

CHAPTER TWO

THE HISTORY OF TRADITIONAL AUTHORITIES IN SOUTH AFRICA

2.1 INTRODUCTION

Traditional authorities managed to enter into alliances with a number of political authorities during the apartheid period. As a result of this, the institution subjected itself to manipulation by the ruling party, which was the Nationalist Party Government. They became the instruments of the “divide-and-rule” approach of the government (Khan and Lootvoet 2001:1). Traditional leaders had ruled the traditional authorities as their personal fiefdoms for decades. They were not elected, but the son would succeed the father or the uncle, thus inheriting the positions. During the apartheid period they enjoyed many privileges, by virtue of collaborating with the apartheid government in the enforcement of apartheid (Houston and Fikeni 1996:3).

Ntsebenza (2004:2-3) concurs with these authors, by arguing that traditional rural authorities and headmen became collaborators and stooges for both colonial and apartheid systems, and were thus unaccountable to their communities (Ntsebenza 2004:2-3).

However, Williams (2010:2) is of the opinion that traditional leadership can be accredited with the formation of the African National Congress, and may even claim its soul. Despite the perception of collaborating with colonial and apartheid governments, they have struggled with the masses to fight apartheid. This had a far-reaching impact on de-traditionalizing and de-legitimizing of this pre-colonial institution; and this, in turn, determined the success or failure of the democratic dispensation. The solution to deal with them may be to accommodate them into the political order (Williams 2010:2).

Traditional leaders occupied a position almost similar to that of a governor, whose authority stretched from judicial functions to social welfare (Tshehla 2005:1). The **Bantu Administration Act** of 1951 consolidated the powers and position of *Dikgosi* and prepared them to administer the independent homelands. *Dikgosi* were thus given full charge of their people.

The office of Governor-General was created with powers to appoint whoever was deemed necessary by the government to be a Chief, irrespective of whether he was born for the position or not (Nicholson 2006:5).

The Governor-General was also empowered to remove and replace any traditional leaders who refused to collaborate with the government policies, particularly those in the then Northern Transvaal (Khunou 2011:279).

Local traditional authorities were given the powers to allocate land held in trust, the preservation of law and order, the provision of administrative services at local government level, the administration of social welfare – including the processing of applications for social security benefits and business premises, the promotion of education – including the erection of and maintenance of schools, and the administration of access to education finances (Houston and Fikeni 1996:3).

The **Black Administration Act** (1951), which is a successor to the **Native Administrative Act** of 1927, controlled traditional authorities and traditional courts, but most importantly it was aimed at the recognition and the application of customary law, in order to regulate the institution of traditional leadership (Khunou 2011:278). When the Nationalist Party (NP) became a government in 1948, it extended its power over the control of traditional authorities, and its jurisdiction through the introduction of additional regulatory measures (Khan and Lootvoet 2001:2).

One of those measures appeared in the form of the **Black Authorities Act**, 1951 (Act 68 of 1951). This Act granted traditional leaders the powers to control the land at tribal, regional and territorial levels. The granting of traditional leaders such powers laid the foundation for the apartheid government to combine the areas, in order to create reserves that became either self-governed or independent homelands. The homelands impacted heavily on the traditional leaders. Unlike before, when traditional leaders had assumed their position on the basis of hereditary rights, they had to be appointed through the ratification of the appointment by the homeland government. This undermined the traditional means of appointing traditional leaders (Khan and Lootvoet 2001:3).

Traditional leadership institution is a remnant of colonial and apartheid legacy, which even today remains intact. This institution of chieftaincy is seen as the most complex and complicated system that undermines the democratic experiment.

The African National Congress committed itself to the improvement of the lives of the people, and saw that task as being easily addressed – by supporting traditional leaders and recognizing them – in the new **Constitution of the Republic of South Africa**, 1996. This was important because traditional leaders claimed to have authority over their people (Williams 2010:2).

2.2 THE UNCERTAINTY SURROUNDING THE INSTITUTION OF TRADITIONAL AUTHORITIES AFTER 1994

While South Africa has successfully come to terms with the consequences of the previous order, the country could not do the same with traditional leadership. This is regarded as a remnant of the legacy of apartheid and colonialism. Indeed, traditional authorities have been rooted in African society since time immemorial. The end of apartheid has sparked a debate on the role of traditional authorities. This is because the transition from apartheid to democracy was accompanied by the revival of traditional rule, as it also affected other African States. This is commonly referred to as “re-traditionalization” (Beall *et al.* 2004:1).

While South Africa recognises the institution of traditional leadership, the country faces a major challenge. This challenge is based on the fact that there is a lack of common understanding on what role traditional leaders should play in local governments and other spheres (Bank and Southall 1996:409). This is the situation, despite the fact that the study by Oomen (2005:239) shows that 80% of those interviewed in the Sekhukhune (Limpopo Province) supported traditional leadership. In South Africa, traditional authority competes with elected democratic leadership (Beall *et al.* 2004:1).

In the Sekhukhune area, communities support traditional authority because elected leadership has failed to deliver on their mandate (Oomen 2005: 238). There is a history of this community following their traditional leadership, as they did in the

1950s, when they together opposed the introduction of tribal authority institutions in the Sekhukhune areas (Bank and Southall 1996:418).

Chieftaincy is viewed as a strong political force at the local level; and this evident by the way in which even government officials pushed community members to follow traditional protocol, in order to be assisted (Ntsebenza 2004:71).

The interpretation of this could suggest that some bureaucrats are still embedded in the traditional way of operating, where traditional leaders should be approached first and approve some of the documents – before they are processed by the modern bureaucrats. This could further imply that there is a silent recognition that traditional leaders have an influence on the way public administration operates. The national government views traditional authority as an important institution to complement elected local municipalities in expediting service delivery.

This would imply that traditional authority has a role to assist local municipalities in meeting their objectives, as enshrined in the **Constitution of the Republic of South Africa**, 1996. This is confirmed by the **Traditional Leadership and Governance Framework Act**, 2003 (Act 41 of 2003) section 5 (1) that compels both national and provincial governments to promote partnership between municipalities and traditional councils. Section 20 (1) gives traditional authorities powers to promote socio-economic development, amongst others. By implication, traditional authority might be regarded as a fourth sphere at the local level.

In order to meet the objectives of local government, municipalities are assisted by integrated development planning (IDP). This would imply that traditional authorities are expected to partner with local municipalities in its implementation. Traditional leadership is accorded the status of being the custodian of traditional values and customs. Yet, modern States have a significant role to play in economic and social development as a partner, catalyst, and facilitator (Chhibber 1997:17).

