

CHAPTER 5

LOCAL GOVERNMENT SERVICES : SELECTED CASE STUDIES

5.1 INTRODUCTION

Local government case studies with specific reference to various tribal authorities will be provided in this chapter. Qualitative methodology has been used to investigate the role of traditional leaders in the promotion of municipal service delivery. The qualitative study was conducted by means of interviews with traditional leaders and the headmen selected randomly from Botswana North West and Limpopo provinces in the Republic of South Africa. Interviews were based on the role of traditional leaders in the promotion of municipal service delivery. Interviews were conducted in Botswana because the traditional leadership system in Botswana is more advanced in the promotion of service delivery compared with the South African traditional leadership system. Secondly, the Botswana traditional leaders are already integrated into government structures and operate under the ministry of local government.

5.2 SERVICE DELIVERY BY TRIBAL AUTHORITIES

The population sampling was selected from the Botswana tribal authorities, namely Balete, Kweneng and Tlokweng tribal authorities, the Royal Bafokeng Administration as well as the Modjadji tribal authority. The content of this study is based on personal interviews with various traditional leaders. Transcriptions of the interviews are in safe custody.

5.2.1 The Royal Bafokeng Administration

The Royal Bafokeng Administration is situated in the North-West Province and it forms part of the Greater Rustenburg municipal council. It was selected because it has relatively large resources to render municipal services and it is one of the prominent traditional leadership institutions in Africa. It is far advanced in the promotion of municipal services for the Royal Bafokeng nation. It is situated in an industrialised

area and it has a corporate approach to municipal service delivery. The Royal Bafokeng Administration was also selected because it is a tribal authority that has divisions such as Royal Bafokeng Holdings and the Royal Bafokeng Institute and Royal Bafokeng Investment. The municipal services are not funded by the South African government and the tribal authority funds the municipal services from its own resources. Interviews were conducted in Phokeng at the Royal Bafokeng Administration with two representatives from the king's office. The senior headman and the deputy Senior Headman at Legato, which is the king's Palace, were interviewed because it is the headmen's responsibility to lead the Royal Bafokeng nation.

In Phokeng six headmen representing Mosethla, Mogopa-a-dira, Metlapeng and Kgosing traditional wards were interviewed. Open-ended questions were posed in a relatively informal format on the basis of a pre-circulated interview schedule. The participants were encouraged to answer the questions as honestly and as broadly as possible. Where necessary, issues that needed clarity were followed up so that the discussion would be conducted as effectively as possible. The interviews were recorded. The selection of the three areas of research give a clear understanding of the resources needed to empower traditional leaders to promote municipal service delivery. The abovementioned areas provide a clear distinction of a well resourced and a poorly resourced traditional leadership system funded by government.

5.2.2 The Modjadji Tribal Authority

Modjadji Tribal Authority is situated in Limpopo Province within the Greater Letaba municipal council, Greater Tzaneen municipal council and Giyani municipal council. It was selected because it is a well established traditional authority limited resources and capital to promote municipal services. The municipal council is vested with the powers which overlap some functions entrusted to traditional leaders. The Modjadji Tribal Authority is not yet advanced concerning service delivery like the Royal Bafokeng Administration. It is a rural tribal authority with limited infrastructure. Interviews were conducted with the late Queen Modjadji's brother acting as the

current senior traditional leader of the Modjadji tribal authority and seven members of the Modjadji traditional council.

5.2.3 Botswana tribal authorities

In Botswana, interviews were conducted in Molepolole with the paramount chief of the Bakwena tribal authority; one headman in Mogoditsane village and two traditional councillors were interviewed. The paramount chief of Batlokwa in Tlokweng was also interviewed. Interviews were also conducted in Gabane with the Belete paramount chief and the deputy paramount chief. Botswana tribal authorities were selected because the traditional leader system comprises of the Chief acting as the centre of social service delivery. Traditional leaders are awarded clear powers in the Botswana traditional judicial system. Botswana was a British colony during the colonial era and the British judicial system has been incorporated into the Botswana traditional leadership government structures.

The Ministry of Local Government is responsible for the management and administration of traditional leaders. The Botswana central level of government is responsible for the funding of municipal service delivery rendered by the tribal authorities. For example, the government provides traditional leaders with administrative staff, tribal police and the required vehicles.

5.3 THE ROLE OF TRADITIONAL LEADERS IN ADMINISTRATION AND MANAGEMENT

5.3.1 The Royal Bafokeng Administration

The Royal Bafokeng nation consists of people 300 000 in 29 villages and 72 headmen. The promulgation of the Traditional Leadership Framework Act, no. 41 of 2003 resulted in the Royal Bafokeng Administration downsizing the number of traditional councillors from 15 to 11 councillors. The king appoints six councillors and five Councillors are elected by the nation. The Royal Bafokeng Administration spans of five regions. Phokeng is the capital region. The regions are the northern,

northeast, southeast and central region. In each region, there is a traditional elected councillor. The administration and management of the municipal services are currently centralised at the Royal Bafokeng Administration headquarters in Phokeng. The leaders are decentralising the services which have been assigned to them in the South African system of government. This implies that services assigned to the municipal sphere and falling within the area of jurisdiction of the Royal Bafokeng Nation could be further decentralised to bring the responsibility for services still nearer to the community directly affected by it. The services are delivered at the doorstep of the members of the community. The greater Phokeng region' consists of Mogopa-a –a dira and Metlapeng. Mogopa Ward consists of 350 people and every second week the headman gives feedback from Royal Bafokeng Administration offices to the ward members. The role of the headman is to improve development and to represent the king in serving the nation. Metlapeng ward consists of 387 people. The responsibility of the headman is to ensure that there is representation on behalf of the king to the nation.

5.3.1.1 Supreme council

There is a general meeting called *Kgotha Kgothe* which is held twice a year in February and September. The supreme council ratifies budgets. The Royal Bafokeng Administration is self sufficient, well resourced and it has an investment of R30-billion. There is no budgetary allocation from the national government. The Royal Bafokeng Administration promotes and renders municipal services from money allocated by the supreme council.

5.3.1.2 The Royal Bafokeng administrative and management process

Royal Bafokeng Administration buildings comprise traditional government structures, municipal services, the Department of Education and Development, Social Services, the king's office, office of the king's mother, tribal court and the auditorium for general meetings (*Kgotha kgothe*).

Municipal services are managed and administered by the Royal Bafokeng Administration offices. The administration of municipal services is centralised. Services such as electricity, water and sanitation, waste management, safety and security, education and health do not require any intervention of the headman. The management and administrative systems are centralised at the Royal Bafokeng Administration headquarters in Phokeng. The headmen assist the nation with the drafting of consenting letters for the connection of electricity and the allocation of land. Headmen issue and certify birth and death certificates as well as authorise the incorporation of a new resident into the Bafokeng community. It is the headman's responsibility to draft a consenting letter for an outsider interested in becoming a resident. The Royal Bafokeng Administration has a bursary scheme and for the Bafokeng to access such bursary it is required to get a letter of approval from the headman. The letter will confirm and verify that the applicant is a Mofokeng residing within the Bafokeng community. Boundary conflicts, stock theft and security-related issues are handled by the headman who will refer the matters to the tribal court if the matter cannot be resolved at village level. The court consists of a traditional council of headmen responsible for the heads of villages.

The headman's responsibility is to lead traditional wards (*kgotla*). The process of promoting matters arising from the previous meetings with the nation to the next council meeting is the responsibility of the headman. At macro level headmen and traditional councillors sit on the supreme council and are entrusted with the powers to ratify the budgets of the Royal Bafokeng Administration. The headmen oversee the planning and the budgeting of various departments at the level of the Supreme Council. The headmen play a legislative role in the Supreme Council of the Royal Bafokeng Administration. At the general meeting the headmen give the traditional ward members feedback on how money has been spent, achievements and future plans for the nation. The Royal Bafokeng Administration decentralises some of the administrative functions by building administrative centres in different regions so that services can be within closer proximity of the Royal Bafokeng nation. People will be developed from ward level and traditional councillors deal with issues at village level.

