

**CO-OPERATIVE GOVERNANCE AND SERVICE DELIVERY
IN THE DURBAN METROPOLITAN
TRIBAL AUTHORITY AREAS**

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1) Introduction

As the nation nears its third democratic elections, the role of traditional leadership in governance and service delivery matters is once again a politically contested one. The timing of the Traditional Leadership and Governance Framework Bill (2003) will test whether this regulation has the capacity to commit all stakeholders on matters concerning governance and service delivery. Reflection on past political conflicts in the city of Durban and the KwaZulu Natal (KZN) Province, that resulted in the postponement of two elections early in South Africa's democracy raises speculation on the political outcomes that this election has to bear on governance and service delivery matters. Given the volatility expressed in the current relationship between traditional and modern forms of governance it is more than likely that these conflicts will impact on the pace of service delivery. The maturing of relationships between traditional and modern approaches to government in South Africa is still in its infancy stages, crawling in and out of the political spotlight. Some of these local politics are played out in the glittery council boardrooms whilst others on the rough fields of the rural peasantry.

In order to bring some order into the relatively chaotic and at times ambiguous relationship with traditional leaders in the past decade the state has made various attempts at arriving at a policy on Traditional Leadership and Governance. On the 28 October 2003 this policy was recommended to parliament for approval into a Bill. Whilst the Bill is awaiting ratification, political rumblings is already an indication of how this legislation is going to be played out later on the role of traditional leaders on governance and service delivery issues. Greater interest lies in the way in which the different actors who have informed the formulation of this Bill accommodate compromise or at the worst play out their differences on the political turf.

An added dimension to this political contest in the Rainbow Nation is the competing test for power between traditional and modern forms of governance that adds colour to the

political landscape on which issues of power and control are being tested. Whilst the outcomes are not altogether spectacularly colourful, sometimes marred by violent opposition and conflict, the initiative to find a governance framework satisfactory to the needs of all stakeholders is perhaps politically ambitious given the notorious history of traditional leaders in the country. Colonial and apartheid cultural engineering of indigenous South Africans led to a system similar to a state within a state with varying levels of privilege, dependency and subjugation within and between traditional and modern systems of government. While the past regimes endeavoured to tolerate this system with somewhat anachronistic practices; in the new democracy this institution has gained new vitality through a system of co-operative governance that allows for a compromise between what is old and new.

Going by the nature of political relationship between the state and traditional systems of governance, the last nine years of South Africa's democracy was characterised by attempts by the latter to strongly express themselves as important stakeholders on issues of governance and service delivery. They have strongly succeeded in dispelling the perverse notion of being an institution steeped in the practice of symbolic customs and rituals but also as a force that can have a significant impact (positive or negative) on the extent to which the notion of co-operative governance can sustain itself. Bearing in mind the political, economic and social complexities, which this institution brings about to bear on South Africa's democracy, it is of academic interest to see whether the old and the new forms of governance can co-exist, annihilate or better still accommodate each other in the interest of service of delivery for those citizens confined to the margins of the city.

In the political debate on emerging traditional systems of governance co-existing with modern systems the case of Durban presents a compelling opportunity for research. Durban is unique as it represents the only urban environment in the country in which adaptation to co-operative forms of governance involving traditional leaders is being tested out at a metropolitan level. Durban presents an interesting opportunity to explore how this experiment with traditional system of governance has stalked its way out of the jungle of South African politics and the complexities accompanying it in its encounter with modern forms of governance in the city board rooms. It examines the prospect of development opportunities in the tribal areas of Durban and the social, political and economic constraints and opportunities posed on this landscape due to ambiguities and delays in national legislation on the roles and functions of traditional leaders in governance and service delivery.

Although Durban has advanced its encounter with traditional leaders on co-operative principles of governance, the absence of clear national guidelines make this process of co-operation precarious. The greatest challenge to co-operative governance is the ability of traditional leaders to make the transition from the jungle of rural politics to the city boardrooms based on clear policies. Whilst some traditional leaders have traded their traditional leopard skin regalia for board room suits to pursue modern systems of governance to assert their hegemony over the impoverished rural peasantry in the city,

others chose not to engage, while a few remain indifferent to such attempts. It is against this context that the paper examines the nature of political relationship between the city fathers and traditional leaders on co-operative forms of governance and their impact on service delivery and infrastructure provision in the rural areas of the city.

This paper raises the following questions:

- to what extent can traditional leaders play a role in service delivery, if not as policy makers but at least as lobbyists on matters of governance and service delivery; and
- in terms of re-prioritising service delivery, what are the consequences of including rural and semi-rural areas in the metropolitan area.

The paper begins with a brief overview of traditional leaders and local governance in apartheid South Africa. This is followed by a discussion on the transformation of this system and its structure, as it exists today. Finally, the issue of governance and service delivery in the new Durban metropolitan is presented, with particular focus as to whether traditional leaders have a particular role to play in the context of a rapidly changing local government environment.

2) Meeting the development challenge - The case for change

The post-apartheid Constitution of South Africa created a three-sphere system of government in which local government is an equally ranked sphere as are the national and provincial governments. The idea of an autonomous local government with full administrative and financial management capacities impregnated the fundamental texts of the ANC, for example the Freedom Charter or the Reconstruction and Development Programme (RDP), the latter being the project for South African social renewal that Nelson Mandela put forward, upon his election as President in 1994 as the government's policy framework. A logical outcome of this policy framework was the high-priority political objective of community empowerment, which was finally enshrined in the Constitution.

The new majority, comprising the ANC aimed to equip the country with the institutional means in order to completely dismantle the apartheid system and also to obliterate all the general principles of discrimination, segregation, inequality and injustice, which characterised the former regime. One of the means of ensuring democracy was the better redistribution of wealth and economic efficiency through the establishment of local jurisdictional entities governed by authorities with real competencies and means of action.

It was at the local level that public authority, communities, economic actors and citizens in general were expected to work together in a co-operative and efficient manner so that the needs of the population, services and infrastructure could be identified and implemented. It is against this context that the transformation of local government in South Africa was pursued.

Notwithstanding the spirit of the RDP to empower local communities to participate in development issues at a local government level, in many provinces and especially in KwaZulu-Natal, the transformation of local government is facing a challenge in the form of traditional authorities. More specifically this challenge takes place against a background of a virtual civil war between the UDF/ANC and IFP from the mid-1980s to the mid-1990s, in which a substantial number of traditional authorities supported the latter party. What is important to note in the run up to the present conjuncture is that since 1994 there is a gradual acceptance, which has been formalised by peace pacts between the IFP and ANC. There is mutual regard for the basic democratic formulation that by giving the new state the right to formulate reconstructive and development policies, collect tax and use legitimate generalised force/coercion, the citizens of the new state, and particularly communities under traditional authorities also acquired (and in some cases required protection by the state) the right to enjoy those services commonly known as public utilities/public services or goods, *albeit* as part of public debate. In this particular regard a range of utility services such as water, electricity, roads, houses, clinics, libraries etc. became a right of citizens.

This overlap in the form of modern systems and traditional forms of governance reflected at one time the modalities of state forms of power to act on and shape individuals and collectivities in line with the policy of apartheid. It is these modalities of operation in a new state that had become a source of intense conflict until recently in KwaZulu-Natal between traditional leaders and the government on the question of the exact roles and responsibilities of the latter, including those related to service delivery.

In 2000 the metropolitan area of Durban was dramatically extended by the inclusion of rural and semi-rural area. The local government's main prerogative is to implement local development policies, especially through service delivery, and in doing so it must also address the backlogs of these new metropolitan areas. As these areas consist of 16 tribal areas, it is difficult to ignore the importance of traditional leaders. The very fact that tribal areas have been included within the metropolitan area is indicative of encounters between urban and rural forms of governance in overcoming the burdens of past, not least that which is predicated on past, *albeit* contested constructions of traditional functions, roles and power.

3) Balancing old and modern notions of governance with co-operative forms

Traditional authorities, as it is commonly debated, should either be abolished as an anachronism in modern democratic systems of government, or should be allowed a measure of independent existence, share in governance, but not compete with formal democratically elected governments. The first option, its abolition, can easily be disposed of as idealistic wishful thinking at best, or worse, nothing less than a disastrous position whose outcome is too ghastly to contemplate, particularly in KwaZulu-Natal. The latter proposal, of peaceful co-existence, is often offered as an Africa solution to resolve conflicts in matters of governance. Indeed the constitutional phase of 'co-operative governance' is often quoted to

characterise this way of getting on with the business of government, involving the relevant stakeholders such as traditional authorities, by providing the service delivery and development that it loftily promised in 1994.

In finding 'An African solution to an African problem' this is often justified on the basis that 'co-operative' government is both a constitutional and legislative requirement, and a policy is being followed. To state that such a legal constitutional and policy requirement is being fulfilled would be to suggest that an objective, an intention of government, is being implemented and successfully achieved. Such a perspective, even to the casual observer, would be lacking in precision. Its imprecision is not just because the roles and functions of traditional authorities are still contentious, and the subject of debate, particularly in a white paper, but it would suggest that government policy of 'co-operative governance' is being implemented and driven by a process which provides for a tangible, regulated and legitimate outcome. If this is the case, then it would suggest that the policy and legislative framework already shapes the way traditional authorities are being categorised and classified in terms of their status and position within a system of governance, giving meaning to what they do or practice as it contributes to, or detracts from 'co-operative governance'.

We suggest in this paper that the outcome is not a foregone conclusion inherent in using rational analytical tools drawn from either western political statecraft traditions or from Africanist approaches, which equally privileges ideal models from a perceived African heritage. What we do suggest is that the engagement between state through its policy, legislative and constitutional positions and traditional authorities is contingent on a variety of actions ranging from contestation or compliance with the terms of the policy (or policies) and legislative framework as the process evolves with greater depth and complexity. The outcome of this clash for the organisational form of legitimate governance structures at local level is more likely to be contingent, negotiated and re-negotiated, and which may include the use of violence as protest, or in defence of whatever interests are at stake, including that of the state (which ostensibly has a monopoly on legitimate use of coercion and violence).

4) Haunted by the past – The roaring institution of traditional leadership

Like most of the African continent, indigenous local government in South Africa has been the center of political marginalisation before and after democracy. For example, as early as 1847 the British colonial administration in Natal viewed the tribe as a basic unit to exercise authority and act as agents of the colonial government. Consequently, Ordinance No.3 of 1849 provides for the recognition of customary law as long as "it was not repugnant to the civilised world". Chiefs were accorded judicial functions under the control of magistrates, although the extent of their jurisdiction was not specified (Zungu, 1997:165).

