Solomon, 2020). However, local government (municipalities) are also tied in the same duty with the institution of traditional leaders (ibid). In an urban area setup, the local government seems to be the only institution meeting the demands and needs of people residing there.

The leadership structures mentioned (traditional leaders and local government) are somehow encountering challenges that hinder the development of the beneficiaries, which are the citizens. Traditional leaders during colonial and apartheid government were required to enforce unfavourable laws, which ultimately led to their subjects questioning their legitimacy. Moreover, proving that they are subordinates to the oppressors. On the other hand, while transitioning to democratic dispensation, traditional leaders were seen to be set aside in activities that concerned their own people and area of jurisdiction. This resulted in backlogs and many traditional villages left underdeveloped because of such issues. On the contrary, it may question the role of traditional leaders in ensuring that services are being delivered and the people are left on a satisfactory mode.

Back in the days, traditional leaders effortlessly took care of their respective communities and delivered services in accordance. This had people believing that the institution practiced good governance that has been in existence for practiced centuries. Traditional leaders knew how to delegate their headmen and placed roles to share responsibilities in a collaborative and democratic manner. This enhanced and unlocked potential, knowledge, and skills in the people in the villages. Not only headmen or the council were allocated roles, but everyone in the village had to play a part in achieving success. Other roles and duties specifically had to be done by the traditional leaders themselves. Services include provision of social services, land allocation (rightfully by the traditional leader), health, adopting widows and orphans.

In a local development context, their role is to ensure that ward councillors consult with the communities and escalate their grievances to the municipality to be attended. Shared responsibilities enable the councillors to gain trust and encourage citizen participation throughout. Through the structures of local government, different directorates are available to attend to each specific need of the community. This is led by a governance instrument utilised, which is the IDP. It makes an inclusion of various stakeholders and in a detailed manner outlines how needs and priorities of people can be met. Also, the plan includes the time frame, which all the needs and priorities outlined must be delivered. Social services, economic activities, and political activities are also promoted and encouraged by the local government to reach development in all spheres of the demarcation. Shelters and home-based cares are then built to provide enormous support to disadvantaged and less privileged children and abused women for protection.

Equally important, the role of traditional leaders as assigned by the traditional leadership and governance framework act 41 of 2003 must be executed in accordingly. Despite a questionable and unstable relationship between the traditional institution and other stakeholders in working together, service delivery must be done. An inclusion of the traditional leadership institution in the programmes as per their prescribed roles and functions to its successfully implementation would prove efficiency and effectiveness towards enabling the communities needs and priorities. That way, the trust and worthiness of the institution would be intact. Also, it would continue enhancing the relationship for cooperative governance. The White Paper on Traditional Leadership and Governance of 2003, states responsibilities that traditional leaders are to do. They include promoting and preserving indigenous knowledge systems and its resources through arts and culture. This would further revive, and redress neglected histories; secondly, encouraging green friendly practices and adopting sustainability for environmental preservation. Essentially, it would indirectly create awareness to the community about the concept about climate change.

Traditional leaders have to take lead in building an integrated relationship with other stakeholders and liaison officers. This will assist in communicating correct information on programmes, and eventually developmental projects that need to take place. This is important for the community to always be well informed and have access to information regarding their own developments. Fourthly, the institution's role in health care and practices is significant. They can conduct assurance on safety and quality of services provided to its community members. Religious figures deduced that, as HIV/AIDS is still a taboo topic in the traditional communities, the traditional leaders and the department of health can ensure and assure the community of the proper medical services available and accessible for the community. This will promote awareness on such diseases, subsequently encourage practising health living among community members.

The fifth point involves the relationship with the department of home affairs. This provides traditional councils with securing registration of births, deaths, conducting of customary marriages, and other related affairs. Initially, the institution dealt with such responsibility before the formation of the department. Housing and human settlement is also an important point. Making sure that each household has a dignified house over their heads was always and still a fulfilled duty. This eliminates absolute poverty and ultimately eradicate inequality among community members as they share same values and integrity.

Traditional leaders one role is to maintain law and order. In addition, to maintain peace and security within his respective village as religious leaders supports the notion. This is thus done by engaging in justice and constitutional development. Enabling the institution judicial functions allows the members to handle dispute matters that do not necessarily need court intervention. Providing sustainable use of land enables the community members to engage and get involved in either commercial or subsistence agricultural activities that will enhance their wellbeing. This would be regarded as the proper use of land affairs and agriculture administration. It would depict the importance of using the land by the community and ensuring that sustainable development is practiced for future generations. Safety and security are also important for the traditional leaders' role. This is to promote public participation and empowerment through crime prevention strategies, which is a nationwide principle adopted. Ensuring that the vulnerable community members are receiving social services, makes it easier for the traditional leaders to execute such a role. This is then regarded as the most significant roles for the traditional institution.

Recently, Timeslive newspaper (2021) reported that the service delivery in the North West province is deteriorating faster as a result of a lack of intervention from the department of cooperative governance and traditional affairs, and treasury in the province. This includes communities where a traditional governing model is adopted and fully operational. The civil rights organisation, Afriforum in the province stressed how the municipalities are battling with developments and service deliveries, so much that the province has been under administration over the past years. However, the reason for this tragedy would be an exclusion of traditional leaders in the development planning meetings and not being considered. Dr Eugene Brink, a strategic advisor for community affairs, uncertain of the situation, that establishing an audit would try to salvage delivery of services in the municipalities.

4.7.1 Traditional institution and the Covid 19 pandemic

The development space was opened in South Africa following the Covid 19 pandemic, where the ministry of Cooperative Governance and Traditional Affairs played a crucial and prominent role in the fight against the pandemic. Under the National State of National Disaster, and in terms of Section 27(2) of the Disaster Management Act 57 of 2002, the department under Minister Nkosazana Dlamini-Zuma was at the forefront of the fight to prevent the spread and escalation of the virus. The scope of the disaster made an immediate response to the direct

municipalities to act accordingly and consider the most important aspects in this regard. This included:

- a. The provision of water and sanitation services;
- b. hygiene education, communication and awareness;
- c. waste management, cleansing and sanitization;
- d. municipal public spaces, facilities and offices;
- e. customary initiations and cultural practices isolation and quarantine;
- f. monitoring and enforcement;
- g. municipal operations and governance;
- h. institutional arrangements and development of Covid-19 response plans and;
- i. precautionary measures to mitigate employee health and safety risks.

Traditional leadership institution with the municipalities were directed to prepare and roll out awareness campaigns. Firstly, this was enabling both governance institutions to utilise all the available platforms in publicly announcing the national state of the disaster within their areas of jurisdiction. Secondly, they were to ensure that the communication reaches the entire area and that the public is encouraged to adopt the appropriate precautionary measures in keeping safe. In addition, gather all stakeholders being the NGOs, the faith-based organisation and other participants involved in actively enabling them to exhaust their resources in ensuring that compliance is maintained at all the times. Provision of all soaps, sanitizers, facial masks, and other necessary equipment were to be made available at all the public places.

4.7.2 Water scarcity, Covid-19 and Traditional leaders

The global pandemic, Covid-19 made a huge disruption. The crisis brought by the virus is the reduction in opportunities for most vulnerable citizens not only in South Africa but displayed the severity of poverty that other parts of the world still experience. The pandemic caught the world off-guard, for ensuring the readiness once it spreads uncontrollably. The world is still in its early stages of experiencing water scarcity (IFC, 2020). South Africa being generally a water-scarce country, which demonstrates how the disease is bound to spread and many victims unfortunately will succumb to it. WRG (2009) statistically indicated how 17% of water deficit is forecasted by 2030. After the recession that the world went through in 2009, the virus would have made it possible to return and affect all the economies, (ibid). Not only the economic aspect would have been affected, but all dimensions involved including, sociocultural, geographical and environment and politics.

Traditional leaders being the link between development and service delivery to their people, the emergence of this pandemic displayed how the institution is still unable to eradicate some points of poverty. Such institutions areas of jurisdiction are in the rural areas that are still embedded in traditional and cultural practices. Provision and maintenance of water hygiene and sanitation in most rural communities in South Africa remains a challenge, even in the democratic dispensation (Mudombi and Montmasson-Clair, 2020). However, the role in which the traditional leaders can execute in this situation is ensuring that their people have access to running water; and if not, to apply measures such as placing water tanks in compartmentalised sections. Communication and information spreading by traditional leaders to their traditional councils to their headmen and headwomen can promote the initiative awareness (i.e., washing hands for approximately 20 seconds to contain the spread of the virus) as recommended by World Health Organisation (WHO).

Inability to provide water in some rural areas where both the traditional leadership institution and local municipality operate, places a sarcastic view in how two institutions are unable to perform one necessity duty to the community. This is evident why many citizens still face a barrier of attaining clean running water, which is a necessity/commodity. This demonstrates how the local government and traditional leaders dismally failed to ensure that each village within its respective municipal demarcation or area of jurisdiction of the traditional council had to secure running water and clear sanitation system. The IDP contains all services that the local government/ Municipalities must deliver, including water and sanitation to the villages nearby. However, the integrity of the municipality in this regard is questionable as the plan at most times is not followed accordingly and often when audited is nationally put under misadministration. Not only the municipality have to face the repercussions, but the legitimacy of traditional institution is also being put on the spotlight. In turn, this makes the citizens to fall unfortunate victims of such circumstances.

The budget drawn in intention to improve water tanks in some villages and make installations of proper machinery for water supply comes with advantages and disadvantages. It often puts villages that are within the demarcation of traditional leaders under development or discontinuation of projects that were intended to be implemented. Traditional leader in responding to the matter in hand contend that:

‘The traditional institution authorities where they sit in municipal council in most cases are not considered in the derivation of the development plans. This means our opinions and views in

this regard are not featured or taken into consideration. So, what is different in this pandemic that they will operate well? Thereof, what is done behind those municipal buildings is totally unethical, as we just sit there to listen but not contribute or escalate what our villages need. In addition, the local governments are unable to prioritise the needs of our communities, however, would rather include them in the plan then implementation not take place.’ (int, Kgosi Molapo, 2021).

Looking at the advantages, the municipalities are allocated funds to run developmental projects. However, making an inclusion of traditional authorities on the focus on water and sanitation thereof could lead to multiple benefits that the citizens can look up to. In the face of Covid-19, the government can spearhead awareness campaigns on the water scarcity issue currently experienced by investing in water and sanitation (Modumbi and Montmasson-clair 2020). This would help in ensuring people are aware of water security. Also, this would simultaneously contribute towards climate change awareness (ibid). This in turn would encourage the rapid growth of the economy and ultimately protect the livelihoods. Traditional leaders and its council could best run such awareness initiatives as they interact with the community on daily basis.