5.3.1.3 The Royal Bafokeng Administration and the Greater Rustenburg municipal council

In 2003, a Memorandum of understanding (MOU) was signed between the Royal Bafokeng Administration and the Greater Rustenburg municipal council, Bojanala and Moses Kotane municipal councils. The main objective of the memorandum of understanding was to establish a joint infrastructure development initiative and to forge a synergistic partnership between the Royal Bafokeng and the Greater Rustenburg municipal council. Both parties had to establish to what extent each will be responsible for the infrastructure development and municipal service delivery. The two entities have to co-operate in education and health-related issues. The memorandum of understanding between the Royal Bafokeng Administration and the Greater Rustenburg municipal council has not met expectations. In as far as education and health are concerned, the Royal Bafokeng Administration works closely with the members of the executive council (MECs) of the North-West provincial legislature.

The Greater Rustenburg municipal council does not render municipal services to the Royal Bafokeng nation. A budget is compiled for the whole region including the Royal Bafokeng nation, but the municipality does not contribute to the Bafokeng who are also taxpayers within the Greater Rustenburg municipal council. The Royal Bafokeng Administration buys water from Rand Water Board and Magalies Water for the nation. The municipal councillors and the Royal Bafokeng councillors reside in Phokeng and there are regular interactions between the councillors. The Royal Bafokeng Administration builds roads, clinics, stadiums and schools. The Royal Bafokeng Administration incurred an expenditure of R140-million for the construction of the stadium that will be hosting some of the 2010 Soccer World Cup tournament and the government made a contribution of R40-million toward the project. There is a joint venture road project between Sun City and Phokeng. The national government contributed R53-million and the Royal Bafokeng Administration made a contribution of R53-million towards the project. The supply of water, electricity, refuse and sanitation is the responsibility of the Royal Bafokeng Administration.

5.3.2 Botswana traditional leader administration and management

Botswana has two levels of government, which are the national and local government. Traditional leaders are under the Ministry of Local Government. There is a specific department responsible for the traditional leaders called Tribal Administration. The director operates under the supervision of the permanent secretary (Director-General). Traditional leaders from different communities in Botswana hold meetings with the tribal administration department once a year in December. Budgets of estimates of expenditure and salaries are discussed because traditional leaders are on the government's payroll.

Traditional leaders are *ex officio* members of development organs. The tribal authorities have established a development committee which acts in conjunction with the traditional council to identify the needs of the community such as schools and clinics. The number of employees required at schools and clinics are determined by the size of the population within the jurisdiction of the tribal authority. Social development and the welfare of the nation are the responsibility of the central government and the chief.

In Botswana, although traditional leaders are at the bottom of the judicial system, they are entrusted with the powers to hear and try cases. Customary marriages are conducted by traditional leaders. A committee that advises government on issues related to traditional leaders has established a house of chiefs which represents all the traditional leaders in Parliament.

Traditional leaders are vested with the powers to hear and try cases and impose sentences for a maximum period of three years. Primary health and education, water and sanitation and electricity are rendered by the central government. However, a traditional leader's responsibility is more evident at the tribal court when performing judicial functions. The arbitration of civil and criminal cases takes place at the tribal court. The tribal courts do not fall under the administration of the Botswana judicial system, but under the ministry of local government. Traditional leaders are responsible for cleanliness of the environment. All households have access to water.

Traditional leaders are responsible for the administration and management of different services such as the provision of application forms for national identity documents, movement of livestock or sale of livestock at the tribal authority. Ownership of livestock and land is approved by the traditional leader. Death certificates, birth certificates and passports are applied for at the tribal authority and the traditional leader will verify and approve the applications. The Bank account application must be accompanied by the form with the traditional leader's signature as well as the tribal authority's stamp before it can be approved by a commercial bank. The form from the chief serves as a proof that the applicant is known as a citizen of Botswana and is residing in a particular village.

The traditional leader and the traditional council work with the central government in other services such as inheritance. For, example, if there is a land or plot that a family intends to transfer to a nominated beneficiary, the central government will refer the applicant to the traditional leader to be given a letter stating that the land is being transferred from one individual to another. In Botswana, the tribal authority consists of a tribal police force and it assists the appointed officials with clerical duties such as certifying documents or copies. The traditional leader is responsible for informing the tribe of any government project that will take place within the jurisdiction of a tribal authority, for example, the construction of schools, clinics and community centres. These happen with the assistance of the central government. A tribal authority is responsible for judicial function and it is also used as a place of consultation with the traditional leader.

The tribe assembles at the tribal authority when there is a meeting with the chief. Government officials obtain permission from the chief to address the nation. The chief will inform the nation about the date and the issues to be presented by the Minister of the particular government department. The people will be given the opportunity to ask questions during the meeting.

5.3.3 The Modjadji Tribal Authority administration and management

Modjadji Tribal Authority is situated in Limpopo in Bolobedu district. It consists of the royal council and the traditional council. According to the Modjadji Tribal

Authority's traditions and customs, a female is enthroned to be a traditional leader. The Modjadji queens, according to traditional beliefs had the ability to make rain for the Balobedu nation. The royal council consists of the queen and the elders of the Modjadji head kraal. The traditional council consists of seven members closely related to the previous queens and the responsibility of the council is to liaise with the headmen and to hear and try cases at the tribal court.

5.3.3.1 Modjadji Tribal Authority and the Greater Letaba Municipal Council

Traditional leaders are allowed to attend and participate in the municipal council meetings according to Section 80 of the Local Government Structures Act, 1998; however, they are not allowed to give advice or comment during meetings. According to the Modjadji Tribal Authority interviewees, the Limpopo provincial government allocates money to the municipality for the funding of the activities of the tribal authority but no funds are allocated to the tribal authority. The municipal council does not inform the traditional leader about the allocated budget from the provincial government. Representatives from the Modjadji traditional council are not allowed to participate in decision-making during the municipal committee meetings.

The municipality is lenient in dealing with the perpetrators who violate the queen's orders, for example by building liquor stores without the tribal authority's authorisation. Whenever the tribal authority takes action against the perpetrators, the government will interfere with the tribal authority's initiatives to deal with those who are insubordinate to the traditional leader. The government approves the application of liquor licences and the queen may disapprove the application due to tribal values because alcohol destroys the community. In the past, the queen had powers to close down liquor stores to maintain law and order. During the previous dispensation, the Modjadji Tribal Authority had its tribal police to ensure law enforcement pertaining to illegal trading of liquor. The queen's powers are now reduced and taken over by the elected municipal councillors.

5.3.3.2 Modjadji Tribal Authority strategy pertaining to municipal service delivery

The Modjadji Tribal Authority's long-term strategy is to ensure that each household has water and electricity within five years. The tribal authority intends to build proper roads, schools, clinics and multipurpose centres for the nation. There is a need for the provincial government to allocate funds directly to the tribal authority so that it can promote and render municipal services direct to the nation. The powers of the municipal elected councillors are similar to the powers of the traditional leaders in matters pertaining to municipal service delivery. Therefore, it is a challenge for the traditional leader to implement the municipal service strategy with its limited financial resources.

5.4 MUNICIPAL SERVICES

Section 152 of the Constitution of the Republic of South Africa states that one of the objects of local government is the provision of services to communities in a sustainable manner. The purpose of discussing this section in the thesis is to describe service provision in broad terms in relation to the internal organisation of traditional leaders and their communities.

5.4.1 Water services

The Department of Water Affairs and Forestry's water and sanitation supply programme is aimed at the implementation of the internal bulk and connector water and sanitation projects. The Department assists densely populated and dispersed rural areas with water reservoirs.

5.4.1.1 Royal Bafokeng

Royal Bafokeng Administration consists of the following administrative structures: town planning, welfare services, security, and professional support services including human resources, finance and procurement departments. The Royal Bafokeng Administration employs 400 people. It is the largest employer in the area. It is

different from the Greater Rustenburg municipality, because it purchases water in bulk from Rand Water Board and Magaliesburg Water. Water is subsidised by the Royal Bafokeng Administration by 60% to the entire Royal Bafokeng nation.

The Royal Bafokeng Administration has installed meter readers for all the households. The informal settlements are impacting negatively on the allocation of water to the Royal Bafokeng nation. The informal settlements situated within the Royal Bafokeng Administration's jurisdiction also benefit from the water allocation for the Royal Bafokeng nation. The Chaneng and Luka villages are the two key mining communities within the Royal Bafokeng jurisdiction. The Royal Bafokeng Administration police department issues people occupying land illegally with notifications to evacuate the informal settlements.

5.4.1.2 Modjadji Tribal Authority

The municipal councillors play a notable role in terms of elevating the traditional leader's needs and requests to the municipal council committee for the allocation of funds for service delivery to the nation. The municipal council provides water for the Modjadji nation in the form of boreholes and through the installation of water pipes from the nearest dams and water reservoirs.