Traditional authorities are viewed as having a greater influence on communities compared with modern democratically elected structures – due to the apparent failure of post-modern African states – and South Africa is no exception to this blame (Beall *et al.* 2004:1).

Traditional authorities are credited with the potential to provide continued governance – on the basis of their previous role of governing over their rural communities, since there was no other institution to do so (Beall **et al.** 2004:1

Ntsebenza (2004:78), however, is of the opinion that those rural communities that did not participate in their election, but this imposed on them and traditional authorities through their leaders, were accountable to the government of the day, rather than to their residents.

Consequently, traditional leaders are perceived as having a negative impact on the total democratization of the South African society, hence the call that they should be eradicated (Ntsebenza 2005; Mamdani 1996).

Williams (2010:3) argues further that the recognition and the protection of the chieftaincy in the **Constitution of the Republic of South Africa**, 1996, has created a struggle between the chieftaincy and the State over who controls the people and land. In order to resolve this struggle, there may be a need for reaching consensus on joint policy implementation. It may be assumed that it was in the quest to resolve this purported struggle that the **White Paper on Local Government**, 1998, granted traditional authorities a role to play in local government, while the **Municipal Structures Act**, 1998, also requires them to attend and participate in the local council meetings. The same Act also demands that they should participate in IDP policy implementation.

The institution of traditional authority ought to be part of the decision-making process in local government. They ought to play a decisive role in crafting the policies that aim to improve the conditions of their subjects. It has become clear that traditional authority is here to stay. Traditional governance is recognised in the Sub-Saharan countries, even though this happens at different levels. Lesotho and Swaziland are deeply embedded in the institutions of State structures (ECASA 2007:x).

Yet, in countries such as France, Russia and Uganda, to mention but a few, monarchy and traditional leadership have been done away with. However, traditional authorities were restored in Uganda, where it had been previously eradicated. In the rest of the world, all absolute monarchies have been replaced by democratic governments (Draft Discussion Document 2000:2).

South Africa became a full democracy in 1994; and it was immediately faced with a challenge that had been faced by some African States, such as Botswana, Zimbabwe, Namibia and Ghana. This challenge was that of revival of traditional authority.

The question to be answered was whether to accommodate, or to abolish traditional authority, which other African States had tried and failed. Traditional authority has been blamed for having been used as a tool to oppress their subjects – by both colonial and apartheid systems (Beall and Ngonyama 2009:8).

2.3 THE ROLE OF TRADITIONAL AUTHORITIES IN THE FORMATION OF THE AFRICAN NATIONAL CONGRESS (ANC)

The role and function of traditional leadership should be easier to resolve in South Africa than in any other African State, given the historical background of the formation of the African National Congress in 1912. The ANC was formed in 1912 by chiefs, amongst others (ANC 1994:2). The ANC demonstrated its trust in the traditional authorities, by electing Chief Albert Luthuli as its president in 1953 (Callinicos 1999:13). The ANC came to power in 1994, when it won the first democratic elections.

In its 2003 January 8 statement, the National Executive Council (NEC) of the African National Congress committed itself to respect and recognize the institution of traditional leadership for its role in the advancement of the interests of the people in the democratic setting. It directly binds its structures to work with them in improving the lives of the rural masses (ANC 2003:11).

Traditional leaders had played a role of promoting developmental issues in the areas that they controlled, whilst being apolitical before democratic local structures were implemented (Khoza 2001:43). This changed immediately after the democratic structures were elected; and a tug of war ensued; and traditional leaders began to choose parties they could align with. The clash was probably influenced by the lack of clarity on the roles between the two structures (Khoza 2001:43). The ANC demonstrated its willingness to accommodate traditional authorities at its 50th elective National Conference that was held in 1997 in Mafikeng.

2.4 THE MAFIKENG 1997 ANC NATIONAL CONFERENCE

At its 50th National Conference in 1997 in Mafikeng, the ANC noted that traditional leaders and tribal authorities were to:

Be responsible for the administration of communal land. It demarcated and allocated plots for residential and subsistence agricultural use, for performing judicial functions through tribal courts by resolving certain categories of disputes, by assisting members of community in dealing with the State, by promoting the development of their areas by lobbying government departments, by acting as custodians of customs and culture, and by serving as symbol of authority and advising government on matters of concern through the House and the Council of Traditional Leaders (ANC 1997:81).

2.5 RESOLUTIONS OF THE 1997 ANC MAFIKENG NATIONAL CONFERENCE

ON TRADITIONAL AUTHORITIES AND LOCAL GOVERNMENT

PARTICIPATION

The 1997 ANC Mafikeng National Conference resolved to promote co-operation between traditional authorities and local government. It also resolved to push government to centralize the payment of traditional leaders, in order to free them from the control of political parties, to develop a programme of action to educate traditional leaders and inform them of their rights, duties and responsibilities, and to request government to establish a commission that would investigate and make recommendations on restoring traditional leadership to hereditary leaders (ANC 1997:6).

The ANC Mafikeng National Conference resolutions point to the fact that traditional leaders must play a meaningful role in development projects and plans (ANC 1997:83). The ANC continued to seek a sustainable solution to this challenge of traditional leadership. In its 2004 election manifesto entitled, “A people’s contract to create work and fight poverty”, it committed itself to integrating the institution of traditional leadership into democratic governance and development (ANC 2004:26). What could be deduced from this manifesto was that the ANC was moving towards the implementation of its Bill of Rights, where all the people would be equal before the law.

Furthermore, it could be assumed that the ANC wanted to honour its roots, since traditional leaders from some SADC countries participated in its formation, thereby avoiding two parallel and competing community structures governing the same people.

2.6 APARTHEID'S SYSTEMATIC DESTRUCTION OF AFRICAN TRADITIONAL AUTHORITIES IN SOUTH AFRICA

The minority government in South Africa passed the **Black Traditional Act**, 1927 (Act 38 of 1927). This Act may be viewed a tool that was implemented to lay the foundation for the destruction of the African system of governance and administration. The apartheid government replaced the African system of governance and administration, and took control of the affairs of the African people.

Many traditional leaders were turned into subordinates of the whites. They became paid agents of the oppressive apartheid regime, and were accountable to the White State only, and no longer to their subjects.

Traditional leaders became agents of tax collection for the government; and in addition, they also acted as cheap labor recruitment points among black communities for the whites. Legislation, such as the **Black Authorities Act** of 1951, was systematically used by the white apartheid regime to turn traditional authorities into an extension of government by implementing some of the racist government policies. Consequently, the customary structures of traditional governance and leadership were eroded and eliminated.