In ensuring that poverty and inequality are further eliminated and eradicated in the traditionalist society, accessibility to water and sanitation would gradually decrease such multidimensional rates. The Gini Coefficient and Human Development Index of South Africa depicts how the country remains unequal in the world (IFC, 2020). Also, the provision of basic services to the citizens and absolute poverty levels contributes. This is further demonstrated and accompanied by the lack of access to adequate water and sanitation supply. Furthermore, this supports the growth of waterborne diseases such as cholera still affects the people, particularly at the rural. Another one is that employment creation and industries that largely contribute towards the Gross Domestic Product of the country which tends to decrease due to output. This is because most production companies utilise larger proportions or litres of water daily.

An important aspect in this debate is maintaining sustainable development. Ensuring that water and sanitation supply is generally regulated, its sustainability is more significant (Modumbi and Montmasson-Clair, 2020). Traditional institutions can detect the longevity of dams built and systems put in place for utilising water in a sustainable and thoughtful way to promote security for future generations. This then allows the governance and leadership sphere to open new opportunities rather than running with the same routine. This ensures that the circular

economy through constant changes, adapt to the changes and produces revenue that would be of benefit to the people (ibid). In addition, investing in such a dynamic would generate social and economic solutions for both private and public spaces (Vrey and Solomon, 2020). This would broaden up the macroeconomic circular to welcome dynamics that would correlate to the cycle. Adapting to new water and sanitation machinery, would depict that a transition of dependency on traditional mode of using things to the modernised way of using things has come on board (Anim and Ofori-Asenso, 2020).

In containing the infection rates within the rural traditionalist areas, traditional leaders and councils have called on the mass gatherings for consultations and advisory purposes. This included educating the community on the pandemic, and how can public participation contribute to ensuring that it does not spread any further, by observing the regulations set by the command council in the country. However, reliance has not being entirely put on municipalities, relations with private stakeholders have been established to ensure that the private sector do their CSIR initiative through traditional councils. Moreover, as the country's economy rates have been fluctuating, CONTRALESA reported that community members were encouraged to continue with their production to avoid recession, that the world already had gone through. More emphasis was put on the agriculture production where all necessary services were provided in producing for the society.

4.8 Chapter summary

This chapter discussed the institution of traditional leaders and its implicated prescribed roles and functions. The establishment of roles and duties of the institution emerges on the precolonial, colonial, apartheid, and post-apartheid policies formulated. This was achieved through the exploration of the existing literature which was able to holistically align everything through the provision of the background and the context of the traditional institution's roles issue. The chapter demonstrated how unclear and vague roles and duties of the traditional leaders are. In creating a comprehensive understanding, the chapter began by providing a background information on the institution analysed and how Bantustans came to be. This was done to separate the black ethnic group or population as per specific culture, language, and traditions. Ultimately, the goal was to create independent states, through the submission of each own state constitutions, indicating how separate development (apartheid policy) was to be achieved. Throughout the whole process, traditional leaders greatly participated and were easily influenced.

The continuation of the perspective draws closer the legislative frameworks as an effective tool that was made available by the supreme leaders and were to be adapted by the traditional institution authorities. This ranged from the types of governance that came into power, some continuing and incorporating those acts to the newly designed ones. Each state in the TBVC had its own constitution, status of traditional leaders acts, and other recognised frameworks. They were categorised in accordance with language, culture, ethnicity, and other demographic dimensions. This were designed to ensure compliance and further power snatching. Upon the introduction of democracy in post-1994, all the acts were demolished. The self-governing homelands and independent states were eventually dissolved to unite South Africa.

CONTRALESA's main goal for the institution was stipulated. The union was initially formed to unify traditional leaders, and further used as a platform to escalate daily challenges encountered by the traditional leaders in their spaces of governance. The service delivery aspect was lengthily discussed, involving the local government in between. This was to show how service delivery magnified and improved through its stages of development. Consequently, Covid-19 pandemic and traditional leaders' involvement was relevant in this case. The most important aspect was water scarcity constraint and how the country had to improvise in supplying water and sanitation. Further, ensuring that adequate care is compulsory, and that compliance is key.

CHAPTER FIVE

THE TRADITIONAL INSTITUTION AND DEVELOPMENT IN MKLM

5.1 Introduction

The institution of traditional leadership or chieftainship has played a crucial role in the governance of rural communities and assumed development responsibilities for these communities during both the precolonial and colonial periods. The roles and duties of traditional leadership were discussed in-depth in the foregoing chapter. This chapter establishes whether the traditional leadership institution has any role to play in the development of their communities under the current rural governance system in post-apartheid South Africa. It draws on views and understandings of different stakeholders including community members. It further outlines how the institution could be revived to align it with the democratic principles for governance. As chapter 4 discussed the roles traditional leaders execute in developmental activities, this chapter draws on the final aspect of how considerable the institution is accepted in the rural societies amid democracy. Study findings from the case studied are included in this chapter. This was done to address how those individuals (key informants) that participated in the interview sessions view the institution in the Moses Kotane Local Municipality.

The first section of this chapter presents the study area. The characteristics considered include the governance structure in the studied municipal demarcation. A sub-section follows and provide a profile on the studied villages - outlining its respective rural governance structure and soliciting the socio-economic dynamics of each village. A discourse on the profile paved way for the second section that discusses the relationship between the elected councillors and traditional leaders in Moses Kotane municipality. An important dimension discussed in the municipality was participation. This led to the discussion to the developmental initiatives attributed by traditional leaders in the municipality.

The third section discusses issues to do with the public of the Moses Kotane municipality. The section sheds light on how the youth and women interact with traditional authorities and what development plans are being initiated regarding the involvement of chiefs. Moreover, the Covid-19 pandemic and development situation are discussed. This included how rural marginalised areas have fallen unfortunate victims to the current circumstance. In addition, this

section demonstrates the role traditional leaders execute amid the disaster that has occurred throughout the globe.

The last section assists in providing with supporting statements on how the community of Moses Kotane Local Municipality perceive rural governance institution, especially the traditional leadership institution. The discussion makes references to the preferred institution that people think should play its significant role in development processes.

5.2 Moses Kotane Local Municipality in the North West Province

The MKLM forms part of five local municipalities in the Bojanala Platinum District Municipality in the North West Province. It is a municipal council of 34 electoral wards and comprises sixty-eight (68) councillors: thirty-four (34) of whom are democratically elected and are representatives of communities, while the remaining thirty-four (34) gained their tickets to the council through proportional representation (Moses Kotane Municipal Situational Analysis 2020/21:16). Like many municipalities in the North West province and the country as a whole, the municipality is led by the African National Congress (ANC) political party. Other political parties that are represented in the council include the Economic Freedom Fighters (EFF), Democratic Alliance (DA), Congress of the People (COPE), and United Christian Democratic Party (UCDP).

The municipality incorporates traditional authorities, that predominately govern the 107 rural villages existing in the municipality. Each of these chieftaincies has jurisdiction over communities which have a close affinity to the chieftaincies. For example, the Bakwena-Ba-Modimosana-Boo-Morare at Pella Matlhako village. The municipality incorporates some of the well-known chieftaincies in the North West Province: Bakgatla-Ba-Kgafela tribe, which is part of the municipality. The municipality also has a close traditional relationship with the Royal Bafokeng tribe under Rustenburg municipality, Barolong-Boo-Ratshidi tribe under Ngaka Modiri Molema District Municipality.

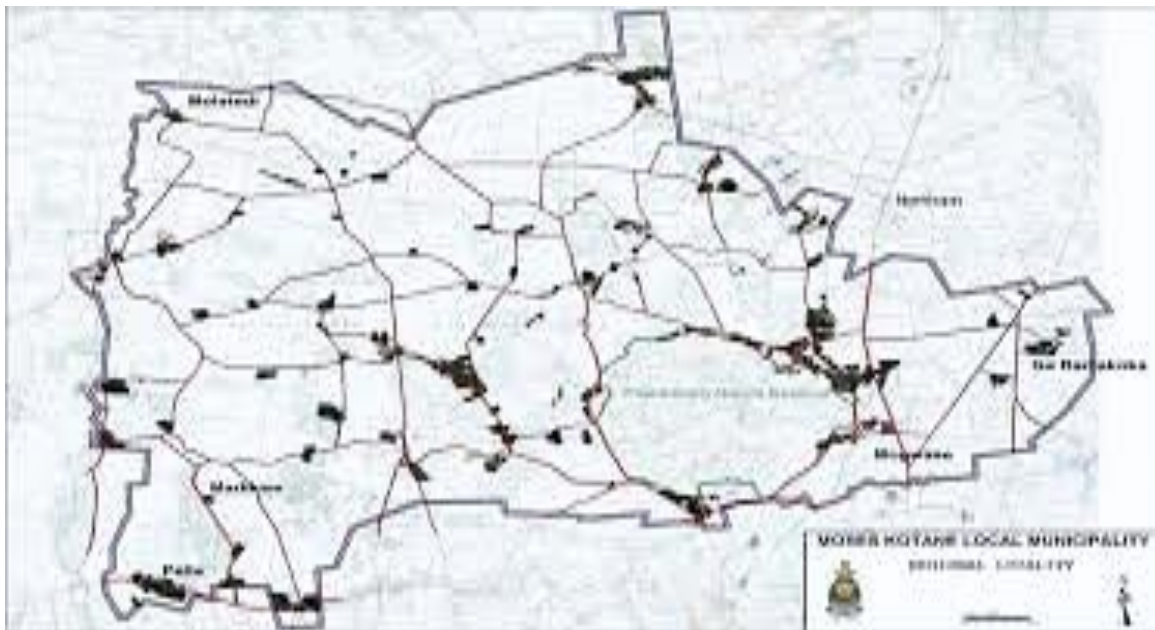


Figure 2: Moses Kotane Municipal Locality. *Source: Moses Kotane Local Municipality Final IDP Financial year (2020/21)*

In total, the municipality incorporates 25 traditional councils, some of which sit at the district level, and one traditional chief is a chairperson of Provincial house of traditional leaders in North West. The traditional leaders that seat in the district council stem from the municipal demarcation of Moses Kotane. On top of these, eight (8) traditional leaders serve in the municipal council. They are sitting in the council for participation purposes on behalf of their respective rural villages.

