AN ASSESSMENT OF THE RELATIONSHIP BETWEEN TRADITIONAL LEADERS AND WARD COUNCILLORS AND ITS IMPACT ON SERVICE DELIVERY.

THE CASE STUDY OF MNQUMA LOCAL MUNICIPALITY.

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DECLARATION

I, FEZEKA MHLANGA,

Do hereby declare that this Mini-Dissertation, Title: AN ASSESSMENT OF THE RELATIONSHIP BETWEEN TRADITIONAL LEADERS AND WARD COUNCILLORS AND ITS IMPACT ON SERVICE DELIVERY. A CASE STUDY OF MNQUMA LOCAL MUNICIPALITY OF AMATHOLE DISTRICT MUNICIPALITY has been prepared and researched by me and has never been previously submitted by me for a degree at this or any other University, submitted in fulfilment of the Masters in Public Administration at the University of Fort Hare, Alice, Eastern Cape.

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SIGNATURE
ACKNOWLEDGEMENTS

First and foremost I would like to thank the Most High God, for the grace and strength he has granted me right through this course work. With God nothing is impossible; my dreams are unfolding into reality.

My sincere thanks and gratitude goes to Professor Thakhathi, you have been my inspiration, my mentor, you have been so kind, so supportive, always believing in me, you never judged me, thank you very much once more, may God richly bless you.

To all my colleagues it all happened so fast and our dreams have come true, through hard work and cooperation it all came to pass.
DEDICATION

This portion of work is dedicated to the following people:

My beloved husband Gcinikaya Griffiths Mhlanga, you have been so supportive and caring since I started my tertiary education, always believing in me, taking care of all the household demands and our kids without complaining, thank you so much, you are a gift from GOD.

To my dearest children, whom I love so dearly, my three sons, Kwanga, Konwaba, Kumbulani and my two daughters, Siphosethu Kolosani and Kukholisekile Kuhle Mhlanga, guys you are the reason I fly high every day, I did this purposely for you, so that you may follow the pattern.

To the entire family members who always support and pray for me to rise high and go on in life, thank you guys I will always love you.
ABSTRACT

This study was researched at Mnquma Local Municipality of Amathole District Municipality in Eastern Cape Province, in the Republic of South Africa. The study is about: The assessment of relationship between the traditional leaders and ward councillors and its impact on service delivery: A case of Mnquma Local Municipality. This municipality consists of 61 wards and 41 ward councillors.

The purpose of this study was to investigate what causes tensions in the relationship between traditional leaders and ward councillors and also how can it be managed and or be improved as it affects production in service delivery and development. Furthermore, the study seeks to find ways through which the relationship between traditional leaders and ward councillors could be managed to harmonize the relationship between them in order to improve service delivery in Mnquma Local Municipality.

Most municipalities which are based in rural areas in South Africa are faced with a lot of challenges which has left development staggering and thus in long run inefficiency in service delivery is caused. As a result of poor service delivery Mnquma Municipality is faced with the challenge of instability towards its management, whereby several Mayors have been chased away through protests, as result service delivery has been hampered and delayed.

These challenges are the results of the poor relationship between traditional leaders and ward councillors over land ownership, control and authority of resources for development. The legislations that govern traditional leaders are ambiguous or rather vague when it comes to their roles and functions in development and service delivery in the new democratic government of South Africa and thus cause the traditional leaders to feel that they are undermined by the ward councillors whom according to traditional leaders feel they that ward councillors are more recognized than them.

It is in this context that this study seeks to investigate the causes of conflict between the traditional leaders and ward councillors and how the conflict impacts on service delivery and development and also can it resolved to harmonize the situation.
The researcher used a qualitative method to collect data, the questionnaires and interviews were conducted to Municipalities, Traditional Leaders, Municipal Managers, Ward Councillors, Ward Committees and the community. Data was collected and analysed using descriptive method.

**The researcher came out with the following summary of the findings:**

- The management of relationship between traditional leaders and ward councillors over ownership of projects, control, land distribution and authority is very poor.