Furthermore, the **Black Authorities Act** of 1951 was also instrumental in the creation of new structures to fulfil the requirements of the **Black Traditional Act** 1927 (Act 38 of 1927). The Black Traditional Act of 1927 was aimed at the reinforcement of the 1913 **Land Act**, and it gradually stripped traditional leaders of their powers, by reducing their areas of jurisdiction.

2.7 THE ESTABLISHMENT OF TRIBAL AUTHORITIES IN SOUTH AFRICA

In 1951, the racist South African government passed a piece of legislation called the **Black Authorities Act** of 1951. The **Black Authorities Act**, 1951, became

responsible for the establishment of the structures of tribal authorities. The structures of tribal authorities were placed under the control of the Governor-General, who acted as a supreme chief over the areas formerly under traditional authorities. Traditional leaders were reduced to chief and headmen status.

The Governor-General was granted the powers to create and divide tribes and to appoint whoever he deemed fit to be a chief or headman. He could depose any chief or headman, as and when he felt it fit (Nicholson 2006:5). In 1961, the President of the Republic of South Africa incorporated the position of Governor-General into his office and its functions – particularly the appointment of persons of a native tribe – and subsequently determined the duties, functions and privileges of the recognized Chiefs (Khunou 2011:279).

2.8 THE IMPLEMENTATION OF INDIRECT RULE

The government, in its quest to impose indirect rule, passed and implemented the **Promotion of Bantu Self-Government Act** of 1959. Colonialism and apartheid used the institution of traditional leadership to suppress the African people, and also to promote their policies as indirect rule. Both the systems of colonialism and apartheid incorporated chiefs into the colonial government's administration (Palmary 2004:12). They became a link between the colonial government and society. The co-operation of traditional leaders with colonial and apartheid governments gave those governments the legitimacy and stability to implement their policies. The State institutionalized and manipulated the customs and traditions of the people as a means of enhancing the authority of the traditional leaders, and to thereby facilitate indirect rule (Mamdani 1996).

Traditional leaders were paid salaries by colonial governments on the basis of their positions as traditional leaders, thus rendering them employees of the colonial government (Palmary 2004:12). The colonial government, therefore, had to define their roles and functions, and thus continued during the apartheid era, where traditional leaders became responsible to the government of the day, and to neglect their communities over which they presided. In doing this, apartheid and colonialism created a bifurcated State, where traditional leaders had to adopt decentralized despotism, where they paid allegiance to the apartheid and colonial governments, but not to the local communities that they represented.

Traditional leadership, therefore, no longer had independence, or an autonomous source of legitimacy outside the manipulated version of customary law; and as such, their existence hinged only on the lack of political will of the democratic State (Mamdani 1996).

It could be on this basis that Ntsebenza (2005:23) maintains that the new government should not accommodate traditional leaders, since that would seem to undermine democracy, where the country has some leaders who are elected, while others become leaders by virtue of their inheritance, without the mandate of the people.

Williams, however (2010:13), perceives the institution of traditional leadership as an extension of State authority, since it cannot exist on its own. The position held may suggest that traditional leaders cannot survive independently of the State.

This view is contrasted by article 246 clauses 3 (d) of the **Constitution of the Republic of Uganda**, which provides for the independent existence of traditional authorities. However, on the issue of democracy, in the pre-colonial period, Africans had systems and channels, which allowed them to hold traditional authorities accountable to their communities. The communities could challenge the decisions and actions of chiefs. These systems and channels were destroyed during colonial and apartheid governments (Palmary 2004:12).

In the process of undermining the systems and channels for accountability of traditional authorities to their communities, the powers of these traditional authorities were reduced to the allocation and distribution of land. This resulted in the sweeping away of the institution of traditional authorities and it remained in a state of underdevelopment, with the traditional leader being dispossessed of any role in the delivery of services (Khan and Lootvoet 2001:3).

The allocation and distribution of land had a far-reaching effect. It restricted Africans to claiming land that was designated to the rural homeland. Traditional authorities had the powers to determine who should be allocated land, and even determining where people should live. The colonial and apartheid governments gave traditional authorities the power to dismiss those they felt were not loyal to them from their area (Khan and Lootvoet 2001:4).

Under the apartheid system, segregationist politicians regarded the chiefs and the reserves as a solution to the “native question” that had re-emerged in the form of “detrribalized” Africans, who increasingly demanded direct representation in the electoral politics of the nation. In the 1950s, the various reserves were enlarged and incorporated into “Territorial Authorities” that came to be known as ethnic “homelands” or “Bantustans”. In these areas chiefs ruled as “Tribal Authorities”, and were nominated to fill most of the seats in the legislative assemblies.

In the Transkei, this meant that the Bunga became the parliament of the Transkeian homeland. In 1963, the Transkei became an independent state. In reality, most homelands remained almost entirely dependent for their finances on the central government in Pretoria (which was dependent on the whites-only parliament in Cape Town). However, in at least one homeland, the Tswana state of “Bophuthatswana”, the local government was able to acquire sufficient revenue (in this case from platinum mining) to establish an independent economic infrastructure. In KwaZulu, Chief Mangosuthu Buthelezi originally came to power with the support of the exiled African National Congress.

In the late 1970s, chief Buthelezi had developed a mass-based political following in KwaZulu that threatened the dominance of the ANC in the area. Elsewhere, two homelands (besides the Transkei and Bophuthatswana) took independence; and in the 1980s, were seized by military dictators (Venda and Ciskei). The homeland system – in Transkei, Bophuthatswana, Venda and Ciskei – was a manifestation of the implementation of the **Black Administration Act** of 1951, which altered the leadership roles of traditional leaders, by putting them under the command of the Governor-General in the Union of South Africa (**Black Administration Act, 1951**).

2.9 THE CREATION OF INDEPENDENT HOMELANDS

The **Constitution of the Union of South Africa, 1910**, granted European colonizers powers to replace traditional local authorities with White governors. These areas evolved until the creation of the so-called native homelands or Bantustans for the Africans, which, according to the 1913 Native Land Act occupied approximately 13% of the total land space of South Africa (Davenport 1987:259).

The homeland system can, therefore, be traced back to the 1913 **Natives Land Act** that fixed the borders of the reserves, paving the way for homelands, before the official apartheid system was introduced in 1948. This Act imposed a policy of territorial segregation (Davenport 1987:259).

Furthermore, this 1913 **Native Land Act** was followed by the 1936 **Trust and Land Act**. The ascension of Dr Verwoerd to power was followed by the passing of the **Promotion of Black Self-Government Act** of 1959. This Act paved the way for the creation of the independent Bantustans and the South African-led commonwealth (Parsons 1993:301). The Africans were split according to culture and language (Khunou 2009:5).