Table 1. Traditional authorities in the MKLM municipal council

Table 20. Traditional Leaders serving in Municipal Council			
Dikgosi	Villages	Dikgosi	Villages
Kgosi ME Mabe	Mabeskraal	Kgosi OTS Maotwe	Pitsedisulejang
Kgosi NJ Sefanyetso	Seolong	Kgosi TS Mooketsi	Koffiekraal
Kgosi JC Legoale	Siga	Kgosi DH Mogagabe	Uitkyk
Kgosi KB Sedumedi	Lethakeng	Kgosi S Monnakgotla	Ledig

Source: Moses Kotane Local Municipality Final IDP Financial year 2020/21

Like all municipalities in the country, Moses Kotane municipality’s operations are guided by the *Municipal Structures Act 117 of 1998*. According to the Moses Kotane Municipal IDP: Municipal Transformation and Organisational Development (2021), the municipality has

performed relatively well and has experienced good progress in ensuring good governance through sustainable services, plans and programmes. Its institutional development analysis on political management focused its legislative oversight on all participatory processes of the available stakeholders.

According to the municipality socio-economic analysis, it has an unemployment rate of 33,5% (Moses Kotane Local Municipality IDP, 2021). This is caused by low education levels and skills demand (Moses Kotane Municipal Situational Analysis 2020/21:16). This is caused by attributes contributing to the alarming rise of unemployment prompted by a need for skills development. The municipality is dominated by bold economic composition in mining, eco-tourism, and agricultural activities. Another potential for the municipality economic composition is manufacturing, which is still at minimal phase. It is one of major mining sectors in South Africa with mineral deposits of platinum, chrome, and other minerals (Moses Kotane Municipal Situational Analysis 2020/21:16). The creative industries encompass of agriculture, culture, and tourism, for lifetime income generation and involvement of women and youth. Its tourism development is endowed with two international tourism brands involving Pilanesburg National Park and Madikwe Game Reserve.

5.2.1 The six traditional authorities

The study was conducted in six communities under six different traditional authorities. These traditional communities are Mabeskraal, Ledig, Pella Matlhako, Pitsedisulejang, Ratsegae-Siga, and Mabaalstad. In achieving the objective of this section, it provides a detailed profile of these communities to understand development needs and the role played by the traditional leaders. The section also demonstrates on how traditional institutions have and still taking over failed developmental projects that were initially to be ran by local councillors.

Mabeskraal community

Mabeskraal, also known as Tlhakong (in the old Bophuthatswana), is a small village situated 72km from the central business district of Rustenburg Town. A conventional tarred road connecting the village and other surrounding villages, runs from R565 Rustenburg Road through Ledig, and connects to the R556 Road to Sun City. It falls under the Moses Kotane Municipality and is governed by traditional chief, Kgosi Moshe Molopyane Mabe of the *Batlhako Ba Matutu* lineage. Kgosi Mabe is also the Chairperson of Provincial House of

Traditional Leaders in North West Province, which has a powerful political position in the province. This makes the chieftaincy one of the powerful and authoritative houses in the province. However, the appointment of Kgosi Mabe as chairman of the provincial traditional house appears to have robbed his people of his services. As a result, the *Rangwane* of the royal family is temporarily appointed to handle the community's affairs, as Kgosi Mabe has municipal and provincial obligations and responsibilities to attend to. The village has two elected councillors who are affiliated to the ANC political party organisation. Therefore, the governance system of the village comprises of the traditional institution and local councillors.

Due to the proximity of the authority to council through the chieftaincy of the *Kgosi*, Mabeskraal is well provided in terms of infrastructure. It has five primary schools and one high school. The primary schools are Moetlo, Motsisi, Mabeskraal, Molotsi and Makweleng. The high school is Rakoko High School, and has produced prominent individuals, like its own *Kgosi* in the province. The village has a community library that school pupils have access to. The post office is operational, where community members can receive their posted deliveries and other services including SASSA (pension and child support grants). It has a health centre that provides its services to all the households in the village.

The village receives its services from the local authority. This includes water and sanitation, and refusal dump which is removed once a week. Water is an essential need which people source from the septic tanks provided by the municipality. The tanks are placed at the sections and zonal divisions of the village which are mostly at the new land sites that were allocated and distributed by traditional council. Most of the households in the village have taps in their yards, which were installed by the municipality, but some members of the community independently installed their water taps that are connected to the municipal's bulk water supply. Most households have pit toilets without ventilation while only a minority have ventilated toilets. The village relates to electricity and most households have access to electricity and are connected with only a negligible number of households without electricity. One major area of concern is the lack of network connection, with most cell phone service providers failing to connect the people, the majority of whom rely on cell phones.

The rural village is located on a mineral rich area with mining minerals. The mine is called Batlhako Mining that mines open cast chrome. Batlhako Mining applied and attained its village mining rights from the Department of Minerals and Energy in terms of the *Mineral and*

Petroleum Resources Development Act 28 of 2002. This mine employs most of the youth, and thereby contributes to the economic development, growth, and status of the village. Batlhako Ba Matutu traditional authority is the custodian of the mining area and are in control of the operation of mining in the village and develop and improve the village's facilities including schools and recreational centers. Besides the mine, the youth established an initiative to spread information from both the traditional council and municipality, through a community radio station that is Motsitle.

Ledig community

Ledig, famously known for being the home of Sun City resort is situated 47,9 km from Rustenburg town and 24,5 km from the Moses Kotane Municipal offices, which are based at Mogwase township. It lies at the heart of Pilanesburg Game Reserve that starts at Bakgatla gate of Moruleng village and ends through to Tlhatlhaganyane village. It is the main village that connects western villages of Moses Kotane municipality, and it is a highly reputable community comprising of three wards, namely Ward 14, 28 and 30. It comprises of the highest population within Moses Kotane municipal demarcation. It comprises of a dual governance system - the municipality (elected councillors) and a traditional authority of the *Bakubung-Ba-Ratheo* chieftaincy, led by Kgosi Solomon Monnakgotla, the custodian of the community assets for the 6572 households in Bakubung. The formation of the village traces back to Boons and Mathopestad villages outside Rustenburg along the Derby settlement through Koster road R509 that connects through Magaliesburg. The Afrikaners forcefully took over the former villages (Boons and Mathopestad), where they displaced and dumped residents in the late 1960s to Ledig farms (Transvaal Rural Action Committee, 1992).

Like the former settlement, most households have access to electricity for lighting and depends on as its energy supply. Only a few households have internet access at work and elsewhere, but the majority have no access. Approximately half and a quarter of the community members have installed water taps that run from the Bakubung dam and the village's own reservoir. However, the village's reservoir is often unable to supply water, resulting in unnecessary interruptions to the water network. A temporary solution to the water situation in Ledig is water septic tanks that are placed in all 17 sections to accommodate around 20 dependable households in each section that do not have taps in their households. The Expanded Public Work Programme (EPWP) is a socioeconomic program employed by the municipality; and is responsible for the community's refuse disposal. The majority of Ledig residents have pit toilets without

ventilation with a minority having ventilated toilets. The village does not have a proper sewerage system; causing institutions such as schools and health facilities constructing their own sewer system, which are self-maintained. The electorate system in the village in terms of elected councillors are considered the largest in the whole municipality. The majority of residents have power supply, whilst a minority do not have. The village has two existing corporations (Bakubung Economic Development Unit; Bakubung Community Development Corporation) meant to bring business in the village and generate revenue for developmental projects. Recently, BEDU facilitated a project with MTN SA for the installation of network fibres to ease connectivity issues in the villages.

Ledig has a public clinic operating 24 hours on weekdays. It has five primary schools (Bakubung, Mphuphuthu, Ratheo, Bakgofa and Mperebere) and two high schools (Itumeleng and Tswaidi) that children in the village have access to. The main economic activity in the area includes mining and eco-tourism. The Sun City resort which is adjacent to Ledig village provides local communities with few employment opportunities (Moses Kotane Local Municipality, 2015). The village hosts Bakubung and Maseve platinum mines. *Bakubung Ba Ratheo* were allocated 33% of the mining shares before selling them, with the aim of funding community development projects. However, fights started when community members claimed that the traditional council made sale and sold the shares without consulting and engaging them. The mines implemented different community development Corporate Social Responsibility (CSR) projects for the benefit of Ledig community. The CSR projects include donating movable containers to primary schools in the villages; developing sports facilities; and assisting with other soft issues such as scholarships and learnerships. The village has a small industries site that accommodates and grooms upcoming businesses and some entities for rental to generate revenue for the village for infrastructural development.

Pella Matlhako community

Pella Matlhako is one of the 107 villages within Moses Kotane municipal demarcation. It is comprised of two wards, namely 18 and 19. It is situated 20 km from Madikwe township and is comprised of 2810 households of *Bakwena-Ba- Modimosana-Bo-Morare* led by Kgosi Godfrey Gasebone. The chieftaincy of *Bakwena-Ba-Modimosana-Ba-Morare* consists of four other traditional authorities within the municipality. These authorities named the villages in the MKLM that includes (Manamela, Mogopa, Mmatau and Morare). Moses Kotane, the late politician, and South African Communist Party (SACP) activist was born in Pella village. His

body was exhumed, repatriated, and reburied in South Africa in 2015 from Moscow, Russia. He played a major role in establishing the now ruling party, ANC and SACP, with his close comrade, the late Govan Mbeki. The party was not only founded by Moses Kotane, but traditional chiefs also played a role in its formation. Due to the nature of transitioning and the villages be in dual governance system, almost the whole population of Pella village have electricity and use it for multiple purposes. Facilities including the tribal administration office also have electricity to ensure the running of community affairs. Majority of the community members source water from Pella dam which services the surrounding villages such as Letlhakane and the outskirts of Groot Marico. The state of the dam and construction of bulk water pipes in the village however needs thorough improvement of water infrastructure. Approximately half and a quarter of Pella residents have pit toilets without ventilation. Minority have ventilated toilets. The largest proportion of the community's population have their refuse collected once a week for disposal whilst a minority depend on their own refuse dump.