However, the Black Administration Act of 1927 (section 5(1)a) further attempted to co-opt

traditional leaders into the colonial system of government. It empowered the Governor General or the State President to create new tribes, to divide existing tribes and to demarcate the area occupied by the members of the tribe (Zungu, 1997:165-166).

Upon coming to power, the Nationalist Party further attempted to regulate the powers and jurisdiction of traditional leaders. The Black Authorities Act (No.68 of 1951) ensured that traditional leaders were dominant in tribal, regional and territorial levels. This opened the way for the apartheid regime to consolidate "reserves", which for some had become "self-governing", whilst for others "independent" homelands (Ntsebeza, 2000:288).

Under the homeland system during apartheid, chieftainship was no longer a strictly hereditary right. The appointment of all new chiefs had to be ratified by the homeland government. Traditional principles for the appointment of tribal councillors were ignored, with only some actually being elected and the chief appointed the vast majority himself. As a result, tribal authorities lacked the subtle control measures that moderated the power of the chiefs in the pre-colonial period. Under apartheid, the constitution of the homelands allocated 50% or more of the seats to chiefs as *ex officio* members, ensuring that the balance of power remained in the chief's favour (Tapscott, 1995:294).

An important instrument of power for traditional authority was the control and allocation of land. As a consequence of the apartheid laws and influx control measures, the rural homeland was the only place in which the majority of Africans could legitimately claim a piece of land. Although the land was not substantial, it provided a home for an individual's family. The chiefs had the power to decide on issues such as land ownership as well the power to remove individuals from their land (Ntsebeza, 2000:289; Tapscott, 1997:294-296).

The role of the traditional leader was relegated during apartheid to being a representative for the relevant state department without much responsibility for decision on service delivery. In effect, traditional authorities were never empowered to deal with development issues and as such, they searched for alternative methods of recognition through party political activities, especially within the IFP. This is evidenced in KwaZulu-Natal where most of the traditional leaders became members of the KwaZulu Legislative Assembly that was created under the apartheid regime. Secondly, it ensured them a parliamentary salary, compared to the meagre chiefly stipends they had before (McIntosh et al, 1996:341).

Basically, the institution of traditional leaders during the colonial and apartheid legacy has been largely under-developed, under-resourced and relegated to the periphery of relatively affluent white South Africa. Through a complex set of legislation, the institution was transformed into a tool through which the "cultural differences" of the black people were emphasised and used as a basis to balkanise the country. These areas came to be regarded as reservoirs of cheap labour for urban centres and mining conglomerates. It must be noted that despite these coercive methods of co-opting the institution of traditional leadership, there were some that not only rejected co-optation but also took active steps to oppose it

(Discussion Document towards a White Paper on Traditional Leadership and Institutions, 2000:4).

In the section to follow, the response of post-apartheid government to this contested institution is examined.

5) The transformation agenda: Remoulding the institution of traditional leadership

Institutional Framework for a "New Look"

Currently South Africa has about 800 ruling chiefs supported by 1 000 headmen. Their authority expands over 18 million people or approximately 40% of the population who are largely rural. The Government of National Unity (GNU), upon coming to power in 1994, recognised the importance of this institution in Section 12 of the Constitution (Act 108 of 1996).

Although the Constitution recognises the importance of traditional leaders, it falls short of outlining their exact role and function at a local level. Instead, the Constitution states "national legislation *may* provide for a role for traditional leadership as an institution at local level on matters affecting local communities" (Section 212(1)). The full interpretation of this Constitutional provision is problematic in that it suggests that it rest upon the central government to interpret the exact roles and responsibilities of traditional leaders.

Surprisingly, the White Paper on Local Government (1998) did not renew any approach of the traditional leadership. In fact the White Paper simply highlights what the roles and responsibilities had been like in the old dispensation. In the absence of any new national policy on the definition of the roles and responsibilities of traditional leaders, definitions contained in the White Paper on Local Government are the only one to go by. Broadly speaking, the White Paper outlines the functions (sometimes very vague) of traditional leaders as follows:

- acting as head of the traditional authority, and as such exercising limited legislative powers and certain executive and administrative powers;
- presiding over customary law courts and maintaining law and order;
- consulting with traditional communities through *imbizo* (meetings);
- assisting members of the community in their dealings with the State;
- advising 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;
- protecting cultural values and providing a sense of community in their areas through a communal social frame of reference;
- being general spokespersons for their communities;

- being symbols of unity in the community; and
- being custodians and protectors of the community's customs and general welfare.

More specifically, their role in the development of the local area and community include: 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 constituency participates in decisions on development and contributes to development costs; and considering and making recommendations to authorities on trading licences (White Paper on Local Government, 1998:96).

An important observation in the White Paper is that traditional leaders do not have direct decision-making powers on development issues, only in the event of their roles overlapping with municipal functions. In instances where there is an overlap, it is the municipality that has jurisdiction and not the traditional authority. In other words, traditional authorities will be obliged to operate as part of the government in a local government structure.

The image of a traditional leader as portrayed in the white paper is overwhelmingly one of a benign facilitator of local disputes, adjudicator of traditions and customs, and state informant/consultant on matters of development. Actual robust engagement by traditional leaders with the state is not envisaged. The actual work of traditional authorities certainly in the latter half of the 20th century has been varied, and does not conform to this image. Perhaps the objective reasons for traditional authorities' unease with contemporary policies of a post-apartheid government lies partly in what their actual roles, rather than the assigned functions, were in the past. It might be even suggested that the image envisioned by the policies and legislation of a post-colonial government (and in the constitution) is consistent with an imagined unchanging chieftaincy from a distant past, appended onto a modern democratic modality without much forethought.

Prior to the establishment of the KwaZulu Homeland and KwaZulu Legislative Assembly in the early 1970s, the magistrate played a crucial role in co-ordinating the activities undertaken by the various divisions of the Department of Native Affairs (later Bantu Affairs). The magistrates generally liaised extensively with the *amakhosi* in implementing government policy because they lacked an adequate policing or administrative infrastructure for such implementation. They therefore relied on the traditional leaders, who took on a series of *de facto* powers in association with magistrates. However during the 1970s the functions of magistrates were brought under the control of the KwaZulu Government. Service delivery became the responsibility of the KwaZulu Government and exercised through individual line departments. Traditional leaders could make requests and voice their concerns, but these were to be processed through a regional authority, then to the Chief Minister's office, and then back down to various line departments (MacIntosh 1996).

The consequence of such centralised forms of decision making on delivery and development of local services, and the actual provision of services, were handled by officers of the line

ministries, and the traditional leaders were bypassed, and in effect were still confined to performing various judicial functions under customary law, including dispute resolution, land allocation and administration. Given these conditions and difficulties (lack of service delivery and inadequate infrastructure) to carry out their duties many traditional leaders sought political authority beyond their domain through participating in the party political arena, particularly by seeking membership of the old KwaZulu Legislative Assembly, which some have argued compromised them in the eyes of their followers. The outcome of the KwaZulu homeland experiment was that there was great variability in condition that traditional leaders found themselves in. Many found themselves living in conditions which were close to being poverty stricken, poorly educated; often feeling threatened by proposed development initiatives, by those with higher incomes within their midst, and the youth who, whatever the failures of the education system, were better educated. But there were others, who became influential, wielded political power or had the appropriate political connections, had/have extensive business connections and are invariably well educated. It is implied that under these circumstances different traditional leaders have responded to the overtures of the government since 1994, and have sought to maintain their influence over their followers, or somewhat have, asserted authority over their 'constituents'. Indeed in the early years of the new government, when the process of municipal demarcation began, relations with their 'constituents' ranged from exercising their authority through violence and despotic behaviour as was common throughout the 1980s, to regular consultation with their councillors (*indunas*).

The unfinished and unlikely success of the homeland experiment resulted in a combined legacy of neglect and patronage, of development and underdevelopment that continues to shape the lives of traditional leaders and the communities they lead today. Yet the roles and functions of traditional authorities are still unresolved in the post-1994 period, *albeit* that there are new consultative structures and institutions. These new institutions shape the way in which traditional leaders have to reconstitute themselves in order for their concerns to be addressed (as an interest group) to the state, and how they articulate their concerns (as themselves) and their subjects. The pertinent question is whether the new framework provides a basis for co-operative governance.

Institutionalising Traditional Authority – Framework for co-operative governance

Although much ambiguity exists on the exact roles and responsibilities of traditional leadership at a local level, provision is made for them to approach and lobby other agencies and spheres of government at both provincial and national levels through the houses of traditional leadership. The 1996 Constitution makes provision for the establishment of a National House of Traditional Leaders subject to relevant national and provincial legislation. The functions of these houses are to advise government on matters affecting traditional leadership, traditional communities and customary law. It must be noted that it is not mandatory for government to seek the House's advice before or during the submission of legislation and policy documents to Parliament.

In keeping with the Constitutional provision, six provincial houses were established in terms of legislation passed by the provincial legislatures and in close consultation with traditional leaders. This assemblage of houses resulted in the formation of the National House of Traditional Leaders in terms of the National Council of Traditional Leaders Act of 1998. The national structure consists of 18 members (3 nominees from each of the six provincial houses).

Presently, the chairperson and all members of the National Council of Traditional Leaders are part-time members. The National House has strongly indicated its need to the government to become a full-time body and to play a more significant role in policy formulation and in the finalisation of legislation. Legislation is being drafted to provide for the chairperson to be appointed on a full-time basis.

The Department of Provincial and Local Government are responsible for the administration of traditional affairs at the national level. The provincial houses of traditional leaders interrelate with the provincial administrations responsible for the administration of traditional affairs. However, relationships with government and the functions of the provincial houses differ from province to province.

Specifically concerning the appointment of traditional leaders, customary practices within individual communities are taken into account. The provincial government seeks the advice of the Provincial House of Traditional Leaders or other functionaries before the Premier makes an appointment. Existing regional authorities also make submissions, especially in respect of succession of traditional leadership. The number of members of the six provincial houses at present is as follows: Eastern Cape 20; Free State 15; KwaZulu-Natal 76; Mpumalanga 21; Northern Province 36; and North West 24. Overall, KwaZulu-Natal represents 40% of the total membership.