The four homelands were created, in order to run their own affairs without any hindrance. These four independent homelands were: Transkei, Bophuthatswana, Venda and Ciskei; and this extended the powers of the co-opted local chiefs (Worden 2000:124-125). The four independent homelands are discussed below.

2.9.1 The “Republic” of Transkei

The **Transkei Constitution Act**, 1963, endorsed the status, roles and functions of the traditional leaders in the Legislative Assembly of Transkei. The majority of seats in parliament were allocated to traditional leaders. Chief Kaizer Matanzima became the president of the Transkei Bantustan in 1976 (Khunou 2009:8). The **Republic of Transkei Constitution**, 1976 section 29 (1), regulated the total number of paramount chiefs and chiefs in the National Assembly (Republic of Transkei Constitution, 1976).

2.9.2 The “Republic” of Bophuthatswana

Bophuthatswana became independent of the Republic of South Africa through the Status of Bophuthatswana Act, 1977. The Legislative Assembly of Bophuthatswana consisted of traditional leaders. Chief Mangope became its president (Khunou 2009:9). Chapter 1 of the **Republic of Bophuthatswana Constitution**, 1978 reflected Bophuthatswana as a sovereign independent state and a republic, which accepted the principles of democracy and an economy based on private and communal ownership, as well as free enterprise. Section 56 (1) of the **Republic of Bophuthatswana Constitution**, 1978, confirmed the status of chiefs and headmen.

2.9.3 The “Republic” of Venda

The instrument that propelled Venda towards independence from the Republic of South Africa was the so-called Venda National Party (VNP), which was formed and headed by Chief Patrick Mphephu.

The VNP comprised traditional leaders the majority of whom also became cabinet ministers in the Venda Republican government.

The independence was instituted by the Status of Venda Act, 1979. Venda attained independence in 1979, with Chief Patrick Mphephu as its first president (Khunou 2009:12). The National Assembly of the defunct Republic of Venda comprised the majority of the chiefs in this region. The **Republic of Venda Constitution, 1979** (Act 9 of 1979) Section 25 provided that certain traditional chiefs should be appointed to the 25 Chieftainship positions in Venda.

In addition, there were two further headmen of the Gwamasenga Tribal Council, who were appointed to chieftainship on special arrangement, until they could be appointed chiefs of their areas (Republic of Venda Constitution 1979).

2.9.4 The “Republic” of Ciskei

Ciskei was the last to be granted independence from the Republic of South Africa. The territory known as the Ciskei homeland was granted self-governing status in 1972 by the white apartheid regime. Its territorial authority was replaced by a Legislative Assembly. Chief Lennox Sebe became the first president of the Ciskei Republic in 1980 (Khunou 2009:14). The preamble of the **Republic of Ciskei Constitution, 1981** provided that the Transkei government would be of a traditional nature, with some elected representatives to its legislature from the ordinary people who were willing to be held accountable for the people of Ciskei through the Almighty God (Republic of Ciskei Constitution, 1981).

The 1913 **Native Land Act** did not only produce independent homelands, but self-governing or national States, such as Gazankulu, Qwaqwa, Lebowa, KwaZulu, Kwa-Ndebele and Ka-Ngwane. This could be viewed as the remnants of the idea of Dr Hendrik Verwoerd who, as the Minister of Native Affairs, was in favour of the self-government of all tribal areas or homelands – as these areas were known.

According to Minister Verwoerd, these homelands would be administered by Pretoria at the level of Territorial Authorities (Davenport 1987:390).

2.10 TRADITIONAL AUTHORITIES – COLLABORATORS WITH OPPRESSIVE SYSTEMS – OR FREEDOM FIGHTERS?

While developmental local government had introduced the system of an elected local leadership and a commitment to the improvement of the people's lives, it had made a concession to traditional rural authorities.

Traditional rural authorities had been viewed as autocratic local authorities, who had enjoyed significant power under the apartheid system. While they had enjoyed a monopoly on the administration of land, this had not been transferred to the elected officials. The land administration, therefore, remained in the hands of an unaccountable local chief and his headmen (Ntsebenza 2004:67).

Traditional leaders were labelled collaborators and stooges of the colonial and apartheid governments. The new South Africa was seen as having lost the opportunity of abolishing the institution of traditional authority, instead making concessions to it, where they wielded power without accounting to anybody but colonial and apartheid systems (Ntsebenza 2004:2-3). The chiefs wielded influential powers in the local State. Their authority was exercised through judicial, legislative and executive channels, which were centralized in their offices. They were protected and defended by the colonial and apartheid governments against anybody who dared to challenge them. Their stay in office depended on their loyalty to colonial and apartheid governments (Mamdani 1996, as quoted in Ntsebenza 2004:4).

Traditional authorities became a colonial legacy, which was reproduced after the independence of the colonized states. Yet, it is true that that no nationalist State had intended to reproduce this legacy of traditional authority. In trying to reform the colonial state, they reproduced a part of that legacy. . The legacy called the bifurcated State should be dismantled, in order to promote democratic transformation and to link the urban and rural. This would give way for the jelling of rights and custom, representation and participation, civil society and community (Mamdani 1996:34).

Traditional leaders have been called all names – for good or bad reasons. They were accused of having been collaborators with both colonial and apartheid systems against their subjects. These accusations made their status questionable within a democratic dispensation.

There was a group that wanted this institution, which they represent, to be abolished, while another group felt that traditional authorities should remain and continue to play the roles they had played before colonialism and apartheid.

The 1980s became a turning point in the history of traditional leadership in South Africa. There were those who distinguished themselves as progressive and they organized themselves under the Congress of Traditional Leaders of South Africa (Contralesa). Contralesa was formed in 1987, and was an affiliate of the United Democratic Front (UDF). It joined forces with the African National Congress when this was unbanned in 1990. Contralesa served the interests of chiefs, but unlike Inkatha, it called for the dismantling of the Bantustan system (Beall and Ngonyama 2009:9). Of course, there were some who prevented the ANC from recruiting in areas that they controlled. In KwaZulu-Natal, the ANC and the Inkatha Freedom Party (IFP) of chief Buthelezi fought to the bitter end; and this led to a low-level civil war. During the Convention for a Democratic South Africa (CODESA), negotiations, and thereafter fighting, spread to nearly the whole country.

Homeland leaders, such as Chief Lucas Mangope, defended apartheid to the end; and they even invited right-wingers, such as the Afrikaanse Weerstandsbeweging (AWB), to defend his homeland against the ANC.