The village has five primary schools (Tapos, Gobusamang, Mosome, Botlhale and Goitsewang) and two high schools (Morare and Sewagodimo), which do not only accommodate Pella children, but also accommodate children from close-by villages. It has an accommodative health centre, which in unfortunate circumstances, results in health practitioners making transfers and referrals to the Moses Kotane Hospital in Ledig village, or Job Shimankana Tabane Hospital in Rustenburg town. Pella has a post office, in conjunction with *Bakwena-Ba-Modimosana-Boo-Morare* traditional administration office to render services to the villagers. The post office accommodates other surrounding villages, including Koffiekraal, Letlhakane, De Brak and others. The housing project is successfully underway by the planning and development department in the municipality, human settlement division to be specific. This was prompted by land allocation that the traditional council did for residents, for their own personal usage. Also, public participation of the village is greatly demonstrated by the number of organisations established, which at most times involve youth and women seeking to better themselves through their mandated projects. The village does not have minerals for mining purposes, but it is capable of handling other services that are beneficial to the community members and demonstrated ability on the agriculture sector (both crop and livestock), which Bakwena forum has been established for enterprise business purposes. The multipurpose hall is located where the old clinic facility used to be – serving as an independent

entity as provided and approved by the traditional authority in the village for social formations. This is to enlighten the youth, to socio-cultural and political activities.

Pitsedisulejang community

Pitsedisulejang is one of the Moses Kotane local municipalities villages situated 73,0 km from Madikwe township via Molatedi Game Road. Its traditional chieftaincy of *Barokologadi-Ba-Ga-Maotwe*, is led by Kgosi Ofentse Thari Maotwe, governing over 618 households. It comprises of one existing ward, ward 2, and shares the ward with other surrounding villages. This implies that services rendered by the councillor in charge should always been distributed and facilitated in a just manner, particularly with the traditional leader overseeing the initiative. The majority of the community members have electricity. The positionality of the municipalities serves as another factor as the village is situated at the outskirts of the municipal demarcation; and shares borders with the Ngaka Modiri District Municipality (Ramotshere Moiloa local municipality to be specific). The majority of the community members depend on water access from the local authority - this includes having installed taps provided by the municipality, while the minority have their own sources of water. The sanitation state in the village is satisfactory as most of the community have pit toilets with ventilation. A fair quarter of community members have toilets without ventilation.

Pitsedisulejang has two primary schools (Modubyane and Thari) and one secondary/high school (Olefile). The schools accommodate a great number of children in the community. However, some households still opt to send their children to schools outside the villages (be it the boarding schools or known schools in Rustenburg town) - insinuating daily commuting. In terms of healthy facilities, the village has access to only one health facility in the village, which is a small clinic. Despite the need for mobility and daily travels, the community is connected by an unconventional gravel road that tends to present challenges during the rainy season.

Opportunities for employment are available to the youth in the community through the Madikwe Game Reserve and Molatedi Dam belonging to Molatedi community. The Barokologadi traditional leader encounters traditional rivals and challenges from various anti-land activists, which may affect the potential the village hold in key areas that the municipal is greatly prioritizing. Therefore, such setbacks demonstrate negative progress for the Barokologadi community members. The setbacks include agriculture, manufacturing, tourism,

and mining. The village's economic contribution lies in agriculture (poultry) and business experts come to the villages to conduct workshops to establish collaborated cooperatives for socioeconomic development purposes of the village and its community.

Ratsegae-Siga community

Ratsegae Siga is a village situated 84,2 km to Mogwase township. It comprises of one existing ward, which is ward 3. Its traditional chieftaincy is of *Bakwena-Ba-Modimosana-Baga-Nonyane* led by Kgosi JC Legoale, governing 403 households. Most of the population has electricity for lighting. The village demonstrates a stable relationship between elected councillor and traditional chief, for rendering services to the community members. The majority of community members demonstrate lack of interest in securing better internet connectivity as the population is comprised of the elderly population. Almost all members of the community have no internet access, whereas a minority have internet for their own development and usage. About a half of the community members installed taps for water and sanitation from the local authority. Another proportion access water from boreholes and own water tankers. The majority of the population have their refuse collected for disposal by local authority once a week, whereas a minority take care of their own refuse. Most of the community members have pit toilets without ventilation, while a minority have ventilated ones.

There are two primary schools (Thebenare and Maretlwana) and a clinic (Siga clinic) which still needs aid from the Provincial Department of Health. The road infrastructure in the village needs to be attended as matter of urgency because of new emerging and existing potholes causing damage to vehicles coming in and out of the village. The village's economic opportunities stem out of the agricultural sector. Community members seize employment opportunities from government departments, whilst some are self-employed. Other residents are economically active in the private sectors.

Mabaalstad community

Mabaalstad also known as Gaphiri village is situated 54,7 km from Madikwe township (A satellite municipal office of Moses Kotane). It is situated 86,2 km from Rustenburg town, where Bojanala Platinum District Municipality is situated. It comprises of a sharing ward, which is ward 25. 6572 households are governed by *Baphiring* traditional authority. The chieftaincy is led by Kgosi Edward Moefi Mabalane. The Baphiring traditional leader was enthroned in 2009 to date. Besides his chieftaincy, he holds educational accolades in business

management and marketing from the University of Johannesburg. This led him to establish an organisation called HRM Mabalane's Haven of Hope. The organisation is a substitute of what the municipality should do, in terms of providing social welfare support to disadvantaged community members, and it has remained consistent since its inception (Interview. September 2020). Also, Kgosi Mabalane is the council deputy chairperson of Freedom Park, a heritage site and museum situated at Pretoria. The *Kgosi's* involvement and contribution to Freedom Park benefits the community by the deployment of skills development programmes on sustainable heritage experience for visitors. People attribute this to the cordial working relationship with the community councillor. His working relationship with the elected councillor has in turn contributed positively to the community. For example, most of the community households have electricity as their energy source. The village has a fair proportion of people accessing portable cell phones, including other devices for personal and work purposes, which is mainly due to connectivity issues, particularly access to the fibre signals. The minority that does not have access to internet connectivity include only the elderly population. Majority of the community source their water from local authority. The municipality and other private companies in collaboration installed taps for the household yards, connected to municipal bulk water pipes. The running water in the village is safe for consuming and other usages. Whenever a foreseen disruption of water is going to be experienced, through the community meetings alert messages are sent to the subjects by the traditional chief.

The village has a clinic (Rietfontein Clinic-Pharmacy) that services the majority of Mabaalstad community. The community has three primary schools which are Baphiring Intermediate, Keoagile and Puso, and only one high school which is Moefi (named after the current traditional leader). The majority of the population have their refuse collected for disposal by local authority once a week. A large proportion of the population have pit toilets without ventilation, whereas minority of the community members sanitation facilities rely entirely on flush toilets that are connected to sewerage system, septic tanks, and chemical toilets. Some parts of the village have gravel roads in and going out of the village. There are schools and health facilities.

The village has a tribal hall where the office of Kgosi is by appointment available for consultations, meetings and interactions with community members and other stakeholders

bringing opportunities to the village. The economically working population are involved in the Department of Public Work, Expanded Public Works Programme (EPWP) to carry out socially useful activities for income relief. The Baphiring traditional chief through the established pole of networks and relationships have annual learnerships from the Department of Rural Development and Land Reform which remunerates stipend to the participating youth for their services. The village envisions a community mine post the discovery of chrome deposits in the village. The mentioned initiatives contribute towards the socio-economic profile of Baphiring traditional community.

5.3 Councillors and chiefs in the Moses Kotane Municipality

As shown earlier, the MKLM consists of 34 active wards and is represented by 34 elected local councils. Alongside these democratic institutions, there are 25 chieftaincies under 25 hereditary chiefs including those that sit in the municipality council (Moses Kotane Municipal Institutional Development, 2020/21:71). At the inception of democracy, various stakeholders' functions and duties were redefined along with those of the traditional institution to accommodate the new institutions (Khunou, 2006). This resulted in unclear definition of roles that traditional leaders are ought to play in their communities (ibid). The chiefs agreed that the introduction of the local government institution changed the way chiefs functioned in the past. Yet, it did not change their relationship with their people. With the introduction of elected councillors and the mandate they were given, chiefs had no development role, and elected councillors assumed the roles they previously performed. Elected councillors in Moses Kotane Municipality are responsible for:

- a. Community services and public safety,
- b. Local economic development,
- c. Planning and development,
- d. Corporate services, infrastructure,
- e. Technical services and,
- f. Finances.

However, these councils need to involve traditional leaders who are knowledgeable in issues concerning community needs and aspirations. Moreover, the traditional councils of various villages within the municipality are said to hold the same portfolios in the space of tradition. This is a clear indication of how various functions can be supplemented by both institutions

with the elected councillors being the liaison link for the municipality, people, and traditional leaders.

The Municipal Structures Act ensures the involvement of traditional leaders in the affairs of municipal councils as ex-officio members. In this regard, it is expected that they will play an important role to advise councils about the implications of their (traditional leaders) decisions for the customs and values of traditional communities. They can make a major contribution if they act as protectors of their communities. Traditional leaders, therefore, have opportunities to promote consensus on local government strategies and thus promote stability, social equity, and upliftment. They can actively participate in shaping an environment within which their respective communities can develop and prosper.

5.3.1 Participation

The Local Government Municipal Systems Act of 2000 - Chapter 4, encourages public participation in development as a culture of community cohesion (Moses Kotane Good Governance and Public Participation, 2020/21:100). The Moses Kotane municipality developed a culture of municipal governance that complements formal representative government with a system of participatory governance (Moses Kotane Good Governance and Public Participation, 2020/21:100; Hofisi, 2012). Political parties announced that public participation requires citizen participation/public involvement and is meant for the inclusion of communities in all activities, planning, project identification, and prioritisation of projects (Int. Cllr Siphon, September 2020). Residents understood public participation as something like, but more inclusive than stakeholder engagement and as a process that involves everyone (as will see how chiefs brought stakeholders together to achieve development needs) (Int. Mabaalstad, November 2020).

The same act above encourages various communities to create conditions to participate and communicate the affairs of the municipality (Freire, 1999; Nel, 2000). The MKLM focuses on the following themes to engage its communities (Moses Kotane Municipal Transformation and Organisational Development, 2020/21:74):

- a. Mayoral Road shows/ Imbizo's,
- b. Speakers Office Monthly Ward Councillors Meetings,
- c. Speakers Ward Committee Meetings,

- d. Traditional Leaders participating in Council and Mayoral Meetings,
- e. Community Development Workers Meetings,
- f. IDP Steercom Meetings,
- g. IDP Representative Meetings,
- h. LED - Socio Economic Development Meetings – in Social Labour Plan (SLP) Meetings,
- i. Budget Steercom Meetings and,
- j. Employee consultations and the broader 109 areas of MKLM.