Long before the legacies of colonialism and apartheid, chieftains, or *amakhosi* enjoyed a position of unique position of authority in their community, based on an elaborate system of household production and exchange, surplus extraction and use of legitimate force. They served as repositories of extracted surplus production and centres of redistribution during times of need. This system, and the political control exercised by the traditional authorities [*amakhosi*] were curtailed drastically by colonialism and apartheid. It has been claimed that during the colonial era, traditional authorities continued to derive power and influence from their role as intermediaries between government and communities, even though the Zulu Kingdom and individual chieftaincies had been subjugated. In the era of democratic governance traditional leaders no longer enjoy remuneration or emoluments from their tribes, but are paid in terms of laws passed by central government on a uniform basis, without distinction on the size of the tribe. Yet they still enjoy a social and political importance that cannot be ignored. We shall return to the continuing, *albeit* now changing, basis of this social and political importance as it highlights the fragmented way in which traditional authorities, in the current conjuncture, have approached the issue of dealing with the changed policy and legislative environment, and the new roles that they are assigned as

part of the new local governing structures.

6) Crossing the boundaries of traditional rule -Demarcation and the new political deal

A direct consequence of the local government democratisation process was the demarcation of boundaries. Boundary reforms are known to have the side effects of political and territorial rivalries. Looking at some international examples such as the USA, Nigeria, Britain, and Western Europe when cities have tried to expand into suburban or rural areas they have sometimes have encountered a certain opposition. Some of the major reasons for resistance include concern about the loss of local autonomy, increased distance between voter and local government and concerns about higher taxes.

In the discourse on demarcation, competing political and technical factors invariably influence boundary decisions. However, in making such decisions, one needs to be reminded that boundaries are not neutral lines. Often they determine the contours of political power. Boundaries influence citizens access to services and bring into question the financial consequences of such actions (Cameron, 1999:4).

In the South African context, the decision to demarcate new boundaries as a pre-requisite to the implementation of the new form of local government, was inspired by the fact that many boundaries irrationally divided settlements based on the previous legacy of apartheid. In effect, this had disempowered municipalities intending to plan and provide for the needs of communities within the integrated social and economic area of the settlement (White Paper on Local Government, 1998:98).

Based on the above principles, demarcation boards were established in the first half of 1994. In KwaZulu-Natal the Demarcation Board became operational in September 1994. The provincial Demarcation Board had until 31 July 1995 to make its recommendations to the MEC (Minister of Executive Council) in order to comply with election regulations. Due to the volatile political situation in the province between the ANC and the IFP (with the IFP enjoying popular support in former traditional areas), the Board was instructed to ensure that consultation took place with every tribal authority, sometimes under the protection of the army (Pillay, 1999:207).

Urban and rural space struggles in the DMR: The politics of 'chiefs' and 'comrades'

In 1995, the Board's proposal for the re-demarcation of boundaries within the substructure level of the City of Durban and those external to it comprising mostly tribal land, met with strong opposition from the *amakhosi* and the IFP in Kwa-Zulu Natal. At the substructure level, the two competing political parties (ANC and IFP) accused each other of manipulation of the city's boundary (which was historically segregated by apartheid) in order to protect their own constituency.

In July 1995 the Demarcation Board for Durban proposed ten substructures based on “population balance and community interests rather than economic viability” (Report on the KwaZulu-Natal Local Government Elections, 1996:24). For example the Indian areas of Chatsworth, Shallcross, Reservoir Hills and the mainly white areas of Westville and Queensburgh were to form one substructure along with the mainly African area of Chesterville. In addition, the Board also proposed the promotion of purely Black municipalities such as Umlazi (south of Durban) and Ntuzuma/Newtown/Inanda (townships and informal settlements).

The Demarcation Board came under attack by the MEC for Local Government and Housing, Peter Miller who charged that historically disadvantaged areas stood no chance of standing on their own financial resources and that the proposals made by the Board was tantamount to retaining apartheid style boundaries. The economic viability of the boundaries of the substructures was not only pursued by opposing visions for the best mechanism to deal with poverty, but also by nuances of party political interests. Under the ten-substructure proposal, the ANC stood a major chance of winning at least some of the substructures. However, after extensive negotiations, it was agreed to adopt the MEC’s (who himself is an IFP member) proposal of six substructures in the metro on the grounds of economic viability (Polunic, 1999:77-78).

The outer boundaries of the city were a serious point of political contest between the IFP and the ANC since it involved the inclusion or exclusion of tribal authorities located on the fringe of the metro. These areas were formerly administered by the KwaZulu homeland government and over time became functionally urban in character. The incapacity of the former KwaZulu government to develop the area and its communal land tenure arrangements led to these areas being very poorly serviced.

However, the Demarcation Board’s proposals to include a significant portion of land under tribal authority into the metro were rejected by the IFP. The IFP was aware that ANC support in the metro area was significant and conversely, its own support was rooted in peri-urban and rural areas. The incorporation of large portions of tribal land into the metropolitan area represented to the IFP a potential loss of control and a substantial gain to the ANC. Consequently, local government elections in KwaZulu -Natal were delayed until March 1996 and the matter referred to the Electoral Court for a decision.

During the Electoral Court proceedings, in a dramatic turn the two contesting political parties made a final attempt to resolve the matter. The outcome of the discussions led to a compromise, with the substructure boundaries being reworked with a formal proclamation of the newly acquired areas being made on the 4 March 1996.

It is important to note that despite the political contest for the inner city, the demarcation process confined itself ultimately to the official objective of the exercise to create sustainable municipalities. Despite this, the compromises reached by the ANC and the IFP were also politically motivated. This is more so in light of the fact that the ANC’s political

support base is more prominent in the city compared to the rural areas of KwaZulu-Natal, which is significantly dominated by the IFP.

In addition, it is worth making reference to the June 1996 local government election results in KwaZulu-Natal. As anticipated, the ANC won an overwhelming victory in the city. According to Polunic (1991:110) the ANC's victory may be partially attributed to the Special Electoral Court's decision to exclude traditional areas. Significantly, in the iLembe regional council (the rural local authority surrounding the Durban metropolitan area, which was later included in the Uni-City boundary) the ANC won 32% of the vote. One of the major reasons cited by the ANC for its poor election results in the rural areas was the strong presence of the *amakhosi* who prevented them from campaigning in these areas. Interestingly, 20% of the rural councillors comprise the *amakhosi* with a very strong IFP alliance (Polunic, 1999:114).

Nevertheless the 1995/1996 demarcation process was not the only one that South Africa has experienced since the regime change. The establishment of a modern system of local government followed a three-phased process :

1. the pre-interim phase which began on 2 February 1994, with the promulgation of the Local Government Transition Act (LGTA) and which was completed with the first local elections in November 1994 or May/June 1996, according to the Provinces in question;
2. the interim phase, initially foreseen for a duration of 3-5 years, which began at the time of the first local elections and ended when the practical implementation of the new 1996 Constitution at the local level was possible; that is to say, from the local elections which were held in December 2000; and
3. the final phase, based exclusively on the new 1996 Constitution, from December 2000.

Bearing this in mind, the Municipal Demarcation Board was required to take the following into consideration when determining boundaries at the end of the interim phase:

- interdependence between communities in the area in respect of settlement patterns, work, commuting, spending patterns and recreation;
- financial viability of the municipality for that area, including a viable tax base for the performance of its functions;
- sufficient financial and administrative capacity of the municipality to perform functions efficiently and effectively;
- topographical, environmental and physical characteristics of the area;
- existing functional boundaries, including tribal authority boundaries, magisterial districts and enumerator areas; and
- existing and future land usage, town and transport planning, including commercial, industrial, residential and recreational and amenity use (White Paper on Local Government, 1998:99).

Service delivery and co-operative governance

The interim phase was, in a certain manner, a municipality viability test-period. Considering that many municipalities were not economically and financially viable, the national government decided to redraw the municipality map and a new demarcation process was launched in 2000. The 883 South-African municipalities settled for the transition phase were reduced to 284. This re-demarcation process was also the pretext of reinforcing the metropolises. As part of extending their areas, the concept of “Uni-City,” which substitutes for the former metropolitan divisions into districts and centralising the power at a unique council, was implemented.

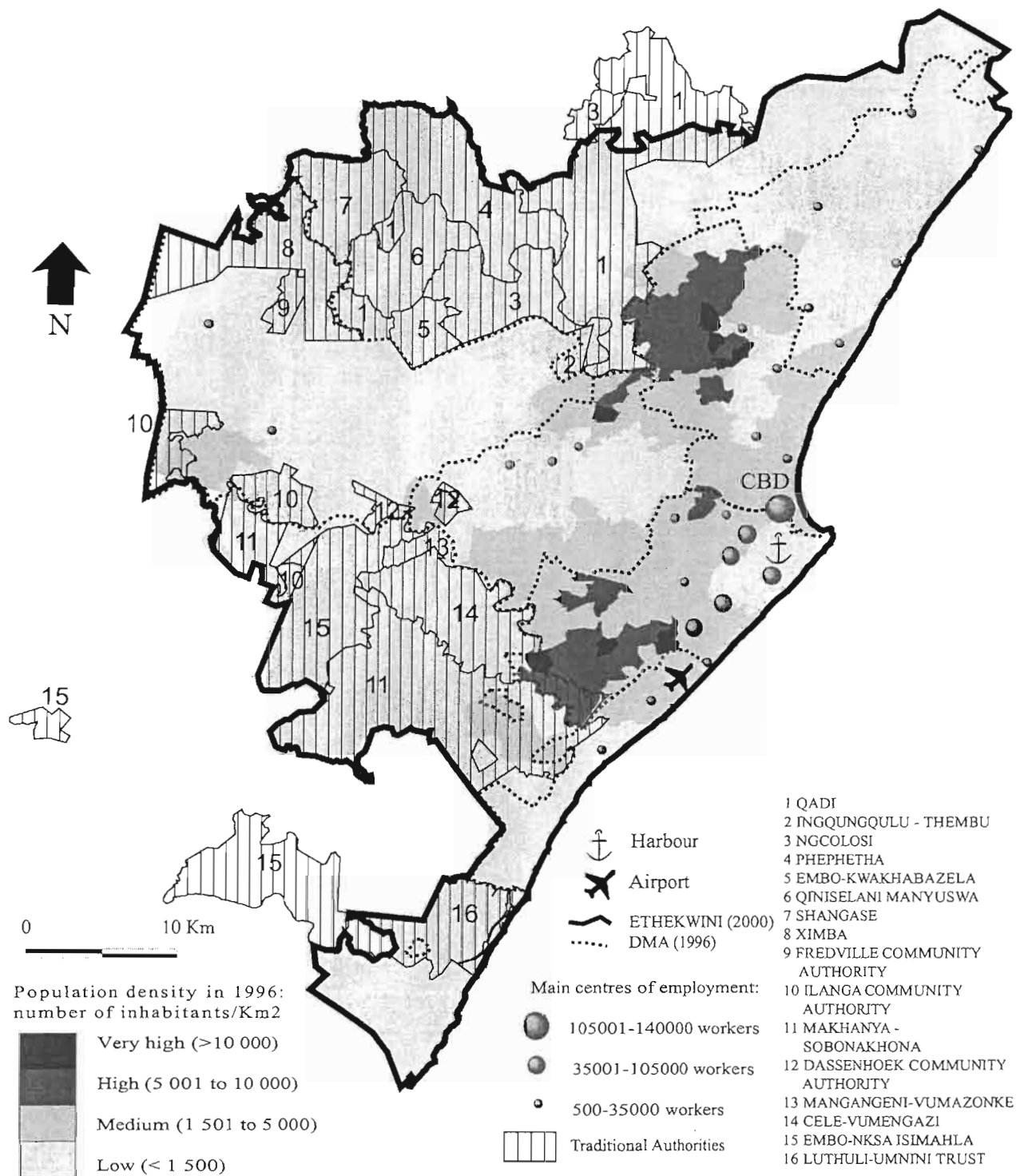
As a result of the demarcation process that preceded the 2000 municipal elections, the surface area (2297 km²) of Durban Metropolitan Region (DMR), is 68% larger than that of the previous Durban Metropolitan Area (DMA), (1366 km², see map). This expansion of the metropolitan territory consists mainly of rural and semi-rural areas. One of the noticeable characteristics is that most of them are tribal land. Sixteen traditional authorities exert customary rights on these areas. Therefore we have to acknowledge that what was a “reason for war” a few years ago i.e. the inclusion of rural areas within the metropolitan area, was made possible in 2000. This certainly reveals a radical shift in the strategies of the stakeholders be they political parties or traditional leaders.