When Chief Buthelezi saw that other homelands were collapsing, like Bophuthatswana and Ciskei that fell to the ANC, he refused to capitulate. There were some homeland leaders, such as those in Venda and Transkei, who supported the ANC after it was unbanned (Harries 2005). After Transkei, Bophuthatswana, Venda and Ciskei (TBVC) had gained their independence, the Pretoria government wanted to grant another territory of Kwa-Ndebele the same status of independence. The royal family of Kwa-Ndebele in Mpumalanga sided with community structures to oppose apartheid-sponsored independence in the 1980s (Cobbett and Cohen 1988:114). Chief Albert Luthuli had participated in the famous drafting of the Freedom Charter, which is a cornerstone of the new South African society (Callinicos 1999:13-14).

Traditional leaders did not become ANC puppets when they supported it, because when they failed to lobby government support to be accommodated in the democratic dispensation, they threatened to boycott the 1995 local government elections (Ntsebeza 2006:289).

This was as a result of the ANC wanting traditional leaders not to be involved in party politics, as had been the case in Ghana. The ANC promised them a role in developmental local government. The **White Paper on Local Government**, 1998, provided for a “co-operative relationship with elected local government”.

The government gradually capitulated to the demands of traditional leadership in the face of the 2004 general elections. The South African government passed the **Traditional Leadership and Governance Framework Act** (TLGFA) in 2003. This gave traditional councils a place alongside local government structures.

In 2002, the government passed the draft **White Paper on Traditional Leadership and Governance**, 2002. The Minister of provincial and local government wrote that:

“...it is the Department’s considered view that the institution has a place in our democracy, and has a potential to transform and contribute enormously towards the restoration of the moral fibre of our society, and in the reconstruction and development of the country, especially in rural areas. It is also important that conditions for democratic governance and stability in rural areas are created, so that accelerated service delivery and sustainable development can be achieved. This will only be possible if measures are taken to ensure that people in rural areas shape the character and form of the institution of traditional leadership at a local level, inform how it operates, and hold it accountable...” (Department of Provincial and Local Government 2002:4).

This is the recognition that traditional leaders wanted – to have a role to play in the rural areas, where the majority of South Africans reside. The Minister also acknowledged the role of traditional leaders in the reconstruction and development of the rural areas. Of course, their major role is at the local level, where they could co-operate with municipalities.

2.11 RECOGNITION OF TRADITIONAL AUTHORITIES IN THE DEMOCRATIC

SOUTH AFRICA

The institution of traditional leadership gained recognition in South Africa in the 1993 Interim **Constitution of the Republic of South Africa**, which was passed a year before the historic general elections, where all the citizens of the Republic of South Africa voted for the first time. The institution of traditional leadership was also recognised by the **Constitution of the Republic of South Africa**, 1996 (Ntsebenza 2004:3). Traditional leaders in South Africa had participated in the Convention for a Democratic South Africa (CODESA) which negotiated for a new democratic South Africa. The negotiations led to the adoption of the 1993 Interim **Constitution of the Republic of South Africa**, which laid the foundation for the subsequent **Constitution of the Republic of South Africa**, 1996.

The Interim **Constitution of the Republic of South Africa**, 1993, defined the roles and functions of traditional authorities and local government. Section 182 puts traditional authorities at the same status as elected leaders, by stating that a traditional leader of a community who observes a system of indigenous law and who resides on land within the area of jurisdiction of an elected local government would be an ex-officio member, and would also be able to stand for any position in such a local government. This section clearly put traditional leaders in a position to participate in the life of democratic government.

The period 1994 and 2003 was characterised by the debates on the role and responsibilities of traditional authorities in the new South Africa. In 2001, traditional leaders were estimated to be about 800, while the number of headmen stood at 1000 in South Africa. As a result, the new South African government identified the importance of the institution of traditional authorities; and in 1996, the **Constitution of the Republic of South Africa** was signed into law (Khan and Lootvoet 20014).

Chapter 12 of the final **Constitution of the Republic of South Africa**, 1996, recognizes the institution of traditional authorities, roles and status. The provision was that the institution and its roles should be based on customary law.

However, it laid down a condition that the recognition should be on the basis that the institution must abide by the democratic principles contained in the **Constitution of the Republic of South Africa**, 1996, and the Bill of Rights.

It also stressed that the **Constitution of the Republic of South Africa**, 1996, provided national legislation for traditional leadership as an institution at local level, on matters affecting local communities. The National or provincial legislation would provide for the establishment of houses of traditional leaders and national legislation would establish a council of traditional leaders to deal with matters relating to traditional leaders.

This **Constitution of the Republic of South Africa of 1996** laid down the foundation for the relationship between traditional leadership and democracy in South Africa. It provided the framework for the broad principles of democracy. The foundation provides a baseline for negotiation between government and traditional leadership. Traditional authorities suspected that government was not serious about spelling out clearly their roles, powers and functions. Accordingly, they threatened the local government elections of 2000, which were postponed three times.

The **Constitution of the Republic of South Africa**, 1996, which ushered in a new dispensation in South Africa, was partly as a result of the role traditional leadership played in the fight against colonialism and apartheid in South Africa. This is captured vividly by former Deputy President Thabo Mbeki in his famous speech on the occasion of the adoption of the Constitution in 1996. He declared that “...*I am the grandchild of the warrior men and women that Hintsa and Sekhukhune led, the patriots that Cetswayo and Mphephu took to battle, the soldiers Moshoeshoe and Ngungunyane taught never to dishonour the cause of freedom...*” (Mbeki 1996).

The caption comes from Mr Mbeki, former president of the Republic of South Africa. He praised traditional leaders for the role they had played in the fight against colonialism. The **Constitution of the Republic of South Africa**, 1996, provided for the introduction of national legislation, in order to determine the roles of traditional leadership at local level. It also provided for the national and provincial legislations that gave power to the establishment of National and Provincial Houses of Traditional Leaders, in order to address the roles of the traditional leaders, customary law and the customs of those communities that observe a system of customary law.

The **Municipal Structures Act**, 1998 (Act 117 of 1998) provided that local government would be a sphere, created for the purposes of bringing government to the local population and assisting communities in participating and becoming involved in the political processes, in order to improve the quality of – and to determine – their lives. The **Traditional Leadership and Governance Framework Act**, 2003 (Act 41 of 2003), provided for the socio-economic development of their communities. Traditional leaders should also disseminate information about government policies and programmes. Section 5 (1) encouraged the formation of partnerships between municipalities and traditional leaders. This implies that traditional authorities had the necessary power to represent their communities.