- Traditional leaders felt that the present democratic government has given too much power to the ward councillors for most development programs.

- There is no absolute proper consultation of traditional leaders by neither local government officials, municipalities and ward councillors before any development is done in their areas.

- Poor recognition of traditional leaders by ward councillors and other politicians.

- There is allegation by the community members and traditional leaders that ward councillors are bias in delivering services, preference is given to the group that belongs to their party of interest.

- When there is development projects employment opportunity is not given to the local communities of that area.

- Traditional leaders are not allowed to actively participate in council meetings.

**The following were recommendations made to the Mnquma Municipality:**

- Resources allocated for development by local government should be shared between traditional leaders and ward councillors, as traditional leaders claim that no budget is allocated for them for development programmes they intend to do in their areas.

- Municipality should respect areas that are proclaimed to be under traditional leaders to allow them to exercise their powers freely and independently.
• Ward councillors should consult the traditional leaders in all developmental programs in place, as traditional have that custodial authority over their communities that will promote harmony.

• There must be frequent meetings between ward councillors to discuss priority issues for development and agreed upon them.

• Formulation of a structure that will to monitor their relationship and where there are issues to try and resolve that, where necessary to ask the intervention of the Mayor or to appeal to the Member of the Executive Council of the province.

From the above it is so clear that there is an urgent need for an intervention between local government, municipality, ward councillors and traditional leaders over their roles, responsibilities and duties for the management of their relationship in order to complement for service development and service delivery to be progressive.
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LIST OF ABBREVIATIONS AND ACRONYMS

• IDP .......................................Integrated Development Plan

• IPT .................................Independent Project Trust

• SETA ..................................Sector Education and Training Authority

• SALGA ...............................South African Local Government Association

• CONTRALESA .................Congress of the Traditional Leaders of South Africa

• IGR .................................Intergovernmental Relation

• PCC .................................President Co-ordinating Council

• PPT.................................Presidential Project Team
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CHAPTER ONE

1.1 INTRODUCTION
The main purpose of this study is to assess the impact of working relations between traditional leaders and ward councillors with regard to service delivery and make recommendations as to how can their working relations be improved for a better service delivery with specific reference to Mnquma Local Municipality, which is a category B Municipality.

It is one of the eight municipalities under Amatole District Municipality and is the second largest in the district. It is formed up of Butterworth, Nqamakwe and Centane. The Mnquma Local Municipality is mainly comprised of rural areas. This municipality forms part of the former Transkei homeland and had inherited backlogs. These areas are under-developed with high levels of poverty and unemployment. They have poor infrastructure, their development is very slow and in some areas there is none. Also the purpose of this research is to identify and thereafter suggest mechanisms that can be considered to address the conflict which erupted since democracy came into existence.

1.2 BACKGROUND OF THE STUDY

The institution of traditional leadership represents the early form of societal organisation. It embodies the preservation of culture, traditions, customs and values. During the pre-colonial era, the institution of traditional leadership was a political and administrative centre of governance for traditional communities. (www.communitylawcentre.org.za)

Throughout history, traditional leaders have held the position as a type of governor whose authority extends over all and sundry from judicial functions to social welfare (Tshehla, 2005:1). It is important to mention that there is a large number of people in South Africa who are subjects of traditional leaders or live under customary law systems. As in other parts in Africa, South Africa’s traditional leaders were co-opted by the colonial powers to govern rural areas. From the early 1950s under the apartheid government, the development of legislative and administrative structures in the Bantustans saw traditional leadership used in increasingly cynical ways and implicated chiefs more deeply in apartheid government. The apartheid government’s power of patronage was encapsulated in its power to depose and
install chiefs and it was an effective tool in implementing apartheid policies in rural areas.
(www.community law centre.org.za)

In light of its historical background, traditional leadership as a traditional institution has an
important role to play in many rural communities in South Africa. Although the institution,
status and role of traditional leadership are recognised, such aspects are subject to the
Constitution in general. However, the Constitution is not clear on exactly what role
traditional leaders should play within the overall governmental structure.