The emphasis on participation and involvement of stakeholders in the development activities of the municipality has brought everyone together including traditional leaders, who have become a central part of the development process (Hofisi, 2012). The traditional leaders have taken a proactive role in their communities. They indicated that they established a working relationship with the local government structures (Williams, 2006). This has allowed traditional leaders to play key roles in the development of their communities and their people (int. Kgosi Moeng, September 2020). Further, this has enabled both institutions to simultaneously deliver services to rural communities.

In traditional societies people are often united under the authority of a traditional leader, who is often the leader of a lineage (Mogale, 2005). As nearly everyone relates to a common lineage, there is often a common purpose and a common goal. Community members are united under the authority of the traditional leader who derive their authority from inheritance (Int. Pella Matlhako, November, 2020). In such societies, the traditional institution through the chieftaincy becomes a major actor in development processes as part of society. In this case study, chiefs were part of the development structure that worked together with the community councillor who served as an elected representative of the people and an agent of the state (Int. Cllr Mpho, September 2020). The community councillor did not operate in isolation, however consulted the chiefs who had the authority to mobilize the community (ibid).

While the community councillor provided the link between the community and the district council, they needed the support of the chief. He thus, depended on the support of the chiefs to communicate and implement development plans. What is of interest is that the authority of the chief was able to bring all stakeholders into the development process. The ability of the chief to achieve this was because:

‘The chief is a neutral figure and commands respect through his role as the custodian of all his people regardless of political affiliation and position in society. All people in the community are his subject. He cannot favour anyone over the other. More importantly, other stakeholders understand this and know that resources and efforts would benefit all citizens.’ (Int. Pella Mathako, 2021).

Several stakeholders were involved in projects to develop society, including local businesspeople and church leaders. In this way, development was a responsibility of every community member. Businesspeople mostly provided the funding, but the chiefs played the key role of mobilizing the society while the community councillor acted as the central point.

The importance of the chieftaincies cannot be overemphasized. The institution commands all social actors including the community councillor, who is also part of the community. The complex dynamics of interaction and relationships cannot be ignored. For example, the community councillor came from Ledig under the Bakubung chieftainship and was said to be related to the royal family. These complex relationships can also be explained through the case of *Bakgatla-Ba-Kgalefa*. The *Bakgatla-Ba-Kgalefa* has authority in Moruleng Village as part of the municipality and across the border in the Botswana side. The authority has played an active economic role in the municipality and has contributed to the municipality financially and the *Bakgatla-Ba-Kgalefa* are pioneers of culture and traditions. These cultural practices also guide all councillors associated with the authority, and almost all councils are still tradition, although they are still in transition to modern governance (Koenane, 2009).

5.3.2. Development initiatives linked to MKLM chieftaincies

An IDP is an approach to planning that involves the entire Moses Kotane local municipality and its citizens in finding the best solutions to achieve good long-term development (SALGA, 2001). In this regard, Moses Kotane municipality community members’ realities are featured in the document for progress purposes (Int. Kgosi Moeng, September, 2020). The Moses Kotane Municipal is characterized by clandestine, unplanned, and dispersed type of settlements (Moses Kotane Municipal Situational Analysis, 2020/21:32). The situation, thereof, contributes to isolation of areas; and this hampers the economic growth of the region, potential of places serving as tourist destination, and security problems that negatively affect access to education and health (ibid). These areas are under the jurisdiction of different chieftaincies whose leaders only have ex-officio role in the council, and therefore, no decision-making power.

Ideally, councillors as representatives of the people have the mandate to channel people's needs to the municipal council for action. However, in Moses Kotane municipal council, traditional leaders that sit in the council have used their positions as leaders of their people to raise key development issues affecting their communities at the council. Some of these issues had been long standing challenges and have been side-lined because of not amounting to the councillor's political party's priority areas. As non-partisan representatives of the people, traditional leaders have taken it upon themselves that issues like infrastructure services, water and sanitation, roads and stormwater, and electricity in their communities are addressed.

The MKLM traditional leaders are actively involved in the municipality's development plan. Not only has the traditional authority sitting in council had the final say (Int. Kgosi Moeng, September 2020). The other traditional chiefs that sit at district council and provincial house are briefly updated on their regular meetings whenever there are changes (ibid). They bring forward their respective development needs and priorities to be included in the municipal development plan (Int. Kgosi Moeng, September 2020). The Ratsegae-Siga community of *Bakwena-Ba-Modimosana-Baga-Nonyane* chief recently embarked on the human settlement project on providing housing. This was to provide low-cost houses commonly known as the RDP houses to his community members. However, community members firstly had to provide their land title deeds or stand site cards to the traditional administration for eligibility purposes (Int. Ratsegae-Siga, November, 2020). The process initially had to be facilitated by the elected councillor of ward 3. As a result, a misunderstanding erupted concerning who should report on the progress of the initiative. This led to the project being divided and the *Kgosi* took over for the livelihood of his village, as conceded by a community member (Int. Ratsegae-Siga, November 2020). The Planning and Development officer in the municipality then asserted that:

‘The Rural Household Infrastructure Programmes (as delivered by the Department of Human Settlement) and Comprehensive Rural Development Programmes (as monitored by Department of Rural Development and Land Reform) should be facilitated and coordinated by traditional leaders and political fights should not be entertained in the whole process, as it deliberately delays the process and future projects.’ (Int. Cllr Mpho, September 2020).

MKLM has a challenge of bulk water supply, which at most times, inconveniences the traditional communities of continuous water disruptions (Moses Kotane Municipal Basic Delivery and Infrastructure Development, 2020/21:29). As a result, the traditional leader of the *Bakwena-Boo-Morare* in the Pella Matlhako village, developed a long-term solution of

improving the water supply in village (Int. Pella Matlhako, November 2020). Through the installation of self-serviced pipes connected to the central water pipes from the municipal base, an ease with regards to water disruptions were felt. The *Kgosi* initiated the plan as the village has a vast number of livestock and crop that depend on water. The village is amongst the three areas in the whole municipality having dams, that are monitored by the Department of Water and Sanitation. The water issue in the village has been raised for ages and not being attended to by the elected local councillors. The traditional chief took the water project that later the municipality got involved to assist with necessary resources and allocate budget.

Not only Pella village faced the water challenges, the village of Ledig also encountered similar struggles. Faced with such an issue, the community members escalated the matter to the local councillors to sort it out, but no progress was made. Water disruption was caused by the unfortunate bursts that occurred near the reservoir because of the amount of pressure it was receiving. The Ledig reservoir was built by the former late Bakubung traditional leader, the father to the current traditional chief. This reservoir receives water from Bakubung Dam, situated within the vicinity of Bakubung Lodge that subsequently receives water from Mankwe Dam. The traditional leader through the village's corporations and investors, had enormous support to carry out the water project.

Not all villages in the municipality face water challenges as conceded by one community member (Int. Pitsedisulejang, November 2020). For instance, Pitsedisulejang village, to date does not have properly paved roads. It is a gravel road that cuts through the village. It further poses a socioeconomic threat in the area as potential investors are unable to come and negotiate business deals in the village (Int Pitsedisulejang, November, 2020). The *Kgosi* of *Barokologadi-Ba-Ga-Maotwe*, has tried, with a succession plan, to prioritise the issue of road accessibility in the village. As a result, the chief initially involved the elected local councillor to draft a proposal plan to present at the municipal office, demonstrating the need for a paved road. The village, although outcasted with few households, is still in need of a paved road. The consequences that the *Barokologadi-Ba-Ga-Maotwe* community face, especially with vehicles, is spending unexpected costs fixing their affected vehicles.

The councillor responsible for ward 2 does not perform his duties as expected (Int. Pitsedisulejang, November 2020). Instead, the *Kgosi* is performing councillor duties, and still must keep up with his traditional duties. On the other hand, Ledig community of *Bakubung* authority has demonstrated the need for their road infrastructure to be attended to on countless

occasions. The Bakubung community members indicate on how they escalated matters of the village's road that is in bad condition, subsequently attributing it to potholes and heavy vehicles passing through the village (Int. Ledig village, November, 2020). The peaceful protest as they state, was done to ensure accountability, transparency, and compatibility with the leadership in charge (Int. Cadre Mpho, December, 2020).

The water challenge in the municipality also associates with rural sanitation. The traditional leaders have tried to come up with initiatives that promote hygiene and rural sanitation as expressed by a religious leader (Int. Mabaalstad, January 2021). The *Batlhako-Ba-Matutu* community of Mabeskraal village applauded their traditional leader and its authority (council) on how they managed implement their sanitation plan in the whole village (Int. Mabeskraal, November 2020). The elected councillors have not been successful in coming up with a sanitation plan to cover the whole of the Mabeskraal area. This has had several business establishments (including petrol stations and a mine) largely contributing to the deposition of excessive chemicals that are harmful to the habitants of the village in unattended water bodies.

With the *Bakubung* village, the case is no different as the *Kgosi* pleaded with the community to not erect households, where potentially harmful chemicals deposits from the two mines (Bakubung platinum mine and Maseve Platinum) could possibly be consumed by the young ones (Int. Kgosi Mmutlane, September 2020). A directive to his plea led to the chief, providing and authorising land suitable for household constructions. Moreover, the sanitation plan as established by the traditional authority was to ensure that the community's leaking taps are fixed, the borehole, and reservoir are protected from being wasted unnecessarily. This was prompted by the improper setting of toilets in most of the households in the village. The *Barokologadi* traditional chief and other MKLM traditional chiefs ensured that facilitation and establishing a healthy relationship with local councillors for the development purposes and integrated waste management plan had to comply with the prescribed roles that each household is liable to its sanitation.

The alarming rate of substance abuse on a drug called *Nyaope* within the Moses Kotane municipality contributes toward the rising rates of crime in the villages. Traditional leaders in ensuring that they promote a safe and secure environment thereby came up with a crime prevention plan that was established by the municipal council. Traditional leaders' role in

implementing the plan is to campaign to amplify opportunities for drug addicts and reduce unsafe activities by sitting in the conflict resolution committee. There were *Kgotla* and *Lekgotla* meetings, where community members escalated their disparities on crime activities through headmen and headwomen.

The community members identified problems then addressed to the traditional councils to further involve the municipality. The meetings with the municipal council resulted in traditional leaders pledging to build safer communities through a National Development Plan (NDP) objective. This had to ensure that communities infrastructure facilities, public safety, disaster emergencies and healthy environment are improved. The MKLM traditional leaders came up with an initiative to gather the drug addicts in their respective villages. The objective was to set up a temporary rehabilitation center that *Bakubung-Ba-Ratheo* traditional leader managed to coordinate. The center is still in operation and has not only assisted the Bakubung community, but the neighbouring villages in MKLM.