The **Municipal Systems Act**, 2000 (Act 32 of 2000) section 23 compels municipalities to pursue a developmental approach in their planning, in order to fulfill the objectives of local government, as set out in the **Constitution of the Republic of South Africa** 1996. It is obvious that traditional authorities had to play their role in this planning, as this is recognised by **Traditional Leadership and Governance Framework Act**, 2003 (Act 41 of 2003). The **White Paper on Local Government**, 1998 (Section 152), sub-section (b) gives effect to these developmental duties, as required by section 153 of the **Constitution of the Republic of South Africa**, 1996; subsection (c).

This compels municipalities to co-operate with other organs of State, and to contribute to the progressive realisation of the fundamental rights, as contained in (Sections 24, 25, 26, 27, and 29) of the **Constitution of the Republic of South Africa** 1996.

The **White Paper on Local Government**, 1998 provided for the role of Traditional Leaders and those of elected local government. It lists such functions as follows: Traditional leaders should act as head of the traditional authority, and as such exercising limited legislative power and certain executive and administrative powers; they should also preside over customary law courts and maintaining law and order; they must consult with traditional communities through *imbizo/lekgotla*; they should also assist members of the community in their dealings with the State; they should advise government on traditional affairs, through the houses of traditional leaders; they must convene meetings to consult with communities on needs and priorities, and to provide information; traditional leaders should be the spokespersons for their

communities; and traditional leaders should continue to be the custodians and protectors of the community's customs and general welfare (White Paper on Local Government 1998:75-76).

The **White Paper on Local Government**, 1998, also includes the roles in the development of the local area and community. Traditional leaders should make recommendations on land allocation and the settling of land disputes, lobbying government and other agencies for the development of their areas, to ensure that the traditional community participates in decisions on development and contributes to development costs. They should also make recommendations to authorities on trading licences in their areas.

The **White Paper on Local Government**, 1998 envisaged a co-operative model for rural local governance (White Paper on Local Government 1998:76).

2.12 THE ROLE OF TRADITIONAL AUTHORITIES IN LOCAL GOVERNMENT

SPHERES IN SOUTH AFRICA

As in 1998, the functions of traditional leaders were, according to the **White Paper on Local Government**, 1998, the following: Acting as head of the traditional authority, and as such exercising limited legislative powers and certain executive and administrative powers. Traditional leaders should also preside over customary law courts, and maintain law and order, consulting with traditional communities through *imbizo/lekgotla* and assisting members of the community in their dealings with the State.

Traditional leaders must also advise government on traditional affairs through the Houses and Council of Traditional Leaders, convening meetings to consult with communities on needs and priorities and providing information. They also have a responsibility of protecting the cultural values and providing a sense of community in their areas, through a communal social frame of reference, being the spokespersons generally of their communities, being symbols of unity in their community.

Traditional leaders are viewed as custodians and protectors of the community's customs and general welfare (The White Paper on Local Government 1998:76-77). This **White Paper on Local Government**, 1998, lists the roles of traditional authorities on the development of their local area and community, such as: making recommendations on land allocation and the settling of land disputes, lobbying government and other agencies for the development of their areas, ensuring that the traditional community participate in decisions on development and contributes to development costs, and considering and making recommendations to authorities on trading licenses in their areas, in accordance with law (The White Paper on Local Government 1998:76).

The **Traditional Leadership and Governance Framework Act, 2003** (Act 41 of 2003) Section 5 (1) compels both national and provincial governments to promote partnership between municipalities and traditional councils. Section 20 (1) gives traditional leaders powers to promote socio-economic development, amongst others. By implication, traditional authority might be regarded as a fourth sphere in the local level. In order to meet the objectives of local government, municipalities are to be assisted by integrated development planning (IDP). This means that traditional authorities are expected to partner with local municipalities in facilitating implementation. There is a fear that elected leadership could face a challenge from traditional leaders (Parnell **et al.** 2002:120). It could be stated that service delivery can only be meaningfully dispensed if there is a relationship between the elected leadership and traditional leadership, one based on mutual respect and recognition.

This would mean that instead of traditional leaders going to council and becoming spectators, they should participate in the business of council – right through to IDP formulation and implementation. The **Local Government Transitional Act**, 1993 (Act 209) was passed; and it granted traditional leaders the right to participate in transitional regional councils, as well as transitional representative councils.

This arrangement brings two different institutions together. The first is that municipal councils obtain their power from party politics, election mandates and legislative instruments. The second is that traditional leaders derive their mandate, power and authority from customary law.

2.13 THE POSITION OF TRADITIONAL INSTITUTIONS IN THE NEW SOUTH

AFRICA

Traditional leadership is seen as an embodiment of the system of discourses. This system characterizes Africa's earlier forms of government. It goes without saying that this system has become and remains the heritage of Africa. Traditional leadership remains a firm and true icon of Africa's identity. This institution of traditional leadership has stood the test of time, by surviving both colonial and apartheid governments. African culture has become synonymous with the institution of traditional leadership and customs.

The rural masses still respect the institution of traditional leadership. Of course, they also support the democratic institutions, as embodied in the **Constitution of the Republic of South Africa**, 1996 (Draft Discussion Document 2000:1-2).

When South Africa was praised for having drawn up the most liberal Constitution, it was faced with a stern test: that of dealing with the powers and functions of customary authority systems. This was the most difficult issue that the new South Africa had to address, in order to be a real democracy (Marais 2001:303). The **Constitution of the Republic of South Africa**, 1996, recognised the institution of traditional authorities. In trying to decide on options for the accommodation of the traditional leaders, the African National Congress (ANC) should tap into the experience of other African states. The **Constitution of the Republic of South Africa**, 1996, embodies a chapter on the Bill of Rights. The Bill of Rights also protects the rights of traditional authorities.

2.14 PARTNERSHIP BETWEEN TRADITIONAL AUTHORITIES AND ELECTED

LEADERSHIP

Although traditional authorities are viewed as having the capacity to threaten elected leadership, there is a need to promote the relationship between the two, so that they can both work towards achieving the objectives of local government (Khwashaba 1999:50). This view overlaps with the requirement of the provision of **Traditional Leadership and Governance Framework Act**, 2003 (Act 41 of 2003). The said Act stipulates that there must be a partnership between these two parties.

The Capricorn District Municipality (CDM) of Limpopo Province has implemented this partnership through its District Traditional Leaders Forum (DTLF). The Executive Mayor of the Capricorn District Municipality is quoted as saying:

“...over the year, working hand-in-glove with traditional authorities, we have preoccupied ourselves with service delivery in the communities that you lead...”
(Capricorn District Municipality 2009:7).

This partnership is currently working in this district, since traditional leaders have been delegated the power for the operation and maintenance of water schemes, for example (Capricorn District Municipality 2009:7).