5.4.1.3 Botswana Tribal Authorities

In Botswana, the national government is responsible for the provision of water services. The municipal councils such as Kweneng District Council, Kgalagadi district council and Gaborone city council are responsible for the administration of water services.

5.4.2 Health services

The modern trend is towards polyclinics in which more than one health service can be provided. The location of clinics must be carefully planned in relation to the nature of the population to be served and the services they need. For example, in an area where families with young children predominate, the emphasis should fall on pre- and post-

natal care and on dealing with the prevention of disease in children, while in an area where middle-aged people predominate the emphasis should fall on geriatric medical problems. It is inexplicable in times of financial restraint that day hospitals and municipal clinics still exist side by side in the same area. An interviewee stated that it is important for the traditional leaders to apply the municipal council approach in the provision of health services

5.4.2.1 The Royal Bafokeng Administration

There is a health centre in Phokeng and North-West province legislature provides medication and staff. The North West Provincial government provides the health centre with personnel and medication. The services rendered by the health centre are adequate.

5.4.2.2 Modjadji Tribal Authority

In the Modjadji district, the Limpopo government's health department has built clinics and one hospital. The national government plays a significant role in the provision of health services.

5.4.2.3 Botswana tribal authorities

The Botswana government has built clinics in all the villages and the number of the medical staff required is determined by the number of the population within a tribal authority's area of jurisdiction. The medical staff and the health services rendered by the clinics are adequate for the communities situated within the jurisdiction of tribal authorities.

5.4.3 Emergency services

The emergency service consists of fire and ambulance services. In deciding on the location of fire stations it is necessary for traditional leaders in South Africa to consider the SABS Code of Practice for Community Protection Against Fire: 090-1972 which requires the municipal area to be divided into low-, medium- or high-risk

areas. The code of practice lays down response times to fires in areas according to the degree of risk. It must be noted that emergency management services rendered in South Africa within the tribal authority's area of jurisdiction are compliant with the SABS Code of Practice for Community Protection against Fire.

5.4.3.1 The Royal Bafokeng Administration

There are two ambulances to service the Royal Bafokeng community. The emergency management personnel get specialised training from the Rustenburg municipal council. The Royal Bafokeng Administration emergency management services render emergency services.

5.4.3.2 Modjadji Tribal Authority

The emergency services are rendered by the municipal council. There is no provision made for the Modjadji Tribal Authority to render emergency services.

5.4.3.3 Botswana tribal authorities

The central government is the emergency service provider. The ambulances and the fire engines are allocated to municipal councils responsible for the delivery of services to different tribal authorities.

5.4.4 Infrastructure development

Infrastructure development entails engineering services, which embrace civil, structural and mechanical services. Engineers build and maintain roads, storm water systems, waste water (sewerage) systems, solid waste (refuse) collection and disposal systems, water purification storage systems and electricity systems, both step-down and distribution systems.

5.4.4.1 The Royal Bafokeng Administration

The Royal Bafokeng Administration is able to develop infrastructure such as roads, clinics, schools and the provision of electricity. The service operates independent of the Rustenburg municipality. The municipality does not provide services on behalf of the Royal Bafokeng nation because the Royal Bafokeng Administration is considered to be self-sufficient. The Royal Bafokeng Administration has built an administrative centre in Phokeng. The Royal Bafokeng Sports Palace is the third biggest Stadium in Kanana. There is a health centre situated in Phokeng and the medication and personnel are provided by the South African Department of Health. According to the Royal Bafokeng master plan, there will be demarcated areas for hospitals and recreation parks. The Royal Bafokeng Administration plans to build an independent world-class school worth R500-million.

Eskom is the energy supplier to the Royal Bafokeng nation. There is an agreement between Eskom and the Royal Bafokeng Administration concerning the connection of electricity for the Royal Bafokeng nation. For example the headman will draft the approval letter for the resident to connect electricity in a particular village. The letter by the headman serves as proof that the resident has acquired the permission to have electricity. Eskom cannot connect electricity without the consent of the headman. It is the resident's responsibility to pay the electricity account. The Royal Bafokeng Administration only provides the electricity infrastructure. It is the responsibility of the resident to pay a once-off connection fee to Eskom for electricity connection.

5.4.4.2 Modjadji Tribal Authority

In terms of the construction of water reservoirs, electricity, construction of roads, schools and clinics, the district municipality approaches the Modjadji Tribal Authority and proposes infrastructure development. The tribal authority cannot initiate infrastructure development due to lack of funds. The tribal authority assists the national government with water and sand whenever there is a construction project e.g. roads, clinics and schools for the Modjadji nation. It is the government's initiative to develop infrastructure within the Modjadji Tribal Authority's area of jurisdiction.

5.4.4.3 Botswana tribal authorities

The infrastructure development in Botswana is done by the central government. It is a process driven by the Department of Public Works. In Botswana, the Ministry of Local Government is responsible for infrastructure development in the tribal authority 's area of jurisdiction.

5.4.5 Land allocation

Land, particularly in rural areas, is a major issue in South Africa. Development is a constitutional duty. It is therefore a requirement to undertake land use planning. The applicable legislation for land use planning is in the Physical Planning Act, no. 125 of 1991 and the Development Facilitation Act, no. 67 of 1995. Although municipalities are not directly involved, the planning of land allocation services take account of the Restitution of Land Rights Act, no. 22 of 1994.

5.4.5.1 The Royal Bafokeng Administration

The Royal Bafokeng Administration has a traditional ward council headed by the headman reporting directly to the senior headman. Land demarcated for the Royal Bafokeng consists of 29 villages. Every village has occupied and unoccupied demarcated stands. People are not allocated stands which are not set up for water and electricity. All the designated stands are 100% electrified. Land is only allocated to married couples. The process starts at ward or village level with the headman. The application will be forwarded to the Royal Bafokeng department of town planning to allocate stands if they qualify.

5.4.5.2 Modjadji Tribal Authority

Tribal land is allocated to the members of the community for residential and agricultural purposes without cost to the recipient. However, there is an annual levy of R25,00 per household payable to the Modjadji Tribal Authority.

5.4.5.3 Botswana tribal authorities

In terms of the Botswana Tribal land Act, 1970 the chief approves the land application before it can be processed and administered by the land board. The general characteristics of land in respect of the three tribal authorities in Botswana are that the land application process starts at the tribal authority and forwarded to the Botswana land board for registration. In Botswana a traditional leader is responsible for land allocation and the Botswana Land Board is responsible for the registration and administration of land allocation.

5.4.6 Training

South Africa needs trained municipal employees if it is to meet the unfulfilled needs of its population. The demand for services increase and unless municipal employees are properly and adequately trained, service standards will decline and in extreme cases, some services may cease altogether. The aims of the Skills Development Act, 1998 together with Sector Education and Training Authorities (SETAs) are to provide the institutional framework to devise and implement national sector and workplace strategies within the National Qualifications Framework contemplated in the South African Qualification Authority Act, 1995 to provide for learnerships that result in recognised occupational qualifications.

It is important for traditional leaders to undergo development training because it can be used to improve skills or to develop new ones. For example, with current notions of industrial relations it may be beneficial for traditional leaders to attend courses on leadership, the handling of grievances or misconduct, staff motivation and productivity. Traditional leaders can be trained to express themselves in reports and letters, the legal implications of procedures and how to deal with the public. It must be noted that South African traditional areas are situated in district municipalities. In Botswana the administrative, health and police personnel are trained by the central government.

5.4.6.1 The Royal Bafokeng Administration

No formal training is provided for the king and headmen by the Royal Bafokeng Administration. However, traditional leadership training is offered by the Royal house of elders to both the king and the headmen. The training is about the Bafokeng traditions, customs and tribal laws to enable them to try and hear cases according to the Bafokeng tribal laws. The King obtained a Bachelor of Science degree in Architecture at the University of Natal. The king encourages the headmen and headwomen to study in different fields.

No formal training or workshop is provided for the headmen. Traditional leaders are trained to embrace customs and Bafokeng traditions from childhood by the parents. The king has realised that there is a need for training. The Bafokeng traditions and customs have been documented. The old traditional system has been refined and documented in a form of traditional by-laws. The headmen apply the traditional by-laws when performing their duties. The input of the headmen plays a notable role in the enactment of the Bafokeng traditional by-laws.