In the period following the establishment of South Africa’s new government in 1994 and the
passing of the Traditional Leadership and Governance Framework Act No.41 of 2003 a great
deal of attention was focused on issues and questions surrounding traditional leaders’ roles
and responsibilities. Yet the wide scale deliberations, which ensued, achieved very little in
terms of clarifying traditional leaders’ roles when it comes to the delivery of services in tribal
areas as against the roles and responsibilities of ward councillors, which are clearly defined in
terms of the Municipal Finance Act No.56 of 2003 and the Constitution.

Service Delivery is one of the key mandates of government and the South African
Constitution clearly states that every citizen is entitled to better services.
Municipalities whom the Constitution has charged with the responsibility of rendering
services to communities, more especially those who were previously disadvantaged are
facing a myriad of challenges. The nature and character of these challenges will be addressed
and also the role of the ward councillors and their mandate assigned by the Constitution and
other legislations will be discussed.

1.3 STATEMENT OF THE PROBLEM

The purpose of the study is to investigate the extent of the impact that has been caused in
Mnquma Local Municipality by ward councillors and traditional leaders’ poor working
relations, in effectively and efficiently carrying out service delivery to the communities. As a
result of the poor working relations between them the service delivery is very slow if any at
all.
Ward councillors are regarding themselves as the dominant custodians of all developmental projects of Government and Local Government in their areas of operation and on the other hand Traditional Leaders claim legitimacy based on history and religion, historically traditional leaders claim political authority derived from the pre-colonial period.

The traditional leaders are seen to represent indigenous, truly African values and authority, whereas the Mnquma ward councillors perceived traditional leaders as resistant to change. In other words traditional leaders feel that ward councillors are not striping and sabotaging their custodial authority over their communities.

1.4 MAJOR RESEARCH QUESTIONS
The following are major research questions:

- What is the cause of poor working relations between the traditional leaders and ward councillors, if they are both important vehicles to deliver services to the communities more especially in rural areas and/or disadvantaged areas such as Mnquma Local Municipality?

- Are the traditional leaders ready for the South African constitutional dispensation, having existed prior to the introduction of colonialism, as custodians of leadership in their communities?

- Do legislations and regulations give traditional leaders the same powers as the ward councillors and other government structures with regard to participation in the three spheres of government, especially in local government?

- Is there a proper mechanism in place to ensure that there is consultation and transparent involvement of traditional leaders by ward councillors in allocating projects of development in the said of Mnquma Local Municipality?
1.5 RESEARCH OBJECTIVES

The key objectives of the study are the following:

- There are targeted development projects for this local municipality but because of poor relationship between traditional leaders and ward councillors, the progress is very slow or not at all.

- To identify sources of conflict between traditional leaders and ward councillors in their performance of service delivery at Mnquma Local Municipality.

- To identify the gaps in the legislation governing their performance and recommend methods that can be used to stabilize and harmonize the tensions.

- To establish whether the legislations and policies governing the traditional leaders and ward councillors do not create any imbalance of power between them.

- To identify and explore the challenges of capacity requirements of traditional leaders and ward councillors in terms of the municipal and traditional frameworks.

- To identify clear functional structure between traditional leaders and ward councillors.

1.6 RESEARCH DESIGN AND METHODOLOGY

A research design is a plan as to what data to gather, from whom, how and when to analyse the data obtained. It is a plan to meet the research objectives. This study will employ qualitative research methods. It is defined as a form of social inquiry which focuses on the way people interpret and make sense of their experiences. It is also said to be descriptive because it describes daily life of respondents. Qualitative research method also focuses on the process rather than the outcomes.
1.6.1 Population

Mnquma Local Municipality has a population of 343 000

- There are about 19 traditional leaders together with their headmen at Mnquma Local Municipality.
- There are 41 Wards and 61 ward councillors of Mnquma Local Municipality.