2.15 TRADITIONAL AUTHORITIES AND DEMOCRATIC PRINCIPLES

The question of traditional authorities has sparked debates about its compatibility with the democratic principles, as enshrined in the **Constitution of the Republic of South Africa** 1996. The **Constitution of the Republic of South Africa**, 1996, provided for democracy and human rights that must be central to all institutions. This has given academic scholars a tool to analyze traditional authorities' compatibility with democratic governance. Ntsebenza (1999:2) is of the opinion that traditional authorities exercised administrative, judicial and executive powers in a centralized manner.

This centralization of power by traditional authorities was seen by Mamdani (1996), as having earned them the tag of being responsible for a bifurcated state, and a decentralised form of despotism (Mamdani 1996). In the light of this argument, it is clear that traditional authorities are perceived as undemocratic institutions. However, it could be argued that traditional authorities, as the name suggests, could be elected to their positions by way of principles, which are not compatible with those of western democratic principles.

It is, therefore, not advisable to generalize the argument that they are undemocratic. There are usually disputes in royal families over candidates who contest their positions of authority with others, who are usually unqualified.

2.16 LIMPOPO PROVINCIAL HOUSE OF TRADITIONAL LEADERS

The Limpopo Provincial House of Traditional Leaders may be assumed to be an association of traditional leaders, which addresses matters that affect them collectively.

2.17 THE POWERS, FUNCTIONS AND DUTIES OF THE PROVINCIAL HOUSE

The **Limpopo Houses of Traditional Leaders Act, 2005** (Act 5 of 2005) gives powers to the Provincial House to advise and propose to the Provincial Legislature or Provincial Government on matters relating to traditional councils, indigenous law or traditions, and the customs of traditional communities within the Province. They also make inputs into Bills on roles that affect them. They also execute any functions conferred on them by law.

The **Constitution of the Republic of South Africa, 1996**, recognises the importance of communities by putting them at the centre of development. Although traditional authority is part of the community, it occupies a higher status, both as the custodian of values and customs, and as provided for in the **Limpopo House of Traditional Leaders Act, 2005** (Act 5 of 2005). There must be a partnership between elected leadership and traditional authority. Therefore, the two must necessarily be equal before the law. Traditional and elected leaders must, therefore, both promote social and economic development. While politicians are sent to office by a popular vote, traditional leaders who represent traditional authorities occupy office by way of hereditary means. Nevertheless, they depend on government resources for their survival (Beall **et al.** 2004:5).

Traditional leaders are, in terms of the **Constitution of the Republic of South Africa, 1996**, recognised; and they are represented at national level through the National House of Traditional Leaders, and at provincial level through Provincial House of Traditional Leaders. The **White Paper on Local Government, 1998**, gives traditional leaders powers to attend and participate in municipal local council meetings, and to advise councils on the needs of their communities.

The Limpopo Provincial House of Traditional Leaders (LPHTL) is entitled to advise and make proposals to the Provincial Legislature or Provincial Government in respect of matters relating to traditional councils, indigenous law, or the traditions and customs of traditional communities within the Province. They must also discuss any Provincial Bill that pertains to traditional authorities, indigenous law, or to such traditions and customs, before they can be taken to the speaker of Provincial Legislature for tabling before the legislature.

They can also perform any function referred to them by way of any legislation. The Provincial House of Traditional comprises 36 members. It has an Executive Committee of six members (Limpopo Houses of Traditional Leaders, Act 5 of 2005).

Chapter 3 of the **Limpopo House of Traditional Leaders Act**, (Act 5 of 2005) has established six regions, namely: Vhembe, Mopani, Sekhukhune, Capricorn, Waterberg and Bohlabela (which has since been transferred to Mpumalanga).

2.17.1 The Vhembe Local House of Traditional Leaders

The Vhembe Local House of Traditional Leaders is made up of 14 part-time members. The management is made up of the chairperson and the deputy chairperson.

2.17.2 The Mopani Local House of Traditional Leaders

The Mopani Local House of Traditional Leaders comprises 10 members who are part-time. The management is composed of the chairperson and his deputy chairperson.

2.17.3 The Sekhukhune Local House of Traditional Leaders

The Sekhukhune Local House of Traditional Leaders is the biggest, as it is composed of 20 members, who are all part-time. The management falls under the chairperson and the deputy.

2.17.4 The Capricorn Local House of Traditional Leaders

The Capricorn Local House of Traditional Leaders has 10 members, who are all part-time. The management falls under the chairperson and the deputy.

2.17.5 The Waterberg Local House of Traditional Leaders

The Waterberg House of Traditional Leaders is made up of nine members, who are all part-time (Limpopo Houses of Traditional Leaders Act of 2005). Therefore, in total, the province has 63 members in its House.

2.18 TRADITIONAL AUTHORITIES ARE UNIVERSAL INSTITUTIONS

Traditional authority is a universal phenomenon, and it is not only a South African affair. Countries, such as Germany, France, Russia, Italy, Spain, Britain – to mention but a few – were not without their traditional monarchies. While, there have been attempts to overthrow them, monarchies, just like traditional authorities in Africa, have survived in some countries. According to Mbeki (1998:259), Great Britain also has a queen.

2.19 TRADITIONAL AUTHORITIES REVISITED IN AFRICAN SOCIETY

The centrality of traditional authorities in Africa cannot be undermined. The reason for this is that this institution is seen as the pillar of African society. Traditional authorities can, therefore, be regarded as the heartbeat of Africa, and the custodians of African tradition. The governments of Africa are, therefore, proud of their traditional authorities. This is symbolised by the emotional speech by the Deputy President of both the ANC and the republic of South Africa, Thabo Mbeki, in his speech: “I am an African”.

In this speech, he praised himself for being a descendant of great traditional heroes who inspired Africans to go to war to protect their traditional or African heritage. Part of this speech reads:

“...I am an African. I am the grandchild of the warrior men and women that Hintsisa and Sekhukhune led, the patriots that Cetshwayo and Mphephu took to battle, the soldiers Moshoeshe and Ngungunyane taught never to dishonour the cause of freedom. My mind and my knowledge of myself is formed by the victories that are the jewels in our African crown, the victories we earned from Isandhlwana to Khartoum, as Ethiopians, and as the Ashanti of Ghana, as the Berbers of the desert...”(Mbeki 1996).

Here, the Former Deputy President is praising those traditional leaders who fought for the freedom to defend their countries. Among the above-mentioned leaders, there is Mphephu, who is credited with fighting colonialism. His forefather, Makhado, is highly esteemed for fighting and defeating the invaders to his territory. He is one of those who are honoured by the process of standardization and the changing of place names. The name of the town of Louis Trichardt is going to be renamed after him. This process of naming and renaming is discussed below.