The Royal Bafokeng Institute started with a traditional leadership development programme. The duration of the leadership development programme is two years. The main objective is to establish a pool of leaders conscious about what is happening in the communities. The leadership development programme will be a pilot programme in the Kanana, Phokeng, Luka and Chaneng villages. The focus will be on both males and females in the abovementioned areas. The Royal Bafokeng Administration anticipates creating an environment for further skills development for headmen and headwomen. The Royal Bafokeng Administration's main objectives are to ensure that within five to 10 years all the headmen would have obtained a university degree in Project Management, Administration, Business Management and Financial Management. The Royal Bafokeng Administration has built 80 schools and all the teachers are on the national Department of Education's payroll. In 2007, there were 300 bursary applicants. Interviews were conducted and bursaries were granted to the Bafokeng's children to study at various institutions in South Africa.

5.4.6.2 Modjadji Tribal Authority

Modjadji Tribal Authority does provide for formal training for the queen and the headmen. Traditional leaders are only trained in the Modjadji traditions and customs. The Modjadji Tribal Authority has established a bursary fund to assist children from impoverished family backgrounds with excellent matric results to enrol at tertiary institutions in different fields. The main objective is to empower the children in order to add value to the Modjadji district. The nation fully supports the tribal authority's bursary fund initiative.

5.4.6.3 Botswana Tribal Authorities

In Botswana, no formal tribal training institution exists. Traditional leaders' children benefit from Botswana's education system because the tuition fees are paid by the Botswana central government. Findings from the interviews conducted with the traditional leaders at the three tribal authorities in February 2008 indicate that an educational programme should be designed for traditional leaders. This could entail semi-legal training and management skills to prepare the future traditional leaders for their duties.

5.4.7 Communication

A municipality is a public body which exists to serve the public and therefore needs to communicate with the public it is designed to serve. Communication is a two-way process. In fact, the underlying meaning of communication is the imparting of information, ideas or feelings. Clearly, a council which operates secretively is not a successful communicator. Communication with the public is in fact a part of the process of public consultation. The formal methods of communication are important as they are part of the democratic process of public consultation.

5.4.7.1 The Royal Bafokeng Administration

The headmen are the king's communication channels to the community. The king conveys the notifications of meetings through the headmen. The Royal Bafokeng Administration uses billboards, newspapers and radio stations. The nation is normally informed about the emergency meetings through the radio stations. The meetings with the nation are held every second weekend of the month. Information is disseminated by the headmen to the Bafokeng nation in various villages. The king visits all the schools and villages to address the nation regularly. The king conducts meetings with the headmen. The information is reported to each village. The nation gets the information through community publications. The Royal Bafokeng Administration uses the Motswedi and Mafisa radio stations to communicate with the nation.

5.4.7.2 Modjadji Tribal Authority

The queen resides at the Modjadji Head kraal with all the family members. The headmen hold meetings with the queen or the queen's representatives every three months and the information is disseminated to the nation at various villages. The Modjadji Tribal Authority's communication channel is the headmen. The radio station is not used regularly because it does not broadcast the messages from the tribal authority at the requested time. The result is that the message does not reach the nation at the time by the traditional leader.

5.4.7.3 Botswana tribal authorities

Communication takes place at the tribal court with the paramount chief and the headmen who disseminate information to various villages. It is the responsibility of the traditional leaders to disseminate information from the central government to the villages and from the villages to the central government. People are notified by the traditional leader about the meetings whenever ministers from the central government wishes to address the people. There is no formal communication with the tribal authority.

5.4.8 Customer service

Customer service within the context of municipal services entails accountability, loyalty, feedback, responsibility, accessibility and the provision of municipal services efficiently and effectively. According to oral evidence customer satisfaction is acceptable within the Botswana tribal authorities.

5.4.8.1 The Royal Bafokeng Administration

According to the interviewees, the nation is satisfied with services rendered under the supervision of the headmen. In certain situations the headmen will use privately owned vehicles to transport people affected by different issues. The Royal Bafokeng Administration offices are designed to accommodate physically disabled people.

The headman and the tribal councillor attend the traditional council meetings to present the needs of the nation. Traditional councillors are responsible for the gathering of information and identification of key problem areas. The information and the needs of the nation are then submitted to the Royal Bafokeng Administration 's offices in Phokeng. The headman is responsible for the issuing of a death certificate and recommendation letters that confirm that deceased people were members of the Bafokeng nation. The headman will forward the documents to the Royal Bafokeng Administration headquarters for filing and record-keeping purposes. Disabled and elderly people on wheelchairs get assistance from the headman whenever the need arises. The needs of the nation are reported to the council by the headman.

5.4.8.1.1 Access to offices

The Royal Bafokeng nation is allowed access to the administration offices at any time during office hours especially if they prefer not to be assisted by the headman at the village. The Bafokeng nation access most of the services through the headmen at the villages. The nation is satisfied with services rendered by the headmen according to the interviews.

5.4.8.2 Modjadji Tribal Authority customer service strategy

5.4.8.2.1 Access to offices

The people are allowed access to the tribal authority's offices without appointment. Thus, the tribal council is available to assist people with different needs.

5.4.8.2.2 Availability of officials to assist the elderly, disabled, illiterate people

The headmen should assist the elderly, disabled and illiterate at village level. The family members normally assist the disabled, elderly and the illiterate or visit the headman on behalf of the affected members of the family.

5.4.8.2.3 Follow-up of complaints

It is the headman's responsibility to follow up cases on behalf of the tribal authority.

5.4.8.3 Botswana tribal authorities

According to the paramount chief of Kweneng tribal authority there are inadequate officials to render services . It has a negative impact on customer service. There is inadequate office space to satisfy customers, as stated by the paramount chief in an interview on 20th February 2008. The community is satisfied with the services rendered by the Balete, Kweneng and Tlokweng tribal authorities. The traditional leader's offices are accessible and there is no need to setup an appointment. The central government expect traditional leaders to work normal office.

5.4.9 JUDICIAL SYSTEM

The judiciary is the third branch of the state and Section 166 of the Constitution, 1996, provides for the following courts in South Africa:

- ❖ the Constitutional Court, which is the highest court on all constitutional matters;

- ❖ the Supreme Court of Appeal;
- ❖ the High Court;
- ❖ magistrates' courts; and
- ❖ other courts, e.g. labour court, the electoral court, the land claims court and tribal courts for customary law.

5.4.9.1 The Royal Bafokeng Administration

5.4.9.1.1 Tribal court

A tribal court is situated within the Royal Bafokeng Administration headquarters in Phokeng. Tribal cases are heard and tried daily. Tribal cases start at village level. Intervention is made at village level to resolve problems and if the headman is unable to resolve the issues at the village level, the matter will be referred to the tribal court. The headman or the complainant can also refer the matter to the tribal court. Should the tribal court fail to resolve the matter, it will then be transferred to the king to give a verdict.

The nation is encouraged to take disputes to the headman and if there is no solution, the headman will refer the matter to the tribal court. The tribal court consists of four assessors and a chair person. Cases are heard and tried and the tribal court is responsible for the passing of judgment and prosecution.

The chairperson of the tribal court is vested with powers to make final decisions pertaining to all court proceedings. There is participative decision-making by all five members of the tribal court. The court proceedings are derived from the repealed Bophuthatswana tribal laws. The fine can not exceed R200, two cows or 10 goats or sheep. If the crime is of a serious nature it will be forwarded to the Magistrates' court in Rustenburg to be heard and tried according to the Western judicial system. The members of the community are allowed to apply for appeal to have the cases tried by

the magistrate at the magistrate's court. The perpetrator will be summoned to the tribal council for the case to be heard and tried.

5.4.9.1.2 The Royal Bafokeng tribal police

The Royal Bafokeng Administration has a tribal police force consisting of 85 police officials. There are two helicopters and a fleet of patrol cars. The South African Police Services are dependent on the Royal Bafokeng reaction police force for law enforcement in the Royal Bafokeng area. There is a police training academy accredited by the South African Police Services. Police officers are trained by the Royal Bafokeng Administration.

The reaction force provides visible policing and attends to calls from the community on a sector basis. The force co-operates with the South African Police services (SAPS) regarding the general community. A narcotics capacity including the expansion of the dog unit are to be integrated into the regular policing and tracking sections and air wing force. An expansion of the reaction force to combat the high level of crime in the communities is planned for 2009. An experienced prosecutor plus a Rapid Reaction Team designed to combine both prosecution experience as well as quick reaction to crime scenes or to assist other sections are to be appointed to enhance the crime combating capacity as well as to improve success with prosecutions.