Obviously, as rapid as the shift was, it was characterised by political conflicts that needed to be defused. Central to this conflict is the proposed amendment to the Municipal Structures Act (1998), which aimed to restrict the role and functions of traditional leaders in local government to customary law and community matters. This amendment provoked strong opposition from traditional leaders who felt that their functions were being defined similarly to those prevalent in the apartheid-era.

The major point of concern for traditional leaders was that the Municipal Structures Bill (1998) made no substantial provision for their participation in municipal councils resulting from the demarcation of boundaries, which included areas formerly under traditional authority. Interviews reflect complaints from traditional leaders that they have not been consulted adequately about demarcation. They claimed that they were marginalised. One traditional leader lamented *‘there was no consultation. They just went ahead with the process of demarcation without consulting us. That was a big problem and caused confusion among the people’*.

The Bill offered representation as observers in the council of the municipality to 20% (i.e. 3 or 4 out of the 16 in Durban) of the traditional leaders who have their land within a specific municipal area. Traditional leaders perceive that the installation of municipal authorities will supersede traditional leadership roles and instead of people seeing traditional leaders as actors of development, they will be seen as under the tutelage of the local government. Basically, traditional leaders could not expect municipal authorities to function and render services in areas under their jurisdiction without usurping their authority.

TRADITIONAL AUTHORITIES WITHIN THE ETHEKWINI MUNICIPALITY AREA



S. Vermeulin, IRD, University of Natal, 2003

Data: South African Explorer 2.01, Municipal Demarcation Board, August 2001 et Census 1996.

The chiefs wanted to vigorously defend their status. They claim that they are still very puissant. Claims such as *'I always ask myself who is senior in terms of status: the chief, mayor, councillor and the president, and I always believe that it's the chief'* needs no analysis to illustrate their self image. More astonishing claims that the *'apartheid government was much better (...) I really miss the old government'* is not only politically spectacular coming from the leaders in this institution but is like having salt poured into the fresh wounds of compatriots to remind them of their political responsibility in matters concerning service delivery and improving the quality of life of those disadvantaged by apartheid.

Yet not all traditional leaders saw local government provision of services necessarily as a negative intrusion into their territory.

'I want to concentrate on development' (...) *'My two main functions... are to unite people and maintain peace and stability, and to develop my people and their land'* and *'I also regard development as my responsibility'* is an expression of competence by leaders in working on matters of services delivery in their area.

While most traditional leaders shared the view that the demarcation process was flawed because of the process of consultation and the unsettled question of leadership roles and functions, the question of development elicited varied responses. There was complaint about the national and provincial governments: *'the only positive development introduced by the new government was to increase the salaries of traditional chiefs'*. They wanted remuneration that was similar to the executive members of the council: *'I see no reason why that inkosi can't be paid the same salary as the Exco members'*. Perhaps their claim for remuneration was a rational response to being at risk of being marginalised - many chiefs claimed that they did not have money to attend meetings of the metropolitan council.

It is these responses as leaders that are important to consider because it shapes the way in which new forms of governance will be introduced by them and accepted by the wider community, which they purport to serve.

Looking for "Chiefs" that will dress in boardroom suits

Stoker and Mossberger (1995) suggest a useful typology to understand the varied and perhaps fragmented responses to changes in local authority leadership roles unleashed by the demarcation process, and the passing of the Municipal Structures Act. While Stoker and Mossberger's analysis refers to the changes in local government in Europe, their typology of early adherents, pragmatic compliers, critical compliers and late adopters may be usefully adapted to the conditions prevailing among the traditional authorities within the Durban metropolitan area. The typology outlines four possible kinds of responses:

Early adherents: are usually leaders who display loyalty in adhering to implementing new

local government initiatives.

Pragmatic compliers: are leaders who will play the game, but lack any innovative vision on how the system can be worked to their advantage.

Critical compliers: these are leaders who may delay entry into the new system of governance, but once in will re-shape or interpret policies, procedures to fit their own vision, and/or local needs.

Late adopters: these leaders display little enthusiasm for the new system, make little attempt to comply. In some cases there is nostalgia for the past, an acknowledgement that times have changed irrevocably.

The nature of the responses may be related to the economic and political circumstances of the local area. Early adherents tend to be sympathetic to government, or act out of loyalty to a political party in government. Pragmatic compliers, although not enamoured by government restructuring of local authority structures, probably feel less threatened by the changes in local government, or the effects on their followers because they do not feel under threat politically, but are willing to comply. Critical compliers need to react because of declining, worsening or difficult social or economic conditions, or challenges to political leadership, whereas late adopters show little urgent response because they are in peripheral rural areas where there is very little or a small chance of service delivery benefits reaching them in the near or immediate future, and/or will be peripheral to the game of contestations and negotiations that, for example critical compliers will engage with, because it requires a commitment to acquire the knowledge (policies, laws, constitutional issues,) and understand how the new system works (governmental modalities). This is not to suggest that each traditional leader fits, or is made to fit each type. There will of course be some degree of overlap in these categories. However what is suggested is that the varied responses of the traditional leaders, as reflected in the interviews conducted, show an inclination to one of these types, and is useful to understanding the kinds of responses to be anticipated in governance issues within the proposed new framework. The case studies below illustrates the varied positions of the amakhosi in four metropolitan tribal areas in Durban:

Case one : The Adherent

An example of an early adherent to the policy of the central government is Inkosi Mlaba from the KwaXimba Tribal Authority. He initiated from a very early stage in 1995 the entry of his area, KwaXimba, into the newly demarcated Durban Metropolitan Council. In formal terms it became part of the outer west sub-structure. His political connections, being a member of the ANC and CONRALESA, (and consanguineously related to the Metro Mayor, Obed Mlaba) ensured a steady stream of development initiatives, principally in the form of providing basic services such as electricity, roads, water and civic halls in the KwaXimba area. However, Inkosi Mlaba openly welcomed development to the point of

saying that the institution of *Ubhukosi* (the institution of chieftainship) would in the final analysis fade away because of the power of representative and democratic forms of government. He argued that development in the peripheral mainly rural areas should involve a merger of the traditional form of governance with modern representative systems. Indeed according to the councillor for the area, cooperation between the *iziduna* (the *inkosi*'s councillors) and the Municipal Council representatives is precisely what is occurring in order to meet a number of development objectives beyond that of basic services. Thus there is a touch of innovation, mixed with prophecy in Inkosi Mlaba approach to politics and development.

Case two : The Pragmatist

Inkosi G however, argued that development of his area was a good thing, and would encourage it, although he was more sceptical of the process if there was no control over it by the amakhosi. Although he was openly critical of the municipality in applying a top-down, but argued that they, the amakhosi needed the Durban municipality to provide services such as water and electricity. This implied a greater degree of compliance with the way in which basic services would be provided by local government. He said, in reply to a question on the slow progress of service delivery to his outlying tribal authority area since the early 1990s:

"...we are hoping that now we will be under Metro they will consider assisting us with electricity. Perhaps the Durban municipality will see that it is not good for some areas to lack basic services while others have everything".

Although indicating a passive recipient mode of accepting service delivery he was ambiguous on his role in development issues: *'I fear my role in development is not going to be clear... I may not be able to play an active role in development under municipal structures'*. He nevertheless felt that he is active in development issues in his area and would not want to be excluded from playing a role in service provision. However he did not define what that role should be. He did not think that traditional leadership could be easily ignored because of its role in providing stability in rural areas.