2.20 THE STANDARDISATION PROCESS AS A TOOL TO CONFIRM THE ROLE OF TRADITIONAL AUTHORITIES

The process of standardization, commonly referred to as name-changing, is the brainchild of the **South African Geographical Names Council (SAGNC) Act 1998** (118 of 1998). At the core of the **South African Geographical Names Council Act, 1998**, is the regulation of the naming of geographical features. The **South African Geographical Names Council Act, 1998**, seeks to restore the history of the people.

Subsequent to this, there were names of towns in Limpopo, whose names were changed, in order to honour those great and gallant traditional leaders who fought and defended their land and people. Potgietersrus was renamed Mokopane, after the Ndebele king. Louis Trichardt was renamed Makhado after that Vhavenda warrior. Naboomspruit became Mokgopong. All these are being given effect by the **South African Geographical Names Council Act, 1998** (Act 118 of 1998).

This is the same parliament that must decide to either scrap or to restore traditional leadership in South Africa. The ANC itself is a heritage of traditional leaders. Hence, the ANC still honours them. Section 2(1) of the SAGNC provides for the establishment of the Names Council. The objectives of the Names Council are as follows:

To facilitate the establishment of Provincial Geographical Names Committee; to ensure the standardization of geographical names; to facilitate the transformation process for geographical names; to ensure the implementation of standardized geographical names in South Africa; and to promote awareness of the economic and social benefits of the standardization of geographical names.

Section 9 of the **South African Geographical Names Council Act, 1998**, sets out the powers and duties of the Names Council; among them are the following:

To receive proposed names submitted by various stakeholders; recommending geographical names falling within the national competence to the Minister for approval; to consult with the provincial governments in identifying geographical names in need of revision, and to co-ordinate requests for advice on geographical names and standardization.

In the light of these provisions of the Legislation, the Makhado Municipality attempted to change the name Louis Trichardt town to Makhado. In describing the meaning of the proposed name and the language from which it comes, the answer is that the name relates to the late King of the Venda people, King Makhado (Nemudzivhadi 2007:1). The application to change the name of the town Louis Trichardt to Makhado came from Makhado municipality, according to the **South African Geographical Names Council Act 1998**, which is an Act of Parliament of the Republic of South Africa.

2.21 THE CURRENT STATUS OF TRADITIONAL AUTHORITIES

The participation of traditional authorities in IDP policy implementation is currently not effective. Traditional leaders merely add the in the councils without making any contribution to IDP. The following two factors compound this problem.

2.21.1 Participation in ward committees

Ward committees are forums where the initial planning takes place. This is where traditional leaders with other stakeholders meet and engage with one another on development matters.

Ward committees, as the organs of people's power, are not functioning properly. Ward councillors do not have the capacity to communicate effectively and consistently with communities. In order to address this challenge, there is a need to establish Street, Block and Village Committees (SACP 2009: 28). The purpose of ward committees is to enable communities to engage with government at the local level. They are meant to narrow the gap between local municipalities and communities.

Ward committees are assumed to have the knowledge and understanding of those communities they represent (Ward Committee Resource Book 2005:11).

The essence of ward committees is visualized by the **White Paper on Local Government**, 1998. Here, ward committees are pictured as being the means whereby communities are involved in governance matters, including planning, implementation, performance monitoring, and review. However, attendance registers of the meetings of ward committees do not reflect any meetings attended by traditional leaders. Some of the invitations are too general, and are not specifically sent to traditional leaders. There is also no proof that the messages about the meetings of the ward committees ever reach them. This, therefore, limits any chance of them attending such meetings.

2.21.2 Lack of knowledge on policy matters

Traditional leaders are not able to participate in IDP policy implementation, due to the fact that they do not understand the concept of IDP itself. The majority of them are illiterate, since they occupy their position via hereditary means, and there is no democratic process followed in choosing them.

Even those who sit in municipal council meetings do not participate meaningfully. Consequently, the implementation of IDP is left to elected councillors and municipal officials.

2.22 CONCLUSION

This chapter has argued that traditional authorities have managed to adapt to any environment – hence their survival. When they realised that their existence is being threatened, they adapt, and allow themselves to serve colonial and apartheid governments. They also served as paid agents and implemented the policies of the new arrivals, although they were putting themselves at risk of being rejected by their communities in the future. They did not hesitate to form alliances with colonial and apartheid governments when it was a matter of their survival.

However, colonial and apartheid governments were able to manipulate the traditional authorities to get access and to control the black masses through them. Colonial and apartheid governments were able to implement their colonial and apartheid policies,

only because they had the co-operation of traditional authorities. Traditional authorities, instead of representing their subjects, assisted colonial and apartheid governments to suppress the masses. Yet, traditional authorities also gained in this co-operation because colonial and apartheid governments granted them the sole right for the allocation of land.

The co-operation with the apartheid government provided an opportunity for the implementation of homelands in South Africa. A total of 10 homelands, of which four were independent homelands, were created in South Africa from 1976-1981. These homelands were a product of negotiation with traditional authorities, while the communities were opposed to them. There is no doubt that in running homeland governments, traditional authorities gained administrative capacity. This expertise could assist the new democratic government, which did not have administrative capacity to run the country.

This might also be the reason for the new government of South Africa seeing traditional authority as an important institution to complement elected local municipalities in providing service delivery. Although the institution of traditional authority is constitutionally recognised, there are those who feel uncomfortable with their recognition, because they view their role of allocating the land to community people as a remnant or legacy of apartheid.

Traditional authorities are further seen as having a negative impact on the democracy in South Africa, because they assumed their positions on a hereditary basis. This is against the provisions of the **Constitution of the Republic of South Africa, 1996**, which promotes democratic participation through elections. As a result, there is a call for the government to abolish traditional authorities in South Africa, in order to be in line with the provisions of the **Constitution of the Republic of South Africa, 1996**.

However, **Traditional Leadership and Governance Framework Act, 2003** (Act 41 of 2003), Section 5 (1) compels both national and provincial governments to promote partnership between municipalities and the council of traditional authorities. Section 20 (1) (a-n) gives traditional authorities the powers to promote socio-economic development. The recognition of traditional authorities is gaining momentum in South Africa, as features of the country are mainly named after them, such as Louis

Trichardt being renamed as Makhado, Potgietersrus as Mokopane, Naboomspruit as Mokgopong, and Pretoria as Tshwane.

Despite the recognition of traditional authority, traditional authorities are not participating meaningfully in the implementation of IDP, hence their exclusion from exercising administrative powers. The next chapter will discuss the conceptualization of the role of traditional authorities in policy implementation within the discipline of public administration.