5.4.9.2 Modjadji Tribal Authority

The tribal court proceedings start at village level with the headman. The tribal authority hears and tries cases which could be resolved by the headmen at village level. If the tribal court cannot resolve the matter it will be referred to the magistrates' court to be tried in the Western judicial system.

5.4.9.3 Botswana Tribal Authorities

Botswana has developed its system to allow traditional leaders to litigate. The traditional kgotla system is fortunately clear even though it is informal. Traditional leaders have been properly trained in Setswana traditions, customs and traditional laws. The government is in the process of introducing a new level of judicial system that will entail law of criminal procedure and evidence.

There is no formal training for the king and the headmen to try both civil and criminal cases. There is actually no formal training for traditional leaders in Botswana. However the central government provides all tribal authorities with trained administrative personnel and trained police officials who are permanently based at the tribal authority. There is a need for training and development of traditional leaders.

The traditional leader system allows the king to be the centre of social delivery services. Traditional leaders are strong in the Botswana traditional judicial system. In Botswana, the British judicial system has incorporated kingship in the Botswana government structures. Although traditional leaders are at the bottom of the judicial system, they are entrusted with the powers to hear and try cases. Customary marriages are conducted by traditional leaders. The Botswana government has established a house of chiefs, which represents all the traditional leaders in Parliament.

The central government has allocated administrative staff and tribal police to help traditional leaders with the maintenance of law and order. Traditional leaders are vested with the powers to hear and try cases and impose sentences for a maximum period of three years. Civil cases are followed up and if the perpetrator fails to appear in court at the tribal court, the tribal police will be assigned to arrest the perpetrator. Authority is vested in traditional leaders to follow up cases. When a crime is committed, it is tried in that particular tribal authority's area of jurisdiction and if it is committed in another village, the respective traditional leader will hear and try the case.

5.4.10 Revenue sources

Finance is the oil that keeps the engine of government going. Without finance there cannot be any provision of services. Municipalities have a relatively narrow tax base consisting of tax on the ownership of property and the levying of fees and charges to pay the services. An urban area where there is a clear development has access to income from these sources but rural areas have a limited tax base. Rural areas as a general rule are characterised by poverty and under-development. Section 214, the Constitution of the Republic of South Africa, 1996 provides for the equitable sharing of revenue raised nationally, but it is unlikely that such a share is going to be adequate to solve the financial problems of municipalities, particularly in rural areas where traditional leaders are supposed to be provide services.

5.4.10.1 Royal Bafokeng Administration

There is a budget allocation of R700-million a year to cater for municipal services rendered to the Royal Bafokeng nation. The Royal Bafokeng Administration has shares in some of the platinum mines. It has recently purchased the Mutual and Federal insurance company. The afore mentioned businesses are the main sources of revenue that assist the Royal Bafokeng Administration to render municipal services to the nation. Platinum mines are situated within the Royal Bafokeng area. The Royal Bafokeng Administration earns mining royalties from the mining companies operating on Bafokeng land. The Royal Bafokeng Administration only collects levies for the payment of water consumed by each household.

5.4.10.2 Modjadji Tribal Authority

Before embarking on the Modjadji tribal authority attention should be devoted to the fact that in contrast to the Bafokeng, the Modjadji Tribal Authority is fully dependant on a budgetary allocation by the state. The services they could undertake will therefore be dependant on allocation by the state. Services could therefore not be compared to those of the Royal Bafokeng Administration.

The tribal authority generates income from the Modjadji Nature Reserve by sales generated from indigenous cycad plants. All the households are expected to pay a levy of R25 a year. The Modjadji area has enough sand and whenever there is a construction project, the tribal authority will sell the sand to the construction company. The tribal authority is able to generate money by charging a levy to private companies doing construction projects awarded by the provincial government through the government's tender process. Private companies operating in the Modjadji district are expected to return some benefits to the communities from the profits they generate. The Modjadji Tribal Authority's finances are managed by the magistrate office. It has access to the money whenever a need arises. The late queen's representative and the headmen are on the government's payroll in terms of the Traditional Leadership Remuneration Act, 1998.

5.4.10.3 Botswana Tribal Authorities

Services are funded by the central government. At local level, a council of traditional leaders has been established. A total of 60% of the budget is allocated by the central government. Traditional leaders do not have other resources such as mines and they are not allowed by law to be self-resourced because all national resources belong to the State. The Botswana government centralised the resources from the traditional leaders to ensure equality among the various sections of the nation because some territories are better resourced than others. The wealth of Botswana now belongs to all the people. It is the government's responsibility to pay each traditional leader. In an equitable manner.

5.4.11 Human resources

All organisational structures require human resources to operate. While human resource development is a vital activity, it is with all due respect to those concerned merely a part of the wider concept of the administration of the personnel function. Personnel administration is the key activity and if done effectively and efficiently, contributes significantly to the existence of an effective organisation. Human resources could be considered as the energy that drives an organisational structure to

achieve a common goal. Thus all traditional authorities require competent human resources to perform their assigned function.

5.4.11.1 The Royal Bafokeng Administration

The promulgation of the Traditional Leadership Framework Act, 2003 resulted in Royal Bafokeng Administration downsizing the number of traditional councillors from 15 to 11 councillors. The Royal Bafokeng area consists of five regions and Phokeng is the capital region. The leaders of the Bafokeng are in the process of decentralising the services. The services will be delivered directly to the doorstep of the members of the community. The Royal Bafokeng Administration employs 400 employees. Outsourced Consultants are currently employed instead of using the Royal Bafokeng personnel to perform certain functions. According to the interviewees the Royal Bafokeng Administration should implement two models whereby there is in-house expertise, a small team of strategic management and outsourced specialists.

The King's office consists of educated personnel in various fields such as engineering, finance and business administration. Duties are executed through the delegation of responsibilities by the king. The Royal Bafokeng Administration has a research department which, implements global best practices. The research department visited Asia, South America and Europe to learn and benchmark against the international best practices. The Royal Bafokeng Administration has shifted from being a traditional leadership institution, embracing the Bafokeng customs, traditions and value system to operating as a corporate entity. The Royal Bafokeng Administration is future-oriented and has expanded its horizons and aligned its traditional approach with a corporate structured organisational approach.

5.4.11.2 Modjadji Tribal Authority

According to the Modjadji Tribal Authority's traditions and customs, a female is enthroned to be a traditional leader. The Modjadji queens had the ability to make rain for the Modjadji nation. There is traditional council consisting of seven members who are closely related to the previous queens and the responsibility of the council is to

liaise with the headmen and to hear and try cases at the tribal court. The tribal authority consists of 128 headmen based in 128 villages and four administrative staff based at the tribal authority offices. According to the Modjadji traditional council, the office personnel are insufficient. There will be a need for additional office space if additional personnel are be appointed.

5.4.11.3 Botswana tribal authorities

5.4.11.3.1 Balete Tribal Authority

The Balete Tribal Authority consists of 20 headmen, but only 11 are recognised by the Ministry of Local Government and they are on the government's payroll. The other nine headmen can perform similar duties as the recognised ones. However, they are not on the government's payroll due to the central government's budget constraints.

A headman's term of office is based on hereditary succession. The tribal authority consists of wards. The ward members are responsible for the selection and appointment of a headman. If the headman has acceptable good morals, conduct, good ethics, is able to read and write, the ward members will appoint him to arbitrate cases. Traditional leaders are not allowed to participate in the process of the formulation of legislation. Parliament is responsible for the enactment of legislation.

There is a house of chiefs in Botswana, which acts as an advisory body to Parliament about matters pertaining to traditional leaders. Staff is inadequate, according to the Balete paramount chief (interview on 20 February 2008, at the Balete Tribal Authority). The central government is in the process of upgrading the tribal courts. These could result in additional personnel being appointed. The current staff are able to resolve criminal cases, directly. If the traditional leaders are not assigned judicial powers to hear, try and arbitrate cases it will be difficult for the central government's judicial system to function effectively and speedily.

5.4.11.3.2 Kweneng Tribal Authority

The central office in Molepolole consists of five officials. According to the paramount chief of Kweneng tribal authority additional staff must be appointed to improve the current service delivery. The tribal authority consists of the chief, deputy chief, chief representatives, headmen of courts and the head of arbitration. Traditional leaders are not allowed to participate in the deliberations on the formulation of the legislation at the central sphere of government.