Case three : The Critical Complier

Inkosi B represents that strand of critical compliers among the traditional leaders whose areas have been incorporated into the DMA. While some traditional leaders are ideologically tied to particular political parties, however impartial they might appear, *Inkosi B* offers a different approach. He is highly critical of the approaches which have politicised chieftainship, and made it a tug of war between two political parties, which he claims has led to confusion, not only among traditional leaders themselves, but also their followers, the ordinary people they are supposed to lead. He is also critical of leaders, elected or traditional, who have no understanding of development challenges, no knowledge, and sense of their responsibilities and duties. While he acknowledges that many among the

amakhosi are less than adequate to the task of leadership [in terms of education and ethical responsibilities to their people] he defends the institution of chieftainship almost on biblical grounds. Despite these limitations he is convinced that co-operative governance is the solution to the problems of development, and in particular basic services. He states: *'I differ from many traditional leaders because I see this [new local authority institutions] as a challenge'*. For him the challenge is multi-dimensional. It lies in equipping traditional leaders with intellectual knowledge of how local government works, the theory and legislation that underpins its work, and making and sustaining contacts with the elected ward councillors. *Inkosi B*, unlike many traditional leaders is not content to sit back and wait for councillors and DMA officials to come to him. Without upholding royal protocol as an excuse for not meeting elected ward councillors and officials, he has made contact with those he deems as relevant to his crusade for development in his area. In this melding of knowledge and action he sees engagement between traditional authority structures and local government as the fertile grounds in which to pursue the development agenda. In his interview he points to his certificates and diplomas on local government, project management and development from UNISA, Technikon SA and Damelin College. As he says *'If you talk about local government and municipalities to me, I do not get surprised or threatened'*. Although *Inkosi B* seems to eschew party politics, his emphasis is on the politics of the locality. In this sense he points to the fact that an *Inkosi* is only an *Inkosi* because of his appropriate leadership of his people, that is, the people that live within the designated boundaries of his chieftaindom are prepared to follow him. In this he says he is willing to share leadership with elected councillors because they must also be answerable to the people. He states *'I believe a councillor should know what he's supposed to do and the same goes for the Inkosi in terms of responsibilities and limits. There is no need for squabbles'*. Thus he argues that rather than playing to the gallery, for example by both parties trying to build sports grounds or civic halls near their own homes, a more rational approach needs to be taken into account so the maximum number of people in the community benefit. His rational model of negotiating the best deal for his people in conjunction with elected leaders is best expressed by quoting him at length:

'To me there is no need for quarrels between amakhosi and elected councillors because both are doing the same job. They must work together. The interests of people and their priorities should be considered when it comes to development. For example, if we want to build a hall we should look at priorities first before finalising it. In some areas there are halls dotting the hills when the people actually want clinics. That is why we have white elephants – chiefs and councillors are competing and building structures without consulting people about their needs'

We see here the emphasis on consultation with the people, the community of followers, and the electorate. This is refreshingly different from the image of recalcitrant, backward looking traditional leaders. Not only is he able to debate and challenge elected leaders, but also professional development consultants at their own game, without underestimating the enormity of the task of providing basic infrastructure and services. He thus reshapes the debate, and interprets policy in a bottom-up way, which not only parallels the intent of the

RDP programme, but also contrasts it sharply with the demarcation as essentially a top-down process.

Case four : The Nostalgic

In sharp contrast to this interventionist approach are those leaders who display little enthusiasm for the new system, making little attempt to comply in the sense of how the system might be used to explore advantages and the limits of the concept of co-operative governance. Their disposition is one of holding at arms length the 'fait accompli' of new local government institutions. While not wanting to appear to be against the idea of democracy, they concede that there has to be a parallel system of governance: the traditional system as intact, and the local municipal system, which should be subordinate. For example, playing on the idea of biblical precedents of the divine right to rule, one *Inkosi* argued: *'We do want changes but not when those are brought in order to destroy traditional leadership. Traditional leaders rule by divine right because they were put here from time immemorial by God...during the days of Kings David and Solomon. Traditional rulers are the representative of God and look after the people on his behalf.'*

Recognising that his people are functionally linked to the urban economy of Durban, have the right to vote, and cannot possibly gain access to services without the municipality, he argues for a depoliticised local government which provides services as a purely technical exercise at his request.

'We as traditional leaders want development and the brightness of the urban area like good roads, electricity, water and many other good things...But what we say is that we do not want the municipality in our areas...we prefer the status quo to remain. The present local government should continue to work hand in hand with traditional leaders.'

Another inkosi put it more blatantly:

'I am not calling for an alternative state, but I am saying we should work with one another, but under the same conditions as we did during those days of the KwaZulu government. We need to work together but we don't want to have a situation where the mayor undermines us'.

Indeed this model of benevolent divine rule is most exquisitely expressed thus:

'The way I see it is that the King must be at the top level of the pyramid, below him amakosi who are part of his council and then the government, like it is done in the British system. The government needs to refer any disagreements to the King for a final decision. This is very simple and clear'.

Their reluctance to comply with the new system is also tinged with nostalgia for the past dispensation of the old KwaZulu Legislative Authority and scepticism of what real changes

it might bring. *'I really don't see the point in this demarcation. No change is going to take place because of the demarcation and the new government'*. While his scepticism on the real possibility of change may seem healthy, it stops at that. In other words any engagement with newly elected councillors is premised on such councillors meeting with traditional leaders in the first instance. This is a common refrain: *'The government must not impose the municipality'; 'the amakhosi should always be consulted.'*; *'The fact that they[elected ward councillors] have not introduced themselves has led to a deterioration of relations'*).

Risking the credibility to govern democratically

The conflict between traditional leaders and the State on the newly demarcated boundaries evoked much concern about the future political stability of local government (in its second term of office) due to widespread threats from the *amakhosi* to call for a boycott of the local government elections.

The protest of traditional leaders on the Municipal Structures Bill (1998) did not go unheard by the State. The State did not want the second democratic local government elections to be at risk of being derailed, especially in KwaZulu-Natal, where the *amakhosi* is still very influential. Compared to the other provinces, KwaZulu-Natal has a peculiar political landscape. The Provincial Legislature is dominated by the Inkatha Freedom Party (IFP) under the political leadership of *Inkosi* Dr Buthelezi, who himself is a traditional leader with much influence in the rural areas. On the other hand, the city is predominantly African National Congress (ANC) dominated.

The *amakhosi* in KwaZulu-Natal are known to have the largest constituency compared to their counterparts in the other five provinces. To illustrate, in KwaZulu-Natal the *amakhosi* comprise of a King, 277 chiefs, 8 deputy chiefs, 10 000 headmen and have jurisdiction over 23 regional authorities and 4 community authorities. Furthermore, as noted, the KwaZulu-Natal Provincial House of Traditional Leaders, has the largest number of representatives compared to the other provinces (40% of the national total). Given the fact that most traditional leaders in KwaZulu-Natal align themselves politically to the IFP, it is no wonder that traditional leaders in this province enjoy significant power. Further, regarding the KwaZulu-Natal Ingonyama Trust Amendment Act (1997), the King in KwaZulu-Natal is vested with powers to administer and manage land falling under the jurisdiction of tribal authority for the benefit, material welfare and social well-being of the members of the tribes and communities as set out in the KwaZulu Amakhosi and Iziphakanyiswa Act (1990) (KwaZulu-Natal Ingonyama Trust Amendment Act, 1997, Section 2(b)).

This 'ownership' of land by traditional leaders has always been an important source of power. The land is owned in trust by the king and through him the amakhosi. In theory people living under traditional authorities do so on what may called usufruct rights. It is this land allocation and the usufruct rights accompanying it that gives traditional leaders the continued source of their authority. However, this power is only relative to a specified

territory, which they have control over, and consequently bounded to the extent to which they can draw their authority from followers within that territory. Hence, although they owe allegiance to the King, their support base is fairly narrowly defined.

Traditional leaders are further faced with the dilemma of having to engage with local government for developmental improvements, i.e. services, in order to retain their support base. This is another adage to the dilemma of power definitions that they have to become accustomed to. Added to the definition of power, is the complex set of relationships it has to encounter in its dealing with a local government, which was once its political opponent. A sudden shift in their power base through the encroachment of other stakeholders (political and administrative) in their *isidigos* resulted in their authority structure being shaken. Changes in their authority is best described in the words of one of the traditional leaders:

'In the past chiefs have authority over their people. Now people are exposed to many influences. Traditional leaders do not matter anymore and people from outside can come and do what they like in your area without informing you. Its tough! People no longer depend on the chiefs during good times but once things back fire they run back to the chief for help'.

It would appear that the political dilemma in which traditional leaders find themselves in is still paradoxical and ambiguous, because the manner in which such engagement with the state, (both local and central) is entered into is not clearly defined. Their continued cultural legitimacy as part of royal lineages, and the remuneration received from the state show a swing away from their previous political alliances.

This could potentially reinforce chieftainship, or render it fatally ruptured, or slowly dissolve the social and political influence of the institution. While it appears that the state is winning the battle, the outcome depends on what independent resources – material, and political/social resources - they have prior to engaging the state, and how they engage the state. Perhaps it would be an understatement if one has to ignore the ability of traditional leaders to engage with, compromise and acclimatise themselves to new conditions in their narrowly defined political corridors.

Unmasking traditional leaders capacity to undertake developmental roles

Contrary to the perception that traditional leaders are resilient to change and steeped in tradition, their ability to adapt to (or to use according to their own interests) modern systems of governance and accordingly, contribute to service delivery, is not impossible. If one refers to Mary Galvin's fieldwork in KwaZulu-Natal and, specifically within the DMR, to Shahid Vawda's one and to our own interviews, it even seems that they develop an offensive strategy to impose themselves as compulsory interlocutors in matters of service delivery. It is astonishing to note that the development committees that the traditional leaders created in the 1980s were reinforced as early as 1994 upon the announcement of the

RDP. Typically, at present, each *inkosi* area of the DMR is equipped with a development committee to which specialised sub-committees (water, electricity, etc.) report. At least at the scale of rural and semi-rural areas of the Durban metropolitan region, these development committees working under the control or at the initiative of the traditional leader, seem to be far more organised and efficient than the Community Development Forums (CDF) that were generated by the public authorities in order to boost the participation of every citizen during the process of the local government implementation. Furthermore, in many of these areas the community development forums do not exist at all or, if they do, they are completely under the umbrella of the development committees.

However, all of the above conforms to what Mary Galvin observed while studying the rural communities in KwaZulu-Natal during most of the nineties:

the majority of *amakhosi* were pleased to welcome development as long as it did not challenge their authority;

the recognition of the *amakhosi* and their role in the planning and approval of the projects is critical to development projects.

Thus, it becomes apparent that, whatever the traditional authorities' degree of receptivity to development initiatives, including service delivery, they try to subject them under their control as a new means to safeguard or strengthen their status.

The conflict between the *amakhosi* and the State was often presented as political rivalry between the IFP (supported by the *amakhosi*) and the ANC. Nevertheless, the results of the polls do not reflect this.

Looking at the 2000 municipal polls, it appears that the ANC received 95 out of the 200 council seats and the IFP only 35. However, when one restricts the analysis to the wards, of the 100 councillor's who were elected by name by the people to represent the ward they belong to, one can see that relative importance of the ANC (61 seats out of 100) is stronger than suggested by the global results.