Another area of development where traditional chiefs have been heavily involved is employment creation, particularly for youth. Moses Kotane municipality unemployment rate sits at 33,5%, and is thus far the highest recorded (Moses Kotane IDP 2021/22). In combating the unemployment issue, investment opportunities were created in crop production, heritage site, tourism route, chrome mining, abattoir. These projects have been implemented by the *Bathako Ba Matutu* traditional chieftaincy Mabeskraal. These projects have had a huge social and economic impact on area residents as remarked by one respondent:

‘These projects have not only contributed economically to the municipality through taxes, but they also absorbed youth in the community, providing employment and livelihoods to those involved.’ (Int. Thapelo. Mabeskraal, November 2021).

From the same initiative, Pella village community members of *Bakwena Boo Morare* benefit from large hectares of land for grazing their livestock. The land which belongs to the *Bakwena* traditional chief, which he acquired through the lineage. The genealogy of the *Bakwena-Boo-Morare* supports land ownership that the *Kgosi* has, which he can utilise and exhaust to his capability and potential. The chief has also been at the forefront in exploiting the business development of his area by assisting potential entrepreneurs. The traditional leader in authority described how community members propose business plans to the tribal office and escalates it to the municipality for consideration, or sometimes gives the greenlight. Enterprises as

attributed by poultry projects in Pitsedisulejang village of *Barokologadi Ba Maotwe*, has benefited the community by diversifying a plan for supplying the products to surrounding villages and potential investors for business exposure and growth. The youth that ventured into tertiary institutions, particularly at the North-West University Mafikeng Campus and other agriculture-based institutions for learning and training including Potchefstroom Agricultural college and Taung Agricultural college, have contributed towards the village's agricultural sector.

Mabaalstad (Gaphiri) village of *Baphiring* traditional chieftaincy, facilitated by their traditional leader, discovered chrome minerals which led to the establishment of a community mine that employs youths in the area. Furthermore, poultry and vegetable farming by the community is supported by professional agricultural experts to examine and assess their initiatives. From the projects implemented, learnerships are established through partnerships that *Baphiring* traditional leader forms. Gaphiri village has lodges that are nearby Madikwe Game Reserve for tourism purposes and are constantly visited and pose positive remarks for tourism industry in the municipality. Ratsegae-Siga village of *Bakwena Ba Modimosana Baga Nonyane* chieftaincy shows potential in poultry projects and livestock and slaughter facilities, which businesspeople can rent out. Ledig village of *Bakubung Ba Ratheo* traditional authority lies in the belt of platinum which resulted in two mines (Maseve and Wesizwe, called Bakubung mine). The traditional council negotiated a mine deal that the community owns a total of 33% worth of shares. Furthermore, an investment with the Industrial Development Corporation (IDC) contributes to the tourism sector, because of Sun International resort, an international hotel, and bush lodges. The village is the home of a government health facility, Moses Kotane Hospital, which serves the entire municipality (107 villages and 2 townships) and other surrounding villages. The hospital has been operating for over a decade now since the closure of the Moruleng Hospital that was within the vicinity of *Bakgatla-Ba-Kgafela* traditional authority.

Traditional leaders mentioned in the communities studied, thereof contribute to developing the social and economic dimensions, through which community members could empower themselves. However, a gap evident was the skills demand within the Moses Kotane municipality that traditional leaders and other stakeholders identified. These included lack of insufficient skills in bookkeeping, budgeting and writing a business plan for public participation purposes. In contrast, financial management, managing stock, networking, pricing

goods and services, marketing (advertising), using computers, presenting tenders, verbal communication, technical skills, and written communication demonstrates an imbalance relationship for development purposes.

The Moses Kotane municipal economic activity plan shows the high number of people involved in mining activities, but the output produced is relied on trade and tourism (Moses Kotane IDP 2021/22). As a matter of fact, the *Bakubung* traditional leader through BEDU, established a bursary scheme and a Trust for Bakubung youth). The bursary scheme was intended to support the neediest and deserving prospective tertiary students for the duration of their studies. The criteria for the bursary included all fields of study, and the assisted students had to plough back into the community by offering their skills.

5.4 Traditional leaders: Do they still have a role?

Nomonde Mbelekane, the founder of Rural People's Movement (2010) advocates for women's visibility in the traditional setting and affairs. On her publication (RPM submission on BAA repeal bill) directed to the Parliament of South Africa, she addressed on how the concept and practice of traditional leadership institution have died long time. Her statements are supported by the strong evidence which was submitted to the parliament on how unpopular tribal authorities navigate subjection through community-based organisations and working with hybrid organisations. Although traditional communities try to pursue effective and accountable governance for contemporary and democratic purposes, the traditional institution is primitive in this regard.

This then paints a picture unfavourable for traditional institution to be a potential governance institution for people. It challenges traditional chiefs by forming independent gatherings such as youth forums, for potential solutions to local problems. More importantly, the establishment of such forums need to be transparent and autonomous. This enables people to express their views openly. It brings about possibilities of transformative policy reform. Consequently, as the institution is a complex structure, the then acute tensions emerging among local municipalities and the institution hamper development progress in communities (Zingu, 1996). This is how the modernist narrative has painted the traditional institution. This is however not born by evidence from the Moses Kotane municipality in the North West province. The institution appears to have played key roles especially during the time of the Covid 19 pandemic.

The narrative also does not enjoy universal acceptance as we may assume. People still see value in the institution while there are also some community leaders that still see value in this historical institution. Religious figures in favour of the institution perceive that traditional leader:

‘They know the realities of their communities as daily interaction is done. However, on the local government side, they assume on the needs of people, without consulting. A contradiction is then depicted when local councillors do not make directive consultations with relevant structures of traditional council for the purpose of developing. However, such evident assumptions are drawn from how the general population perceive the institution. This includes elderly people and youth from all aspects.’ (Int. Rev Zulu, January 2021).

The two leadership institutions depict a strong positive linkage (Oomen, 2000). Community members assert that tribal administration is accountable to local population through consultations (Int. Mokabe. November 2020). Traditional leaders further possess executive, legislative, and judicial powers, which resonate effectiveness and efficacy of service delivery by the institution. An archaeologist scholar remarked that:

‘Traditional institution is the pioneer to foster rural development. This is because an integration into the system of governance is not ideal and encouraged. However, being considered agencies of development, rather infuse on their importance on infrastructural development and cultural development. Although, it demonstrates its ability to maintain its pivotal role of the well-being of the citizens, they need to do away with dictatorship and despotic tendencies which compromises their principles, values, and perceptions to governance.’ (Int. Dr Mkhwanazi, February 2021).

Traditional leaders responding to the need to influence and lead development, are convinced that most people in their respective villages still have believe in the values of the institution and its integrity. This comes as the institution is responsible for their safety and protection, and preservation of culture and customs in the modern transitioning world. Traditional leaders describe how people hold high the old respectful system as it does not comprise democratic elections, instead, follows a lineage procedure. However, on contrary, they indicate on how also the community demonstrate the mixed feelings support – thus insinuating for a mixed-form governance of both traditional leadership institution and the local government.

Moses Kotane municipality is dominating the province with the traditional councils it has. The 2019/20 municipal IDP shows on how the municipality has 25 traditional councils, while some sit in municipal councils, district councils and one is a chairperson of the provincial house of traditional leaders. This demonstrates the capability traditional leaders possess for their leadership, compassion, and drive for development by serving their people. One community member asserted that:

‘Majority of community members prefers the traditional leadership institution as the community still have reliance on them and to avoid replacement of traditional leaders/ roles by local government. Other reasons include better interactions and knowing of the land and needs of the community. They are able to help and have accessible interaction. However, the past laws need to be revisited and returned. While other community members prefer an integration of institution as a proper channelling of direction would be followed. This would be in case of traditional leadership escalating the needs and priorities of the community to the municipality. Also an improvement in developmental opportunities may occur.’ (Int. Molema, November 2020).

5.4.1 Who should be involved in local development?

The two institutions of rural governance are different and appeal differently to people. In this section, different generations were exposed to different conditions and this influenced how they view development and the two different institutions. This was mostly informed by residents’ understanding of leadership and its history. Chieftaincies are by their very nature not democratic institutions and chiefs do not owe their position to partisanship or popular elections. The institution is regarded as hereditary and of lineage type of governance and chiefs hold their positions by right. According to a traditional expert ‘genealogy is followed when tracing the roots of royal family’ (Int. Dr Mkhwanazi, February 2021). To the contrary, the local councillors are elected by people due to popularity, or the popularity of their political party. Anyone can be a community councillor, if he is elected by the people. The processes followed are political and the councillor is a political figure, often performing the mandate of a political party. As a result, community councillor represents their political party and execute the mandate of the political party. This also has implications as communal councillors owe their positions to the electorate. There is always a tendency to pay back, and patronage relationships often result.

In this case study, the MKLM community members often identified the communal councillor with their political party. He was a political party man and, therefore, never neutral. As an elected official, some people felt that the community councillor cannot assume the roles of chiefs, and if they had to, an integrated relationship must be established. However, in some situations such relationships become difficult when the elected councillors undermine the traditional institution (Int. Kgosi Moeng, September 2020). The chiefs expected elected community councillors to consult them on issues of community development, for the chiefs to mobilize and inform the people. One of the chiefs reasoned:

‘If elected councillors are arrogant and decide to go it alone, there are possibilities that the development may fail. They have no power of mobilization and can only mobilize their own political party supporters, which will leave out some community members. But development is for all people in the community. If some community members are left out, then the project will lack community ownership, and that is when you hear things like ‘so and so’s project.’ (int. Kgosi Moeng, 2020).

The chiefs need to be involved because developmental projects are in their area and should benefit their people. However, the roles and responsibilities of the chiefs remain unclear, and this has generated a lot of questions amongst the older generation. Some of the community members, particularly questioned the wisdom of involving community councillors in community affairs. This was particularly the issue in Ledig village, where people did not see the role of the community councillor. According to a community member, “*it is pointless in this type of village to have a ward, where its councillor’s presence is not even felt*” (Int. Kutlwano- Ledig village, October 2020). This affects the process of service delivery and other initiatives that are beneficial to the communities.