5.4.11.3.3 Tlokwenng Tribal Authority

The tribal authority consists of the paramount chief, deputy chief and the senior Chief. At some of the tribal courts a chief representative, the headman of record reporting to the Senior Chief Representative is available. The deputy chief reports to the paramount chief.

The chief has vested the headmen with powers to lead communities in various villages. Tlokwenng Tribal Authority comprising headmen of arbitration who arbitrate cases at tribal court wards. The appointment of the headmen is hereditary. Tlokwenng Tribal Authority has 16 headmen and meetings are held every Monday with the paramount chief. The headmen operate as advisors in different villages.

5.5 RESEARCH FINDINGS

There are a number of challenges that affect the ability of traditional leaders to promote municipal service delivery. The overall concerns that were raised by almost all traditional leaders were as follows: lack of training, staff inadequacy; inability to render customer service, communication, the impact of legislation on traditional leaders, land allocation, insufficient funding of traditional leaders by the government, reduced powers of traditional leaders to participate within government structures, infrastructure development initiatives and the lack of traditional leaders' developmental initiatives. Table 5.1 below depicts the overall results from the Royal Bafokeng Administration, Botswana Traditional leaders and the Modjadji Tribal Authority. The breakdown of the results are discussed in the following subsections.

TABLE 5.1 Research findings: The Royal Bafokeng Administration, Modjadji Tribal Authority and Botswana tribal authorities

KEY PROBLEM AREAS	Royal Bafokeng Administration	Modjadji Tribal Authority	Botswana Tribal Authorities
Municipal services currently rendered to communities			
Water	Supplied by the traditional leader, not the municipality	Supplied by the municipality	Supplied by the central government
Electricity	Infrastructure supplied by traditional leader but energy supplied by Eskom	Supplied by the provincial government	Supplied by the central government
Refuse removal	Traditional leaders	Provided by municipality	Provided by the central government
Sewerage services	Supplied by the traditional leader	Supplied by municipality	Supplied by the central government
Social development services	Provided by the traditional leader	Provided by the provincial government	Provided by the central government
Financial and human resource availability			
Source(s) of revenue	Platinum mines	They collect levies from households and companies doing business in the Modjadji area. There is no funding from the government	The central government is funding traditional leaders
Number of appointed officials	72 Headmen and 400 employees	There are 128 headmen and four administrative staff members	The three tribal offices have 15 officials. Each tribal authority has tribal police and administrative staff



KEY PROBLEM AREAS	dji Tribal		Botswana Tribal
	Administration	Authority	Authorities
Financial and human resource services allocated to the tribal authorities			
Required number of officials to provide adequate services	There is sufficient personnel	There is a need for additional office space and 10 officials to manage the tribal authority	Kweneng Tribal Authority needs 25 officials. Balete and Tlokweng tribal offices need additional ten officials each on the four regions. Balete needs five
Formal training provided to traditional leaders	Inadequate	There are 10 vacancies	There are 20 vacancies at Kweneng and five vacancies at Balete Tribal Authority
Challenges (financial/human resources)	There are no financial and human resources challenges	There is no budget allocation from the government	There are no financial challenges and traditional leaders are funded by the central government
What needs to be done to improve service delivery in areas within the jurisdiction of a traditional leader in terms of the following?			
Infrastructure	The traditional leaders have the capacity to build roads, schools, clinics and the electricity infrastructure. There is adequate infrastructure	The government is responsible for the infrastructure initiatives. Infrastructure is inadequate	The government is responsible for the infrastructure development initiatives
Facilities	The Royal Bafokeng civic centre has all the facilities needed to render municipal services	There is only one office to service 700 000 population. Insufficient facilities	Each tribal authority has a tribal court and tribal offices. Facilities are sufficient.
Power and functions derived from legislation	Powers to hear and try cases	There is no power vested to traditional leaders	Powers to hear, try and arbitrate cases



KEY PROBLEM AREAS			
Managerial systems in place to render municipal services			
Administrative guidelines	Administrative guidelines are centralised at the Royal Bafokeng civic centre	There are no administrative guidelines	The central government provides traditional leaders with administrative staff and police officials
Management processes	There are various departments at the Royal Bafokeng Administration offices	There is no formal management at the Modjadji Tribal Authority	The administrative staff assist traditional leaders with tribal management
How did the new legislation pertaining traditional leaders impact on municipal service delivery in terms of the followings?			
Authority	The number of traditional leaders were reduced	They are not allowed to participate in decision-making	Not applicable to Botswana
Finance	Royal Bafokeng was not financially impacted by the new legislation	Traditional leaders are on the government's payroll	Not applicable to Botswana
What effect did the restructuring of local government have on municipal service delivery in your communities			
Categorisation of municipalities	It is part of the Greater Rustenburg municipality which is a Category A municipality	It is a category B municipality	District councils and one city council
Division of functions and powers between category A and B municipalities	Traditional councillors liaise with municipal councillors regularly	Municipal councillors has more powers than a traditional leader	Not Applicable to Botswana



KEY PROBLEM AREAS			
What effect did the restructuring of local government have on municipal service delivery in your communities			
Establishment of management areas	No areas were established	It falls under a municipality established as a category B municipality	The Botswana ministry of local government established the management areas
Financing of municipalities	They are financed by the North-West Provincial government	Municipal levies and taxes. Grant through division of revenue that is passed annually	Central government finance the municipalities
Additional funds generated to promote municipal service delivery?			
Tax	There are no levies, taxes and service charge charged by the Royal Bafokeng Administration	On household and business	The central government collects tax from the tax payers. Traditional leaders do not charge levies and taxes
Service charges	There are no service charges	There are no services charges	There is no service charges in Botswana
Levies	Water levy	R25 levy per household	No levies
What is your customer service strategy regarding the following?			
Access to offices	Civic centre is accessible every day during the week	There are no restrictions; people are allowed to access the offices and the headmen any time during the day.	There are no restrictions; people are allowed to access the offices and the headmen any time during the day
Office hours	8:00 to 17:00	7:30 to 16:30	8:00 to 16:00
Availability of officials to assist the elderly, disabled, illiterate and others	Wheel chairs can access the building. Headmen assist with their vehicles	Headmen render assistance at village level	The tribal police play a notable role in assisting the disabled and the elderly people



KEY PROBLEM AREAS			
What is your customer service strategy regarding the followings?			
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Availability of officials to assist the elderly, disabled, illiterate and others	Wheel chairs can access the building. headmen assist with their vehicles	Headmen render assistance at village level	The tribal police play a notable role in assisting the disabled and the elderly people
Follow up and complaints	Headmen and Traditional councillors do follow ups	Headmen follow up cases and complaints	Tribal police follow up cases and complaints
Differences between services rendered by traditional leaders and municipalities as established under Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)			
Basic services	Basic services are rendered by a traditional leader	Basic service are rendered by the municipality	Basic and primary services are rendered by the central government
Community development services	The traditional leader and the headmen involve communities in development initiatives	The municipal Council proposes social development initiatives with involvement of the traditional leaders	The ministry of local government is responsible for the community development initiative
Type of communication between traditional leaders and communities			
Radio	Mafisa and Motswedi radio stations	Thobela radio station	Botswana television
Newspaper	Segoagoa newspaper	Sowetan newspaper	Botswana radio
Newsletter	n/a	n/a	n/a

Source: Own construction based on information from the research interviews.

5.5.1 KEY PROBLEM AREAS INVESTIGATED

5.5.1.1 Training

All the tribal authorities where interviews were conducted have the same problem namely, lack of training. The Royal Bafokeng Administration still uses the former Bophuthatswana Tribal laws to conduct court proceedings. The Royal Bafokeng Administration has converted and improved the Bafokeng laws, traditions and customs into documented traditional by-laws. However, there is no formal training in place. The king is in the process of encouraging all the headmen to study and get tertiary qualifications in different disciplines. In Botswana, the tribal laws are different from the Botswana westernised judicial system. Traditional leaders in Botswana are not linked to the country's judicial system, but to the ministry of local government. It is at the traditional leader's discretion to obtain formal training at a tertiary institution.