2000 Municipal Election Results in the DMR : number of councillors per party

	ACDP	AIPP	ANC	DA	ECO PEACE	IFP	INDEPEND	MF	NUCO	PAC	Total
Ward specific councillors	0	0	61	29	0	7	1	2	0	0	100
List specific councillors	2	1	34	24	1	28	0	8	1	1	100
Total	2	1	95	53	1	35	1	10	1	1	200

More specifically, when one examines the poll results for the traditional areas incorporated into the DMR, the result is more revealing. In the 16 of the 18 wards in the traditional area, in terms of average votes per ward, there was a two third majority vote for the ANC. This result is intriguing as these areas were supposed to be IFP strongholds and could not be

included in the metropolitan area for this reason in 1995/96.

Striking a new political deal

Finally, on the reassurance of the State to address the concerns of traditional leaders and its commitment to make constitutional changes to accommodate their roles and functions, local government elections finally went off on a good start on the 5 December 2000. Despite this positive outcome, the issue of traditional leaders is far from resolved. Even just after the December local government elections, tensions between the State and traditional leaders continued to fester themselves. They focused on pre-election promises to recognise the role of traditional leaders in development issues that refer, amongst other things, to service delivery. On a more positive note, the State had prepared a draft Discussion Document towards a White Paper on Traditional Leaders, which received the attention of different stakeholders.

The voices of the traditional leaders nonetheless transcended the narrow political aisles of local politics to gain an audience with the Deputy President Jacob Zuma on the 28 November 2000, together with a special cabinet committee on traditional leaders to resolve their grievances. The State committed itself to define the powers and roles of traditional leaders arising out of the newly demarcated boundaries. A joint committee was established with representatives of the state and traditional leaders. In addition, a coalition of traditional leaders was formed comprising the national and provincial houses of traditional leaders, the Congress of Traditional Leaders of South Africa and the Royal Bafokeng nation (Daily News, 12/12/2000). The task of this committee was to chart a way forward and to bring it to the stage of policy formulation.

After two years of investigation on the institutional frameworks necessary to accommodate the constitutional prerogative of traditional leaders to play a role in governance and service delivery matters, the Provincial and Local Governance Portfolio Committee finally recommended, on the 28 October, that the Traditional Leadership and Governance Framework Bill (2003) be adopted by parliament. This Bill is envisaged to serve as an initial phase to accommodate the role of traditional leaders in matters of governance.

The process culminated through a wide range of consultative processes with different stakeholders. Not all stakeholders were in agreement with different elements of the draft bill. Traditional leaders in the public hearings argued that the Bill should not proceed into law and that the constitution should be first amended to give traditional authorities the same powers and functions as local government. There were also arguments in favour of the Bill and its aims and objectives. It was argued that in general terms the purpose of the Bill was to deal with the role and functions of traditional leadership in governance.

Currently the passing of the Bill has reached a state of deadlock since technical problems precluded it from parliamentary ratification. The detractors of the process allege that the Communal Land Administration Bill, the Property Rates Bill and the Traditional

Leaderships and Governance Framework Bill do not complement each other since the roles are not yet clearly defined. Further the fragmented nature of management of this institution has brought about greater complexities to bear in the administration of this system. Yet once again the corridors of modern politics are haunted by new challenges in determining the specific role and functions of traditional leadership in different areas, such as customary justice, land administration and welfare. Traditional leaders stressed that the Bill refers only to their 'functions', not 'powers'. Objections were received on finding a role for traditional leaders by allowing traditional councils to serve on land administration committees. The proponents of the Bill believe that it is forward looking and that it supports a role for traditional leadership, not just in the local government sphere, but also in all three spheres of government. This presented a compelling reason why traditional leaders should work within a legislative framework.

In a more placating note, a call for the way forward was made. It called for stakeholders to receive the Bill with the assurance that it will be reviewed over time to take account of the changes taking place as a result of transformation in the institution of traditional leadership. Dispelling the notion that it is not the end of the tunnel for traditional leaders as significant actors in governance and service delivery issues the portfolio committee urged all stakeholders to appreciate that the processing of the Bill represents a phase in the:

'ongoing process of defining the role of traditional leaders in our new system of democratic governance...All stakeholders should be prepared to compromise in this phase. This does not mean that they cannot pursue their outstanding demands in future'. (Provincial and Local Governance Portfolio Committee Traditional Leadership and Governance Framework Bill: Finalisation The Parliamentary Monitoring Group 28 October 2003:3)

7. Governance and service delivery in the new Durban Metropolitan Region

Service delivery profile of traditional areas in the DMR

As a result of the demarcation process that preceded the 2000 municipal elections, the surface of Durban Metropolitan Region (DMR), 2297 km², is 68% larger than that of the previous Durban Metropolitan Area (DMA), 1366 km². This expansion of the metropolitan territory mainly consists of rural and semi rural areas. One of their most noticeable characteristics is that most of them are tribal land. Sixteen traditional authorities exert customary rights on these areas.

In terms of governance, in addition to the fact that the inclusion of such areas has introduced new interlocutors for the local government, an element of complication must be pointed out. The demarcation of the 18 wards (the constituencies of the municipal councillor's) covering the 16 traditional authorities areas does not match with the limits of these areas. For example, some wards sprawl into several tribal areas, which means that one councillor has to deal with several chiefs, and, conversely, some large tribal areas cover, at

least partly, several wards.

To draw the profile of these tribal areas, we worked on the “gross” tables that Urban Strategy, a planning service of the municipal administration, is busy compiling in order to nurture a GIS on the Uni-City area that has been divided into 406 planning units. The data used by Urban Strategy comes from various sources: the national census 1996, the quality of life survey 1999, various sectorial surveys conducted in 2000 at the local level in order to prepare for the implementation of the Unicity, etc.

According to our estimations, the metropolitan tribal areas correspond to approximately 62 planning units (PUs) covering a surface of 870 km², which is 93% of the surface that was added to the metropolitan area. The population of the 60 PUs (out of 62) for which we have demographic data, is 410 618.

Consequently, the “non-tribal areas” of the DMR represent 344 PUs spreading on 1427 km². The population: 2 342 492 inhabitants, has been evaluated for 319 out of the 344 PUs.

Although it would have certainly been more relevant to distinguish between several categories of areas (former African townships, squatter camps, etc.) we will only be comparing the characteristics of the tribal areas and those of the rest of the metropolis. Considering the database to manipulate, a more refined exercise of comparison would have been too time consuming.

Durban is sometimes presented as an “Indian city” because there is a concentration of the majority of the South-African people who originate from India. There is no Indian in the metropolitan tribal areas, Indians represent a quarter of the population of the rest of the metropolitan region. Not surprisingly, Black people exclusively inhabit the tribal areas. Their demographic characteristics are quite specific. The average household size is 5.4 persons against 4.1 for the rest of the metropolis and the people are significantly younger than the inhabitants living in the other areas. In the tribal areas, 47% of the population are less than 10 years old and only 9.8% are 50 or more. The percentages are respectively 36.5% and 13.5% for the former DMA.

This age structure highlights the unlikely labour absorption prospect for the area. Only 1 out of 6 people settled in the tribal areas is employed, that is a rate twice inferior to the one for the rest of the metropolitan area. Obviously, that explains the particularly low level of household income in those areas. If one takes the households for which the income is known, one notes a tremendous percentage (21.8%) of the households without any declared resources. Furthermore, only 1 household out of 4 earns more than 18 000 Rands per year. The figures are respectively 11.9% and 52.5% for the rest of the metropolis. The level of poverty of the tribal areas poses the problem of the public services affordability. On the hypothesis that the income data is accurate, it is difficult to imagine that these people living on the periphery of the city can afford to pay for electricity, water or telephones.

With regard to the investments in service delivery that are at stake, we have calculated that

the people who live in the traditional areas are, on an average, 30 km (STDEV = 9 km) far from the central business district (CBD), 8 km (STDEV = 5 km) distant from the nearest transport node and 12 km (STDEV = 5 km) from a commercial centre.

Within the metropolitan tribal areas, 40% of the land considered as “undeveloped”. However, if one considers certain topographic constraints: steep slopes, rocky and unfertile soils, etc., one might wonder whether there would have been any possibility of development of this land. It is noticeable that agricultural activities spread across a small 16 % of the land, that is less than half of the surface occupied by the “peri-urban settlements” (35%). The proportion of the area that was classified as properly urban is small: 5%; of which 2.1% is formal and 2.9% is informal.

It is not surprising to find that 36% of the tribal area habitat consists of traditional dwellings (3% in the other areas of the Durban metropolitan). Nevertheless, informal dwelling is less developed than elsewhere (15% against 22%), probably because of the control of the land use by the traditional leaders. One can also note that the houses built on properly demarcated plots in the tribal areas represent more than 30% of the dwellings, which is a proportion that is not that different to the one in the DMA: 40% .

Accessibility to basic services such as electricity, water, refuse removal or sanitation is still substantially lower in the tribal areas than in the other areas of Durban. Some improvement between 1996 and 2001 is noted, especially concerning electricity. At present, more than the two thirds of the households potentially have access to the electricity grid (84% for people living in the other metropolitan areas). Nevertheless, the backlogs the local government has to address are still huge. Just over one household out of 5 has access to running water in the tribal areas. By contrast, the proportion was up to two thirds in the former DMA in 1996.

The analysis of the data that we have compiled concerning the level of “community services” reveals some unexpected results. If we hypothesise that the database we have worked on is complete and accurate, the number of clinics (0.66) and of schools (6.26) per 10 000 inhabitants is higher in the tribal areas compared to the rest of the DMR (respectively 0.48 and 3.20). Obviously, one might object that a comparison on the basis of the number of classrooms (instead of schools) would have been more relevant. However the gap is due possibly to the fact that the densely populated squatter camps, or former black townships, would be less equipped with such infrastructure than settlements within the rural and semi-rural areas of the metropolis. On the other hand, there would not have been any fire station, police station or post office within the tribal areas.