5.4.2 Appropriate institution for development

The Moses Kotane community prefer the institution of traditional leaders to be the spear headers of local development and governance. The preference of traditional institution is attributed by their existing skills in leading people and the parental features or qualities they possess for their people. Traditional leaders have long demonstrated their capability by intervening in community affairs and ensuring that infrastructural development initiatives that the municipality is unable to provide for the communities. One elderly community member explained how most of the facilities were built by the collective unity of community members, in the absence of local government (municipality) as prompted by the traditional council.

The institution of traditional leaders has always been loyal to its people and less involved in corrupt or development activities, unlike elected local councillors have. Drawing comparisons to local government, they have evolved with transitioning times and understood the importance of development and the relevance of being an important organ of governance. A traditionalist and Archaeologist asserted that:

‘Newly enthroned traditional leaders are fortunate to have capacitated literacy as they have studied at tertiary institutions and know what is required of them to do. They oblige by their duties and always rely on information to community members in a reputable manner. Also, they understand and relate to the realities of their communities as they interact with their people on daily basis.’ (Int. Dr Mkhwanazi, February 2021).

The majority of the people are agitated by the way the local government handles municipal affairs, which greatly concerns community members’ state of development and emancipation. Some of the acts of sabotaging development witnessed in the area are corruption, misuse of financial resources, incapable personnel capacity, misadministration of the municipality. Since some views affirms on how traditional leaders should remain apolitical as they are, at times, unable to resolve matters that local councillors have caused.

5.4.3 Covid-19 and the development situation in MKLM

The emerging pandemic revealed how rural communities within the municipal demarcation of Moses Kotane still have no access to water and sanitation, a basic service that the municipality should always provide. Moses Kotane municipality long term development plan, including the institution of traditional leaders ensures that it focuses its priority on the disaster management. The MKLM Traditional leaders have developed a Covid-19 risk register, emerging risks, monitoring, and reporting, policies, committees, risk maturity and risk response plan as asserted by a traditional chief and a municipal official (Moses Kotane Municipal Transformation and Organisational Development, 2020/21:95). This ensured that all citizens were assisted regardless of their political party affiliation (ibid). The traditional leaders led this process, which according to community members ensured fairness. Following the strategized Covid 19 plan, meetings took place at headmen’s places in the villages, where all regulations as posed by the ministry of cooperative governance and traditional affairs are followed. This included provision of alcohol-based sanitisers, temperature thermometers, masks, and other personal protective equipment.

According to the members of the community, Covid 19 and the lockdown measures exposed the challenges with the local councillor system, which without proper checks and balances worked against the majority. A community member reported how:

‘Some local councillors were involved in corruption activities. These included councillors making sale of PPEs which were supposed to be provided to their respective wards, institutions in the villages. The unfortunate victims in this situation were foreign nationals, who own local markets. The repercussions to this occurred incident have not taken place, which questions and puts the Municipality in the spotlight, as the media was involved in reporting the incident.’ (Int. Nthabiseng-Ledig village, October 2020).

Traditional authorities in the Moses Kotane municipality reported to have established a Covid-19 command committee from traditional councils. The duty of this committee as co-facilitated by municipal council was to ensure compliance of lockdown regulations by community members with the help of other stakeholders to monitor the situation.

As other developmental activities were paused due to the hard national lockdown, community organisations including shelters, old home and hospices, and orphanages suffered the unintended consequences. However, a religious figure described on how traditional leaders made available food parcels to the needy families to be able to sustain themselves during lockdown (Int. Rev Zulu, January 2021). Not only less privileged families were identified, but traditional councils in collaboration with NGOs in the communities distributed food parcels to poor school pupils.

The traditional councils have been helpful in reaching the rural communities of Moses Kotane municipality by translating the message from the national government into indigenous and simple language for people to understand. This ensured that information and communication is relayed fairly to people, particularly the elderly individuals. The scarcity of resources, being a big challenge, prompted advisory actions with headmen of clans to not always use short-term interventions when it comes to water supply, but must devise plans to improvise the water situation.

5.5 Chapter summary

This chapter presented the views and perceptions of people regarding the traditional institution. In understanding the role of traditional leaders, a profile of the communities with jurisdiction

of traditional leadership studied were briefly discussed. This on how traditional leaders have managed to take over the developmental activities that local councillors failed to carry out. Attributes discussed in the community profiles presented the specific developmental projects that traditional leaders had to incorporate and encourage on the participation of community members. Such acts of altruism demonstrated by traditional leaders on compatibility and transparency that the institution is trying to achieve.

Another aspect discussed were the developmental initiatives that traditional leaders have brought to life in their respective traditionalist communities. These initiatives were instigated because of the grievances by community members which were escalated to both the traditional institution and local government. As a result, only the institution of traditional leaders has managed to meet the community's grievances and developmental disparities. An involvement of the traditional institution amid Covid-19 pandemic has showed the effectiveness and efficacy of the institution in following up with the regulations set by the national government.

CHAPTER SIX

DISCUSSION, POLICY IMPLICATIONS & CONCLUSION.

6.1 Introduction

This work started with an analysis of the relationship between the traditional institution and local development with the application of Moses Kotane local municipality as a case study. It was motivated by recurring protests that community members constantly engage in because of unreliable service delivery. This then raised a question of the involvement of traditional leaders in ensuring that services are done in the rural villages and communities. The study's central objective was to understand the role traditional leaders execute in influencing development. It particularly discovered themes and outlined the issues concerned thereof. This chapter discusses the themes and outlines how they intertwine in the space of rural governance. It concludes by providing a policy discourse on the implications along with recommendations on potential areas for further research.

6.2 Discussions

Developmental local governance as a new phenomenon introduced, was entrusted as the only sphere of closer and empower on the citizens. The formation of relationships among various stakeholders (inclusion of traditional leaders) had to be made. However, the process of ensuring effective local and rural development is continuously interrupted by legislation in stating unclear roles and functions that are to be executed. This emerged from colonial models of governance to apartheid ideologies to post-1994 South Africa on the issue. This section thereof discusses the themes that emerged from the analysis chapter, inclusive of reviewing literature chapter about traditional leadership institution and local development.

6.2.1 The roles of traditional leaders in development processes

Traditional institutions play an essential part in the developmental space of rural and urban governance. The institution, although regarded as primitive and backwards (Olowu, 1988), has undoubtedly served its subjects without many inconsistencies, however, the new dispensation legislative directory has subjected the traditional model of governance to prescribed roles and functions that always pose constraints in executing the set responsibilities in their respective communities as outlined below as: The custodians of ancestral and

community land; the custodians of culture, customary laws and traditions including history; the initiators and champions of development activities in their respective areas of jurisdiction; and their role in the maintenance of law and order including presiding over and settling non-criminal civil disputes. With reference to settling non-criminal civil disputes, municipal council sittings provide a formal setting, however, without much intervention as not much participation with regards to decision-making is exercised by the traditional council.

An exclusion of the institution of traditional leadership in planning hinders the success of the municipal strategic plan. This in turn delays the developmental progress. A remedy derived by COGTA is to focus on governance, financial management, infrastructure delivery, and political infighting. The long-term objective is to develop major infrastructure and investment into areas to improve economic growth and income revenue, subsequently to uproot maladministration. COGTA is also working on easing political tension within municipalities. These interventions need to bear fruit if municipalities are to continue functioning.

6.2.2 Conforming to traditional institution functions

Traditional leaders are known for being a principled institution that echoes the authentic voice of the communities in the rural areas. These institutions are often self-enabled to take their rightful place in the modern governance and all transformation processes. Obeying to the prescribed roles and duties articulates and translates aspirations and interests of the people on matters of rural development and traditional governance. Irrespective of the anomalies and defects inherent in the institution of traditional leadership, it would be inappropriate to reduce their powers particularly in matters of governance. This would render various implications such as unsatisfactory service delivery to their people and communities as traditional leaders indirectly control vital resources such as land ownership and distribution and play a very important role to any service delivery and development strategies to be implemented in the rural areas.

Traditional leaders as custodians of the sacred values and inspirations believe that the programme on democratic transformation is an important tool that can assist them to further consolidate and preserve their culture, traditions, and languages. The evolution of South African legislation documentation removed most powers and functions that traditional leaders had on land administration and development under the context of

customary laws established. In such a system, traditional leaders were managing land as part of their known function on behalf of the government in general. This is contrary to the actual position of the customary law of African communities.

It is generally assumed that the determination of true basic needs in rural regions must be approached in a sensitive manner and in close co-operation to the communities involved. This approach is based on the conception of the local government adopting either the complementary or pro-active route. The pro-active route is widely adopted; and in such an instance, South Africa, the government takes the initiative to directly facilitate the policy initiatives (Integrated Development Plans) on the provision of basic needs across various within their respective jurisdictions. This approach is similar to community initiatives such as those facilitated and managed by traditional leaders whereby issues such as job creation, learnerships, scholarships, and company-sponsored development are given cognizance, private sector and community project integration where local skills are hired and/or trained.

6.2.3 Traditional leaders negotiations on unclear roles

The Convention for a Democratic South Africa (CODESA) took place in December 1991 whereby organisations gathered for a joint unit to discuss and negotiate on the pressing issues affecting South Africans upon the dawn of the new dispensation. Amongst the organisations that had attended, the institution of traditional leadership was present, although Mangosuthu Buthelezi of the Inkatha Freedom Party (IFP) later withdrew from the convention and other organisations including Azanian People's Organisation (AZAPO) and Pan Africanist Congress (PAN). The withdrawal was based on having the convention outside the country for neutrality purposes and instead, to be facilitated by international organisations such as the United Nations (UN). Issues deliberated on the convention included: the new constitution, the setting up of the interim government, the future of the homelands, period discussion for the implementation of the changes, and the electoral system. The mentioned mandates were delegated to five (5) special groups to handle, and were tasked to report back on the second gathering. The 2nd CODESA took place in 1992 however, the key task items that were set to be attended as a matter of urgency were failed to be addressed.

The traditional institution is expected to advise on matters relating to traditional authorities, indigenous law, the traditions, and customs of traditional communities within the provinces.

As traditional leaders act as ex officio members at their respective municipal councils, an issue of function to developmental duties for the institution remains unresolved as their position somehow limits their participation. According to the Municipal Systems Act, the municipality reserves the right to not consider the traditional leaders' inputs. This then draws an evident line on how the issue of powers, functions, and roles of traditional leaders must be properly addressed in the space of democratic governance. Their preferences on the governance institution are rapidly changing and gives a new and clear perspective that there is no compliance to the blueprint.