5.5.1.2 Human Resources

According to the information received from interviews conducted at the respective tribal authorities, each tribal authority has staff shortages and therefore cannot promote municipal service delivery except for the Royal Bafokeng Administration. There are insufficient funds from the governmental structures to appoint additional employees. However, the Royal Bafokeng Administration is well resourced and have adequate human resources to render services.

5.5.1.3 Communication strategy

There are no formal communication channels at the respective traditional leaders' institutions. The traditional leaders depend on traditional councillors and headmen to gather information and transmit it to the tribal authority. The headmen will disseminate the message from the traditional leader to the nation. Newspapers and radio stations are used only when there is an urgent message from the traditional leader. Royal Bafokeng Administration uses the local newspaper called Segoagoa to communicate with the nation.

5.5.1.4 Revenue sources

The Royal Bafokeng Administration's source of revenue is the platinum mines situated within the jurisdiction of the Bafokeng nation. The Modjadji Tribal Authority generates R178 000 a year from the Modjadji Nature Reserve, which is insufficient in terms of municipal service delivery. Private companies pay a levy to the tribal authority for trading in the Modjadji area. There is no budget allocation by the Limpopo provincial legislature to the tribal authority. The municipal council in each of the areas within which a tribal authority falls controls the funds and the traditional leaders do not have direct access to the budget allocated for service delivery.

5.5.1.5 Customer service

There is a high level of customer service satisfaction in Botswana, the Modjadji Tribal Authority and the Royal Bafokeng Administration. The headmen play a significant role in ensuring customer satisfaction to the nation. There is access to tribal offices and courts are recognised, ensuring that there is customer satisfaction.

5.5.1.6 Impact of legislation on traditional leaders in the Republic of South Africa

Section 81 (1) of the Municipal Structures Act, 1998 states that traditional authorities observe a system of customary law in the area of a municipality. They participate through the leaders, identified in terms of subsection (2), in the proceedings of the council of that municipality. Those traditional leaders are not allowed to participate in meetings of the council. Section (2) (a) states that the MEC for local government in a province in accordance with Schedule 6 and by notice in the Provincial Gazette must identify the traditional leaders who in terms of subsection (1) may participate in the proceedings of a municipal council. In terms of subsection (b), the number of traditional leaders that may participate in the proceedings of a municipal council may not exceed 10 % of the total number of councillors in that council, but if the council has fewer than 10 councillors, only one traditional leader may participate. However, the Modjadji Tribal Authority is represented in municipal council meetings but the representatives are not allowed to participate.

The powers vested in traditional leaders are limited. Decision making power regarding municipal services and municipal policy making are vested in elected municipal councillors. The Modjadji Tribal Authority representatives attend municipal council meetings as observers. However they are not allowed to make recommendations and participate in decision-making. According to the Traditional Leadership and Framework Act, 2003, a traditional leadership institution is required to have 11 traditional councillors. The Royal Bafokeng Administration had 15 traditional councillors. The king had to reduce the number of traditional leaders from eleven to six to comply with the requirements of legislation. According to the research findings, the new legislation did not impact negatively on traditional leaders' financial situation. However, it did have a negative impact on the level of authority entrusted to the traditional leaders by the government.

5.5.1.7 Municipal services rendered by traditional leaders

In Botswana, the central government is responsible for the supply of water, electricity, education, safety and security, sewerage services and social developments. Traditional leaders are vested with powers to manage the proceedings of cases at the tribal courts and drafting of the letters of acknowledgement when people apply for land allocation and other tradition related services. In the Modjadji district, the municipal council is responsible for the supply of water, electricity and infrastructure development. No funds are allocated to the traditional leader to render services. The traditional leader does not have powers and resources to promote municipal services. The Royal Bafokeng Administration supplies water, houses, land, schools, emergency services, law enforcement, health centres, sports and recreation facilities, roads and infrastructure for the Bafokeng nation.

5.5.1.8 Land allocation

In Botswana, traditional leaders and the central government have joint responsibility for the allocation of land. The application for land starts at the tribal authority with the traditional leader. It is referred to the Botswana land board for administration and registration purposes. The Modjadji Tribal Authority does not sell the land to

members of its communities. The traditional leader has the power to allocate land without the involvement of the government. The Royal Bafokeng Administration allocates land to people who are married. Land is not sold to individuals.

5.5.1.9 Infrastructure development

There is synergy between the North-West provincial government and the Royal Bafokeng Administration pertaining to infrastructure development initiatives. The legislature and the king contributed R106-million towards the construction of a road between Sun City and Phokeng. The Royal Bafokeng Administration contributed R140million. The national government paid R40- million for the construction of a stadium in the Greater Phokeng region.

5.5.1.10 Challenges faced by traditional leaders in rendering municipal services

The participation of traditional leaders in Botswana and the Republic of South Africa concerning municipal service delivery is limited. The powers of a traditional leader has been reduced by the Traditional Leadership and Governance Framework Act, no.41 of 2003. There is no funding from the government to ensure that traditional leaders are empowered to promote the delivery of municipal services. Traditional leaders are not fully integrated into the government structures. There is no specific resource allocation by the government to enable traditional leaders to meet the needs of the nation. The powers vested in elected municipal councillors overshadow the powers of the traditional leaders. No formal organised training is provided for traditional leaders by the respective governments.

5.6 CONCLUSION

This chapter outlined the key areas and issues investigated at the Royal Bafokeng Administration, the Modjadji, Botswana tribal authorities. The objectives of the interviews were to assess the participants knowledge of and experience in, as well as their agreement or disagreement with the following issues:

- ❖ training

- ❖ municipal services rendered by traditional leaders
- ❖ land allocation
- ❖ customer service
- ❖ Human resources
- ❖ communication
- ❖ infrastructure development
- ❖ the impact of legislation on traditional leaders
- ❖ revenue sources
- ❖ challenges faced by traditional leaders pertaining to municipal service delivery

Similar problem areas were identified in the three tribal authorities where interviews were conducted, such as a lack of training, municipal services rendered by either the central or the local level (sphere) of government, infrastructure development and communication. The only difference was at the Royal Bafokeng Administration with regard to the issue of a budget allocation of R700-million a year for the promotion of municipal service delivery. The enactment of the Royal Bafokeng Administration by-laws also differentiates it from other traditional institutions. The provision of police and trained administrative staff by Botswana central government empowers the traditional leaders to conduct tribal courts proceedings and other services.

CHAPTER 6

SUMMARY, CONCLUSION AND RECOMMENDATIONS

The study investigated the following question: to what extent can traditional leaders provide and add value in the promotion of municipal service delivery, which will contribute to the new constitutional dispensation of South Africa? The research analysed the present state of municipal service delivery by traditional leaders by conducting interviews at three tribal authorities in Botswana and South Africa, namely Balete, Kweneng, Tlokweng in Botswana, the Royal Bafokeng Administration and the Modjadji Tribal Authority. Municipal service delivery has been and still is influenced by various factors such as financial constraints, staff shortages, limited powers conferred on traditional leaders, communication and training and development.

At present there is a huge backlog in South Africa with regard to access to basic services. There is a legacy of inequitable distribution of resources as well as inefficient practices in some areas. In order for traditional leaders to carry out their responsibility, the government has to fully integrate them into the promotion of municipal service delivery.

The empowerment of traditional leaders by the government is important because it improves and extends service delivery in a sustainable manner. In the light of the above, it is necessary to review what has been written in the previous chapters and to weigh the accumulated evidence against the present state of municipal service delivery.

Traditional leaders are recognised by the government, but have not been fully integrated into the current democratic structures in South Africa. The study suggests that synergy between traditional leaders and municipalities should be reached. It is important to train and develop traditional leaders to accelerate municipal service delivery. Service delivery by South African municipalities requires a joint service delivery initiative by traditional leaders and municipalities. It is of vital importance to

redress the imbalances of powers entrusted to municipal councillors, as well as the challenges that impede traditional leaders' capacity to deliver services, for example, financial constraints and non-participative decision-making by traditional leaders at municipal council meetings.

6.1 SUMMARY

The objectives of the research were discussed in Chapter 1. It introduced a brief outline of the importance of the study. It was mentioned that the interviews undertaken for this thesis would form an important source of information for the research. It was also stated that the research would be conducted by direct fieldwork, encompassing visits to different tribal authorities. The aim of the research questions, research methods, sources and research methodology were briefly discussed, and lastly a sequence of chapters was outlined.