Fighting poverty through a vegetable soup diet: The dilemma of land tenure and development

“When people are starving issues such as ‘roads, electricity and other services” can hardly be a priority. The focus is on poverty alleviation programmes and central to this is the

question of land." (Councillor SSN)

During the demarcation process the *amakhosi* were anxious that the government, through the demarcation process, would give the land away to the municipality. Based on past history they were not incorrect in making that assumption, however mistaken they were. In the evolving relationship between local government and traditional authorities the crucial question, as has been identified by Councillor SSN, is that of land. Of course, since the traditional leaders do only exist because they have "some" control on land use. Indeed land reform is a central platform of government policy to reverse the discrimination and marginalisation of black South Africans since at least 1913. The basic land reform policy is laid out in the *White Paper on South African Land Policy* (DLA, 1997). As Cllr SSN indicates, a particular strand of land reform is the redistribution of such land to benefit the poor through poverty alleviation programmes. In this government policy is very clear:

"The purpose of the land redistribution programme is to provide the poor with access to land for residential and productive uses, in order to improve their income and quality of life. The programme aims to assist the poor, labour tenants, farm workers, women, as well as emergent farmers" (DLA: 1998: 38).

Notwithstanding the lack of clarity on whether these policies have any relevance in the urban rural area, of which Durban is a unique case, it would appear that the application of such policies has a greater emphasis in the rural hinterlands. In the case of tribal authorities in the Durban metropolitan area, the interpretation of such policies can be ambiguous for the following reasons:

- the poor do have access to land in these traditional areas, but the difference is that the land is communally owned;
- urban tribal authorities do not have to contend with issues of labour tenants and farm workers since almost all of the land is managed by local traditional leaders on behalf of the king.

Based on the above the pressure to redistribute land in the urban tribal areas can be considered hardly a contentious issue but indeed the problem of land usage and planning appears to be the most burning issue for the metropolitan government.

The issue of land, as Councillor SSN puts correctly identifies the communal ownership of this resource under the control of the *amakhosi*, which lacks policy for future usage and development. On the other hand the use of land as part of a project to alleviate poverty could well be a political strategy by the ANC dominated metropolitan council to provide a base from which sustainable livelihoods and improvements in quality of life can be achieved. In doing so, this strategy indeed presupposes a degree of security of tenure for ordinary people. Hence, the emphasis on poverty alleviation programmes is ambiguous. One cannot foresee how one can break away from the shackles of poverty without first dealing with the most critical issue of productive assets, which in this case is land. Further

it is unimaginable how donor and development agencies will respond to making local investment, infrastructure and service delivery provision on land where policy is non-existent about tenure and ownership. The very fact that the metro-council proposes different sorts of development initiatives (first based on wards and later followed by an experiment on Area Based Management) in the area without first dealing with the issue of land ownership is a source of major insecurity for the authority of traditional leaders. This is most understandable when one considers the fact that traditional leaders draw their legitimacy and power through matters relating to land allocation and management.

Land reform and productivity: Finding modern remedies for old problems

Cousins (2002) has observed that land is a politically 'explosive issue' precisely because of the various and divergent interests in land allocation and management. In the 16 tribal authority areas land usage is under the control of traditional leaders, and is a problem that the municipality has to deal with. Municipalities such as eThekweni have a right to take up issues of land usage as part of their integrated development planning and implementation exercises, but not directly about land ownership and tenure. Yet the issues of tenure are far from the surface of being resolved even if land usage and spatial planning are issues that eThekweni wishes to take up.

Reform from the eThekweni perspective is the control, allocation and use of land, precisely the issues that the local *amakhosi* have identified as crucial to their authority and legitimacy. It is land for residential, subsistence farming and other livelihood strategies that these marginalized communities depend on for survival. It is land upon which infra-structural services such as roads, electricity and water depend for its development and extension to the people and communities who in the past have been historically excluded or marginalized from the benefits of modernisation. It is land upon which welfare and other services provided by municipalities – multi-usage community centres, clinics, libraries and other recreational, educational and information services - have to be placed. It is also the land upon which, as Councillor SSN has identified, any future industrial or entrepreneurial developments in these areas such as tourism, agribusiness, small-scale commercial farming or business development and potential manufacturing ventures will depend. Yet the land in these tribal authority areas is officially 'owned' by the Ingonyama (the King of the Zulus), and is viewed as land administered by the king and the state through the Ingonyama Trust Board. In practice the land is controlled by the *amakhosi* and administered through the traditional authority structures, and whose users range from the local municipality, business people, residents, subsistence farmers and emergent small-scale cash crop farmers. It is among these competing interests that the municipality must provide for the development needs and services of these communities, and provide security of tenure for any potential investment whether this is for an individual's residence, housing requirements, entrepreneurial activities, or for public infra-structural needs. It is this ensemble of actors and institutions that validate Cousins (2000) contention that land is a highly contested and explosive issue.

While Councillor SSN has identified the issue of poverty in these 16 tribal authority areas as the single most important task facing the municipality, he portrays poverty alleviation and the land issue as one of rationally choosing a particular development path.

“Development is about modernity. Using modern means and not making the problem of traditional practices a national issue and wasting time!” (interview October 2003)

While he paints a picture of the eThekweni council as a progressive municipality wanting to pursue the path to modernity with all the technical means and resources at the council’s disposal, he simultaneously brushes aside objections about land ownership, tenure, allocation and control that may be raised by the *amakhosi*, or indeed their followers, among whom may be the very poor identified as the prime beneficiaries. It would appear that a subtle attempt is made in the name of modernity to marginalise traditional leadership. In doing so the explosive potential of deep and violent contestation over land by different interest groups opposed to any action that undermines their control such as the *amakhosi*, and those whose means of survival depends on access and usage of the land as food security, is ignored.

In the wider national context of the land issue Cousins has argued that a resolution to the problems lies in identifying and legislating a set of land rights, and in particular tenure rights. But he notes that

“After eight years of democracy there is still no comprehensive legislation on land rights despite a constitutional obligation to pass such legislation, despite a clear policy commitment to create security of tenure, and despite pressing developmental problems exacerbated by the lack of clear land rights.” (Cousins 2002).

There is, however, a Communal Land Rights Bill (CLRB) that is being drafted and debated. This has raised considerable controversy because of “provisions to transfer full ownership of what is legally state-owned land to “traditional African communities” thus, perhaps unintentionally, privileging traditional leaders over democratic decision-making on land usage issues with a community. Cousins also note that traditional leaders have staked a claim for a central and guaranteed role in land allocation and use. Other commentators have argued for land rights based on established occupation and use, while others have argued for individual property rights based on market forces. But as Van Den Brink has observed this debate may be reduced to a central concern of property rights, which should be “clearly defined, well-understood and accepted... and strictly enforced. Property rights can be private or common or state... most important for sustainable development is that property rights are secure...” (van den Brink, quoted by Cousins 2002). It is this security of tenure, of land, of access and control that lies at the heart of the debate on what development is possible, and while eThekweni can tinker at the margins about land use planning, it is ultimately a decision of the state, albeit as part of a contested arena, to mediate and effect the changes that will secure both the rights of users, owners and wishes of traditional leaders to assert their rights over the control and allocation of land.

8) *New patterns of interlocution – towards a system of co-operative governance*

Since democracy relationships between the *amakhosi* and councillors was characterised by major political standoffs sometimes resulting in violent confrontation. However, emerging patterns of co-operation in matters concerning service delivery shows a ray of hope for co-operative forms of governance. This change in strategy on the part of the *amakhosi* is motivated by the risk of being marginalised in service delivery issues should they choose to stay out of the development processes as significant stakeholders. Their willingness to do so is prompted by the uncertainty about their legal roles and the fact that they now have to deal with elected councillors in their area of jurisdiction. This is more especially in light of competing mandates and interpretations about who represents the people. In so far as the predominance of competing interest in development is concerned, the *amakhosi* charge that councillors are distant from local areas, their interventions are inappropriate to local needs and they are hardly consulted on development planning issues.

The *amakhosi* generally perceive that councillor's approach development in a top down manner by simply contracting private sector firms to implement projects. Indeed, to preserve their influence over the people in their areas, the traditional leaders are keen to make it understood that they are the most appropriate interlocutors in the matter of service delivery. Accordingly, they claim that, even though they represent "tradition", they are more capable than the councillors who are assimilated to the "modern democracy", to guarantee the expression of the peoples' needs.

While doing her most recent enquiries, Mary Galvin has identified four types of emerging relationships between councillors and the *amakhosi*. The first relationship is the one that can be qualified as "blocked", where councillors are prevented from working in the area. It may also happen that the councillors go about their duties without recognising or communicating with the *amakhosi*. In both cases the development of the area is strongly impeded. The second type is "cooperative", in which well known and trusted individuals are elected onto the council. These councillors tend to work closely with the *amakhosi*. In the third type, there is a "division of roles" resulting in respect for responsibilities they have recognized to each other. Lastly, "open conflict" due to different groups in the community taking up sides on the unresolved authority structure of the *amakhosi* and the councillor.

Contrary to the assumption that the *amakhosi* and councillor's are in a state of constant conflict, in our field work in the Durban metropolitan area we have noted a major shift towards making efforts to conceive a framework of mutual co-operation and co-existence. In our encounter with a councillor, we were informed that he had to convince the traditional chiefs that it was worthwhile working with him. He had a problem of credibility with the chiefs and it is why he was obliged to organise numerous meetings in order to progressively appear in their eyes as a trustworthy, capable and harmless interlocutor. It is this implicit confession that he could not expect to operate efficiently without the assent of the chiefs

suggests the emergence of new patterns of co-operation between councillors and chiefs.

However, when the *amakhosi* appear to be positively disposed in the spirit of co-operative workings with the councillor, one can wonder whether this change in their attitudes is not simply a tactful one. The comment of an *inkosi* during our fieldwork shows a change in attitude:

“There is no animosity between traditional leaders and councillors because the latter are considered or looked up to as elected delegates who serve communities. Traditional leaders accept the fact that local government is a new phenomenon in so called ‘tribal areas’ and that they are closely connected to the workings of councillor’s in meeting the needs of the community”.

This illustrates the fact that the chief thought that it is in his interest to co-operate with the councillor if he wanted to exert any influence on him and to show to the population that he was taking care of their needs.

What becomes clear is that both the *amakhosi* and councillors have no alternative but to co-exist and hence become compatible in determining development outcomes. An important observation by Galvin (2001) is that the so-called traditional and modern are not mutually exclusive since the new reality is the unfolding of new forms of leadership that mix in the spirit of co-operation.