Traditional leaders have a mandate to fulfil in the development of the local area and the community. The *White Paper on Local Government of 1998* section D of the Institutional systems: outlines the role of the traditional institution, policy directions, and the relationship between traditional leaders and local government. The policy provides for the function of traditional leaders to convey meetings with rural communities on needs and priorities while equally being the custodians and protectors of the community's customs and general welfare. Their roles include lobbying government and other agencies for the development of their areas; and ensuring that the traditional community participates in decisions on development and contributes to development costs. The mentioned roles and functions of traditional leadership are prompted by the institution's positive contribution in the overall development of traditional areas and communities. The White Paper on Local Government states that both district and local municipal councils must inform and consult traditional leaders regarding municipal projects or programmes within the traditional leaders' area.

6.2.4 Views and perceptions of people on traditional institutions

Traditional institutions have been in existence and ruled over their tribes in accordance with the principles of African democracy and accountability. The previous studies have shown that traditional communities still rely on traditional leaders (Ntomzima and Bayat, 2012). Clarke (1996) points out that traditional authorities encourage the building of a civil society and in essence, contribute to the collective identity of the community as a tribe in a constructive and positive manner. Clarke (1996) further notes that moral communities are characterised by several interest groups which give expression to diverse activities - many of which are self-organised. These groups should be encouraged, supported, and seen to have proper linkages with the traditional authority structure (Clarke, 1996).

The dual governance system (traditional institution and local government) executes a major role in development processes. However, an unstable working relationship between the two institutions result in long-term conflicts, illegal planning, and staggered development across communities. The traditional leaders' embeddedness in the society promotes their visibility and recognition in governance space. This implies that they can execute their roles in the contexts of all dimensions and dynamics of land. People are loyal to the institution as it has a history of governance, justifying strong community ties. Other explanations for the renewed interest in chieftaincy are linked to the realization of the various functions traditional authorities can perform and have been successfully performing in their areas. Prominent among these tasks are law enforcement and dispute resolutions.

6.3 Conclusion

In conclusion, traditional leaders still have a role to play in the society because they are non-partisan, they are closer to their people and their activities, they have a history and, people prefer them than the local municipality and local government. Despite constraints caused by dual governance system in the MKLM, traditional leaders have realised and moved beyond politics to execute major roles. This was to bring about the eloquent role of traditional leaders into the democratic dispensation for developmental activities. During the Covid-19 pandemic the traditional leaders were forced to put mechanisms, particularly the issue of water and sanitation. Despite criticism on them being authoritative, rural spaces belong to the traditional institutions and they should be allowed to play their role uninterruptedly. They exceptionally serve their subjects accordingly. Also, with the issue of bias legislation, they have managed to negotiate their place in the space of government.

6.4 Policy implications

Establishing on a positive correlation relationship between the traditional institution and local development, governing policy frameworks must clearly outline what the institution is required to do. However, such policies cause a misconception regarding the development mandates. This sub-section discusses the policy lessons that emerged from the study and certain considerations that may need to be made.

6.4.1 Amending of policies governing traditional institution

A misunderstood perception is that traditional institutions are stereotyped and do not want to transit to democracy. Therefore, their participation is regarded as passive. However, this is dragged by the process of amending the governing documentation for the institution, which makes it hard for the traditional institutions to perform its duties. Also, how local government perceive the traditional institutions contributes to the debate. This is because traditional institutions' legislation framework must be amended so that a satisfactory execution of duties and roles is evident. In that way, it will enable the traditional institutions to be fully involved in all spheres of government. Policy makers and scholars can then design to uplift the authority of traditional institutions to establish institutional mechanisms for integration, as well as co-operation.

6.4.2 Integration of rural governance institutions

The concerns that both rural governance institutions express could positively be the remedy for integration. This would help define the position of each institution, by eliminating possible confusions that disrupt the process of development projects as performed by both rural institutions. Moreover, the integration could support traditional institutions in the promotion of development within their respective traditional communities. The whole process will thus restore the fundamental purpose that governance institutions ought to do. Thus, eliminate arguments on power possessions that blinds on the whole rationale than adopt on how the integration could work.

6.4.3 Service delivery and developmental mandates

Arguments and debates on the issue of infrastructural development and service delivery are always pinned on the basis that traditional institutions are not fully active in their respective villages. This is attributed on what the local municipalities perceive of the communities needs and priorities without proper consultations with the traditional institution. However, what can be done and has been doable for parties involved, is to fully accommodate the traditional institutions advice and discussions into plans that are to develop the villages/ communities. This will assist in making collective decisions with inputs and suggestions from the traditional leaders and other appropriate and relevant stakeholders. Furthermore, scholars could, in-depth, conduct studies on how the traditional institutions ought to be the main player in the development initiatives.

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APPENDICES

Annex 1



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Informed Consent

Key Informants

You are hereby invited for to participate in a research study by Otshepeng Mazibuko, an MSocSci in Development studies student in the Department of Anthropology and Archaeology at the University of Pretoria. The study investigates the role of traditional institution in local development. Please take time to read through this letter as it gives information on the study and your rights as a participant. If you would prefer me to read the letter, I will read it in a language that you prefer.

Title of study

The Traditional Leadership Institution and Local Development: An analysis of the role of Chiefs in the Moses Kotane Local Municipality.

What will happen in the study?

The study will involve interviews with you on information and views on aspects that the study is interested in understanding. The interview will take about an hour of your time and with your permission, may be voice recorded so that I am able to retrieve any information missed that was shared. You can choose to have the interview session in English or in Setswana.

Risks and discomforts

There will be no danger to you or your household or to your institution. It may however be difficult for you to share some information, and you will be free not to answer any questions that may make you feel uncomfortable. If you experience some level of discomfort after joining the study, and you would like to stop participation, please be free to let me know. You will be allowed to stop participation without any prejudice and the data already collected will be discarded.

Are there any benefits for joining the study?

You will not receive any remuneration for your participation. Your contributions will assist me in developing a dissertation for my qualification, but it may also benefit the community and civic organisations indirectly through findings that may assist in finding better ways of doing things.

Confidentiality

Apart from me as the researcher, the data will be shared with my supervisor, Prof. Vusi Thebe of the University of Pretoria. You may choose to remain anonymous, although in some cases it may be difficult to achieve anonymity because of your position. In case you choose to remain anonymous, every effort will be made to ensure that the information you share is not linked to you. Your identity and that of your council will not be revealed and you will be identified through pseudonyms. The data will be stored in a password protected computer during fieldwork, and in the Department of Anthropology and Archaeology, for a period of 15 years for archiving purposes. If the data is used during this period, it will only be for research purposes.

The results will be produced in the form of a dissertation and may be presented at both local and international forums like workshops and conferences. The voice recordings of the interviews will not be broadcasted on radio, television, internet or on social media but will be utilised to make findings for the study.

Any questions?

If you have any questions or would want me to explain anything further, you are welcome to phone or text me on (066 221 4529) You can also send me an email on the following address: u19250518@tuks.co.za.

Consent declaration

I _____ (write your name) hereby agree to participate in this study.

Annex 2



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Interview questions

1. What would you make up of the roles and functions of traditional leaders? Whether prescribed in the rural governance framework in South Africa or not?

- Would you say their leadership is significant in the space of governance? Why?

2. Do traditional leaders conform to these roles in their governance of communities and people under their jurisdiction?

- What concrete proof clarifies that traditional leaders do obey and follow the roles?

- Are they able to ensure that their subjects/people are content with their customary leadership style?

3. How do traditional leaders negotiate constraints and barriers posed by the legislative framework?

- Which institution do rural residents view as most appropriate in leading the development in rural society?

4. How do people view the traditional leadership institution in a rural setup?

- Do they see it as having a role in the development process?

Annex 3

MKLM Permission letter

Enquiries: HOD: Corporate Services
Mr. M.S. Mokoabe
Tel no: 014: 555 1957
Fax no: 014: 555 6266
Email: M.Mokoabe@moseskotane.gov.za



OFFICE OF THE MUNICIPAL MANAGER

09 September 2020

TO: **Ms Otshepeng Mazibuku**
University of Pretoria

SUBJECT: PERMISSION TO CONDUCT A RESEARCH

This letter serve to confirm that Ms. Mazibuku Otshepeng, a student at University of Pretoria who study MScSci in developmental studies degree programme has been granted permission to conduct a research in our municipality.

Her topic on the place and role of traditional leaders in the development of their communities is of great interest to us and we would therefore appreciate if the outcome or report from this exercise could be shared with the municipality.

We wish her all the best in her studies.

Hoping you will find the above in order.

Kind regards.

Mr M.V. Mokopane
Municipal Manager

2020/9/18
Date



Stand No 253, Station Road, Df 13, Mxexeso Shopping Complex, Mogwase
Tel: 014 555 1900 | Fax: 014 555 6266
Website: www.moseskotane.gov.za

Annex 4

Ethical Approval Letter



Faculty of Humanities

Fakulteit Geesteswetenskappe
Lefapha la Bomotho



29 January 2021

Dear Miss O Mazibuko

Project Title: The Traditional Leadership Institution and Local Development: An Analysis of the Role of Chiefs in the Moses Kotane Local Municipality.
Researcher: Miss O Mazibuko
Supervisor(s): Prof V Thebe
Department: Anthropology and Archaeology
Reference number: 19250518 (HUM008/0920)
Degree: Masters

I have pleasure in informing you that the above application was approved by the Research Ethics Committee on 29 January 2021. Data collection may therefore commence.

Please note that this approval is based on the assumption that the research will be carried out along the lines laid out in the proposal. Should the actual research depart significantly from the proposed research, it will be necessary to apply for a new research approval and ethical clearance.

We wish you success with the project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Innocent Pikirayi'.

Prof Innocent Pikirayi
Deputy Dean: Postgraduate Studies and Research Ethics
Faculty of Humanities
UNIVERSITY OF PRETORIA
e-mail: PGHumanities@up.ac.za

Fakulteit Geesteswetenskappe
Lefapha la Bomotho

Research Ethics Committee Members: Prof I Pikirayi (Deputy Dean); Prof KL Harris; Mr A. Bizo; Dr A. M. de Beer; Dr A. de Santos; Ms KT Govinder; Andrew; Dr P. Gubbins; Dr T. Johnson; Prof D. Mase; Mr A. Mohamed; Dr I. Ncube; Dr G. Buttergill; Prof D. Reyburn; Prof M. Suer; Prof E. Tsalau; Prof V. Thebe; Ms B. Tsetse; Ms D. Mkhabela