In reviewing the literature (Chapter 2), the historical background and the development of public administration were discussed. It is of vital importance to include the history of public administration as part of the study because municipal service delivery is a component of public administration and the research is within the discipline of Public Administration. The chapter discussed the foundations of public administration because Public Administration is a special field of activity characterised by identifiable foundations, which can serve as guidelines and value norms according to which the activities of those in public employment ought to take place. The nature of public administration was also outlined because traditionally public administration is viewed as the function required in accomplishing governmental goals.

The chapter covered the purpose and the scope of public administration because the study of Public Administration is a subject concerned with the administrative functions, structure and functions of government as well as the study of institutions of government, which is the essential basis from which studies in this field must logically start. The functions of public administration were also discussed in detail in this chapter because they are the essential building blocks in the practice of any public institution. No institution can exist or continue without these building blocks. Public

administration is the life blood of all government institutions as well as traditional leadership structures. It will be impossible for traditional leaders to render services without honouring the functions of public administration.

Chapter 3 dealt with the impact of the government environment on traditional leaders. The chapter outlined the macro-environment in detail because it has a direct impact on traditional leaders. The macro or general environment consists of political, economic, social, cultural and technological components. It includes all influences outside the boundaries of the institution, which are all the factors external to the institution's micro and intermediate environment influencing the functioning of these environments. In this chapter, the legal environment was discussed because it includes factors such as the constitutional system, the nature of the legal system and legislation determining the form and control of government institutions.

In Chapter 4 a brief historical background was given and the role of traditional leaders. The history of the Royal Bafokeng traditional leadership system was discussed in detail. The chapter entailed a comparative study of different traditional leader systems such as in Botswana, Swaziland, Lesotho, Namibia and KwaZulu-Natal. The main objective was to establish to what extent they differ from the Royal Bafokeng Administration in terms of municipal service delivery.

In the chapter on local government services, selected case studies were based on empirical evidence. In this chapter, interviewees indicated that:

- ❖ training and development of traditional leaders on management and administration are insufficient;
- ❖ traditional leaders are not entrusted with the same powers as municipal councillors;
- ❖ most traditional authorities in South Africa experience serious financial constraints;

- ❖ there is inadequate staff which is a result of insufficient funding from the government.

Recommendations and conclusions were also provided. It is clear from the findings that the areas that need urgent attention are: training and development, entrusting of traditional leaders with similar powers to render services like of municipalities, personnel, government funding and resource allocation. This research concludes with Chapter 6 which provides a summary and recommendations based on the previous five chapters.

6.2 CONCLUSION

This study has identified the key problem areas that impede traditional leaders in the promotion of municipal service delivery. The study pointed out that government must set the socio-economic empowerment strategies for traditional leaders.

In terms of Section 152 (1) (b) of the Constitution, 1996, municipalities are responsible for ensuring the delivery of basic services to all South Africans. At present, a large backlog exists in South Africa with regard to basic services as defined in the Reconstruction and Development Programme, the Constitution and other applicable legislation. In order to carry out this responsibility, municipalities will need to have a joint service delivery initiative with traditional leaders.

The broad objectives of municipal restructuring were to ensure that municipalities deliver services in a sustainable, equitable, efficient, effective and affordable manner and consistent with the Batho Pele principles of service delivery, namely consultation, service standards, access, courtesy, information, openness and transparency, redress and value for money.

Municipal transformation since 1994 aimed to make municipalities more efficient and effective. The Intergovernmental Fiscal Review states that the Department of Provincial and Local Government has introduced a variety of initiatives to effect wide-ranging transformation programme. The Local Government Transition Act, no. 209 of 1993, provides a comprehensive vision and a plan of action to democratise

municipalities. Municipalities are faced with a range of competing pressures on resources for service delivery with regard to municipal services.

In terms of Section 4 (1) (b) of the 1996 Constitution, all spheres of government are required to secure the well-being of the population. Local government is empowered to deal with a number of functions that are closely related to disaster management under part B of Schedules 4 and 5 of the Constitution. In addition, Section 152 (1) (d) of the 1996 Constitution requires local government to promote a safe and healthy environment.

The government's objectives of municipal service delivery will be enhanced as soon as traditional leaders are fully integrated into and are vested with legislative powers in the democratic structure of the country. The participation of traditional leaders in the promotion of municipal service delivery will add value in redressing municipal service delivery inequalities and imbalances in South Africa. The study confirmed that traditional leaders can add value in municipal service delivery.

6.3 RECOMMENDATIONS

A number of problems have been identified. Recommendations to solve these problems are training and development, delegation of power, government funding and synergy between municipalities and traditional leaders. Three recommendations will be discussed as follows:

6.3.1 Partnerships between municipalities and traditional leaders

The study suggests that the national government and all provincial governments must promote partnerships between municipalities and traditional councils through legislative and other measures. Any partnership between a municipality and a traditional council must be based on the principles of mutual respect and be guided by principles of co-operative government. The national and provincial governments must ensure that a traditional council enters into a service delivery agreement with a

municipality in accordance with the Local Government: Municipal Systems Act, no.32 of 2000 and any other applicable legislation.

The national government and provincial governments should adopt the required legislative or other measures as may be necessary to support and strengthen the capacity of traditional leaders within the provinces to fulfil their functions. The South African local government must benchmark against the Botswana government's traditional leadership system's use of the application best practices. For example the Botswana central government provides all the tribal authorities with trained administrative personnel and trained police officials. The Botswana Ministry of Local Government provides traditional leaders with motor vehicles, offices and office equipment to enable them to render efficient and effective services. The study suggests that the South African provincial and local spheres of government must make similar provisions to empower traditional leaders in South Africa.

6.3.2 Government funding

There is no specific budget allocation for traditional leaders to render municipal exclusive services. The provincial governments allocate funds to municipalities for service delivery in South Africa and traditional leaders have no access and control over such funds regarding their tribal areas. The study recommends that the traditional leadership legislation promulgated in KwaZulu-Natal to benefit traditional leaders should be enacted in all other eight provinces in South Africa to clear the current imbalances and inequalities among traditional leaders. In 2007 the KwaZulu-Natal provincial legislature passed the Royal Household Trust Act, no.2 of 2007 and together with this Act, the KwaZulu-Natal Traditional Leadership and Governance Act, no 5 of 2005 the Premier and the members of the provincial executive council have given recognition of the role of traditional leadership in KwaZulu-Natal province. This has not been the case before. The legislature has subsequently established the Royal Household Trust Act, no. 2 of 2008 concerning the Royal Household.

The study suggests that the KwaZulu-Natal legislation should be generic to all the provinces and it will assist traditional leaders with the funding of their Royal households.

6.3.3 Training and development

The findings of the study confirmed that there is no formal training for traditional leaders and some of the traditional leaders experience problems when performing managerial and administrative functions. This results in traditional leaders not being sure of what role they should play in municipal councils. It also revealed that tension exists between traditional leaders structures and municipalities because some traditional leaders are not trained in local government matters. The study confirmed that training of traditional leaders will enhance effectiveness and efficiency in the promotion of municipal service delivery. The study proposes that there should be provisions for formal training of the existing and future traditional leaders at tertiary level. They ought to reinforce the culture of studying in different fields such as public administration, leadership, finance and commerce.

6.3.4 Delegation of powers

Traditional leaders have performed some municipal service delivery function even prior to the establishment of local government structures. The powers of the provincial houses of traditional leaders should in general be strengthened and expanded. The same applies to the National Council of Traditional Leaders. The fact that the houses in terms of the interim Constitution have only advisory powers and their advice can be ignored by the provincial legislature and Parliament thus undermining traditional leaders' credibility and legitimacy. The respective houses of traditional leaders should, at least have a veto regarding those matters pertaining to the powers and functions of rural municipalities, the demarcation of rural government areas, the organisation of district councils and matters that directly affect the culture, customary laws, communal land, conventions and usages of communities served by traditional authorities.

The Constitution does not clearly state the role of traditional leaders in municipal services. It, however, gives a clear disposition of the role of municipalities. A vacuum exists between the two structures. The study proposes that district municipalities should relinquish some of their duties to traditional leaders in order to deliver efficient and effective municipal services. The level of authority vested in municipal councils should not ignore the authority of tribal authorities headed by traditional leaders. The findings of the study confirm that political office-bearers in the formal governmental structures are entrusted with more legislative power than traditional leaders.

There is a need to further explore and investigate the socio-economic empowerment of traditional leaders. Further research should be conducted in outlining the role of traditional leaders within the current democratic structures in South Africa.