Testing out the maturity of the relationship between traditional leaders and the city fathers

Finally, this co-operation between the *amakhosi* and councillors raises an important question as to whether local government has succeeded in neutralising the former by co-opting it as a stakeholder in development initiatives? On a more provocative note, it may be questioned as to whether traditional leaders have lost the battle in exercising any socio-political influence? Whilst it may be premature to make such an analysis, in the face of emerging new mixes in leadership in the traditional areas of the DMR, what is significant is the dramatic change in political affiliation after the December 2000 elections with a two third majority support for the ANC compared to the IFP. This change in the political landscape of the traditional areas is probably the illustration of the change the traditional leaders made for themselves. Strategically, it is politically expedient for traditional leaders, if they have to safeguard their influence, to be seen working in the interest of people through the dominant leadership structure in their area. In the absence of this co-operative relationship, traditional leaders risk being far removed from development initiatives promoted by local government.

Local government attempts at involving traditional leaders or their representatives on the Board of Development projects in keeping with the spirit of co-operation, the actions of planners or other specialists of governance strongly suggests that they have either not yet

seen the relevance of including traditional leaders as significant actors in development initiatives or are uninformed of the leadership dynamics unfolding in the traditional areas of the DMR. It further provokes the question as to whether the position of the consultants and planners conforms with that of policy makers who would be keen to marginalize, the influence traditional leaders as much as possible enjoy?

However, all of this has evolved over time. Since 2000 national government has been hard pressed to find political solutions to the problems articulated by traditional leaders in matters concerning governance and service delivery. Durban in particular had taken decisive steps to accommodate traditional leaders onto its council. While the Traditional Leaders and Governance Bill is still awaiting approval of parliament, the Durban metropolitan council has taken a lead in forging working relationships with traditional leaders. Currently, a traditional leadership forum has been established to consult on the development priorities in the tribal areas. Ironically, an ANC councillor acts as a go between the leaders, and the metropolitan council chairs the forum. Traditional leaders already enjoy a monthly allowance of R3 500 per month from the council to cover their administrative costs but as yet do not enjoy formal representation except through the chair of the forum. From this turn of events it would appear that traditional leaders are being inducted into the boardroom politics of the council. For the moment, the issue of traditional leaders is no longer being tested out in the rough terrain of the urban hinterland but in the boardrooms of the metropolitan council. However, this situation will also change in the foreseeable future once the Traditional Leaders and Governance Bill becomes a statute. At least for now these boardroom novices are being schooled by an ANC cadre for the politics that is yet to unfold in the corridors of the city hall.

Although it may appear that traditional leaders have been co-opted into the boardroom politics of governance and service delivery through the forum, it is questionable as to whether this participatory structure is representative of all traditional leaders. In an interview with the chair of the traditional leaders forum that is an ANC councillor, scant respect was accorded for the justification of such an institution existing in the new democracy. The sentiments of this 'city father' is well captured in the following quotation from an interview:

*'...traditional leaders should not think that they enjoy special privilege due to their status....Similarly Indians, Whites and Coloureds should be given a similar privilege due to their religious and customary practices'. Their 'claim to special citizens in the country' was looked at scornfully and those who stay out of the forum are branded the 'mischievous ones'. With such exclusions the likelihood of dissent on governance and service delivery is likely to embitter attempts already made at co-operative governance. Notwithstanding attempts by the *amakhosi* and the democratically elected councillors to engage in development discourse, the volatility or otherwise of this relationship is likely to be tested out as the passing of the Traditional Leadership and Governance Framework Bill is awaiting parliamentary ratification. Another turf on which the maturity of this relationship is likely to be tested out is in early 2004 when the country's third national election will take*

place.

Experimenting with co-operative development models : Area Based Management and service delivery

In July 2001 the metropolitan administration announced its plan to experiment with the notion of Area Based Management (ABM). This experiment seeks to explore 'to what extent ABM can deepen and extend democracy, promote integrated development, focus investment resources and rationalise service delivery' in the new Durban metropolitan area. The starting point of the reflection was a double observation. On the one hand, the creation of a large metropolis had the added advantage of conceptualising a global vision particularly, the improved implementation of desegregation policies. On the other hand, such centralised governance is not perfectly adequate for ensuring that the needs of the people are correctly met. Hence, this objective of balancing the top-down logic of government with bottom-up planning and budgeting initiatives is more likely to promote genuine participatory development. All of these are theoretically conceivable since the Municipal Structures Act (No 117 of 1998) empowers the metropolitan authority to implement sub-councils and ward committees as institutions of development participation: the ABM structures might operate at this level (Uni-City 2001:77).

One of the tribal authorities, KwaXimba was included in an ambitious pilot project based on the notion of ABM. Although the circumstances surrounding the choice of this area for a pilot project remains a question to be answered, the experimentation is known to claim significant success already. However, one of the major challenges that would face the metropolitan council in the future is its capacity to replicate this model in other parts of the tribal area. At present no provision is made in the capital budget (2003-2004) for investment in these rural parts of the metropolitan area. The matter is before a Priority Working Committee, which is struggling to reach finality on the order of investment to be made. Unofficial sources claim that an amount of R20-R30 million is likely to be proposed to council for approval in the foreseeable future.

Whilst not wanting to prejudge whether the metropolitan council can raise a significant budget for investment in these areas, it would be an oversight to ignore the potential for future contestation on service delivery matters between traditional leaders and the metropolitan council. These contestations are likely to arise from the very experimentation project of the metropolitan council, should it fail to replicate this to a scale and standard similar to other parts of the tribal areas. The contrast in development standards it is hoped, is not typical to that characteristic in the apartheid era. In this period underdevelopment of the rural areas resulted in the homeless and the poor setting up backyard dwellings in townships to host their migrant cousins so that they may have an equal opportunity to survive from the crumbs of the city's resources.

However, life in the urban homestead does not come with all the 'glitteraty' promised by living in a modern city. For the urban newcomer he is reminded of the poverty of his distant

rural peasantry. It is claimed that the tribal areas have become a creche' for aids orphans; increasing levels of poverty, households headed by ageing grandparents whose monthly state pensions is the only source of income to maintain large households. High levels of unemployment and the younger population moving out of the tribal areas into the cities to seek a livelihood makes the glamour of living in a first class city worthwhile despite the social and economic hardship and problems accompanying this. Violence, crime and lawlessness are typical signs of social control eroding. One need not make a deep sociological analysis on the theories of anomie and marginalisation to understand the potential for these tribal areas turning into havens for deviant asylum seekers (Discussion with Shahid 2/10/2003).

Conclusion

The transition of local government to democracy in the post apartheid era has put the capacity of traditional leaders to test. Whilst this institution was the object of many manipulations during both colonial and apartheid times, it seems that it has tried to assert itself more prominently as a significant political actor since the emergence of the democratic era.

The protests of traditional leaders on their roles and responsibilities unfolded vehemently in KwaZulu-Natal and Durban, more particularly because of its strong and complicated alliance with the IFP. This is witnessed by the IFP succeeding in delaying the first local government election in 1995 pleading the cause of the traditional structures that were supposedly manhandled through the process of decentralisation. The recognition of the traditional authorities was then put on the table for consideration.

Closer to the second local government elections in 2000, as the traditional leaders saw no significant progress about a better and clearer definition of their roles, they threatened to call for a boycott of the municipal elections. Their demands were placated by the State with a promise to deal with their concerns in a White Paper on Traditional Leaders, which is currently under review.

Finally, both the process of re-demarcation of the municipalities both before and during the elections themselves took place without any major problems. More surprisingly, the re-demarcation process achieved some goals that were inconceivable a short while ago. For example, the Durban metropolitan area was extended by almost 70% by inclusion of rural and semi-rural areas that are still under the authority of traditional chiefs.

One can then make the assumption that this appeasement of the local political context is due to a radical shift in the strategy of the traditional authorities that realised that they would surely exist if they were not perceived as wheels of a political party. Although this "de-politicisation" process is not absolutely new (it was initiated with subtlety in the eighties by the ANC which supported the creation of Contralesa), it seems to have gained in

vitality over the recent years.

Furthermore, one can also wonder whether this lack of clarity about the prerogatives of the traditional leaders, which also means uncertainty about their future, has not pushed them to “occupy the field” in order to demonstrate that as long as matters of governance are at stake in their areas, it is difficult to get round their influence or authority. Thus, it would be the reason why they are careful to strongly intervene in all issues relating to service delivery planning or organising in their areas. They know that it is the most critical political, sociological and economic issue that the Local Government has to deal with. If they stay out and do not compete with the municipal authorities in this field, they will definitely be marginalised.

Based on more in depth investigations, it appears that a truce has been entered into between traditional leaders and the ANC dominated city council towards co-operative governance arrangement on matters concerning service delivery. They have given up directly opposing the local government and working towards establishing development priorities in the areas they represent. This is largely due to adopting a positive strategy of partnership with the metropolitan council that will have the added advantage of entrenching their position with their subjects. All that is not without any risk and depends on their capacity of ensuring a strong influence on, and support from the population living in their chiefdoms.

Nonetheless, despite this positive step of working in partnership, below the surface the social organisation of traditional communities is still fragile. The slightest spark of Zulu nationalism can result in serious politically volatile situations erupting. Notably traditional leaders participate in all customary practices, which foster community cohesiveness through maintenance of ethnic identity. These cultural activities are central to Zulu tradition and deviations from such practices can be considered to be very sensitive and volatile. It becomes clear that despite shifts in political power to the urban context, adherence to traditional cultural practices continue to hold these communities together. The extent to which these kinship and cultural practices act as a social safety network for those who fail to integrate into urban lifestyles is dependent on the socio-economic status of households. Given the rate of poverty in these tribal areas, prospects for such networks to serve any positive effect is unachievable in the foreseeable future.

Further, the unresolved National Traditional Leadership and Governance Bill is central to the extent to which co-operative governance relationship between chiefs and the metropolitan council matures. While the metropolitan council has kept abreast of national development initiatives in guiding the roles and functions of traditional leadership in service delivery in the metropolis, conflicting aspects of the Bill are likely to impinge on this relatively new partnership with traditional leaders. This is particularly so on the issue of land management and allocation, which is the primary source of power for traditional leaders. At this stage, the unresolved issue of land ownership presents itself as an obstacle for the municipal administration to consider any serious long term development plans and investment opportunities. The extent to which traditional leaders and the metropolitan

council can endure holding hands in the absence of concrete plans for development is questionable as escalating poverty and social problems can easily translate into serious political demands, placing at risk this early encounter with co-operative governance principles.

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