1.6.2 Sample Size

- The term sample refers to the number selected by the researcher in that particular population for purposes of interview. The sampling will be as follows:
- Six chiefs will be selected from the population of Mnquma Local Municipality of Amatole District Municipality;
- 8 Ward Councillors will be selected from the population of the said municipality.
- Randomly select 20 people from the said municipality.

1.7 RESEARCH TECHNIQUES

- Interviews: To be structured interviews to conduct consultation with the affected people, Chiefs, Ward Councillors, Headman and Communities.
- Questionnaires: Self-administered questionnaires will be used in order to accurately gather the required survey data from selected respondents to meet.
- Each questionnaire will be structured according to the functional structures and will be distributed to the following offices:
  - Local Government to the relevant office;
  - To the House of Traditional Leaders
  - To the Chiefs of Mnquma Local Municipality
  - To the Municipal offices of this district and to
  - The communities of Mnquma Local Municipality.

- Desktop exercise/ Documentary:
  - To peruse and read policies, the existing legislations and from minutes of the meetings to establish what would clearly indicate the disagreements and consensus if available. Their monthly reports would also assist.
What are the advantages of this research?

- The researcher is able to get accurate and reliable information from all those involved and that are affected.
- This kind of approach is efficient and effective.
- You get the information from the horse’s mouth.

What are the disadvantages of the mentioned approach style

- Possible resistance and hostile attitudes due to mistrust.

1.8 HYPOTHESIS

The research hypotheses are as follows:

- Clearly defined legislations and roles of traditional leaders will harmonize the tensions.

- Proper consultation and good communication between the local government and traditional leaders will bring progressive service delivery.

- At Mnquma local municipality there is no service delivery because of the tensions between traditional leaders and ward councillors.

1.9 THEORETICAL FRAMEWORK

1.9.1 Roles and functions of the Local Government and Traditional leaders

The institution of traditional leadership was, for many years, at the centre of governance for the rural population in the former homelands. They have also been custodians of rural development and governance in the post-apartheid South Africa. (The White Paper on Traditional Leadership and Governance, 2003:20).
Good governance is about effective leadership and such leadership is characterised by ethical values of responsibility, accountability, fairness, transparency and should be based on moral duties. (King Report III:10)

During the South African Constitutional dispensation, strong arguments were forwarded to include and protect the institution of traditional leadership and traditional law, in both the interim Constitution of 1993 and the final Constitution of 1996, provisions were made for recognition and role of traditional leaders. Traditional leaders have a bigger role to play as custodians of culture and protectors of custom in their communities.

The Constitution of South Africa recognized the institution status and role of traditional leadership as per Chapter 12. In terms Section 212 (1) of the Constitution ‘National legislature may provide for a role for traditional leadership as an institution at local level on matters affecting local government.’

Development and the provision of services became local government competencies as envisage in the Constitution in Chapter 4, Sections 151 and 152. In Section 153 of the final Constitution, the developmental duties of municipalities are emphasized. Ward Councillors are mandated by the Municipal Structures Act, No. 117 of 1998.

1.10 SIGNIFICANCE OF THE STUDY

The main purpose of this study is to investigate the relationship between traditional leaders and ward councillors in service delivery in the municipalities and assess its impact in relation to service delivery.

1.11 DEFINITION OF CONCEPTS

(a) **Community**: a group of people living in a particular local area with a number of people who have something in common with one another that connects them in the same way and that distinguish them from others. (Homan 2004, p9)

(b) **Community development**: involves helping people in a designated geographical area who share cultural values and experience similar social and
economic condition, goals are to improve leaving conditions and enhance residents’ quality of life in the social environment by using a planned change process. (Harrison 1995 p555).

(c) **Traditional Leaders**: is a form leadership in which authority of an organisation or ruling regime is largely tied to tradition or custom.

(d) **Ward Councillor**: is a chairperson of a ward committee, responsible for handling queries and complaints in the ward, as well as giving advice and resolving disputes.

(e) **Development**: involves growth, maturation and strengthening, it is a process of change and improvement (Harrison 1995 page 555)

(f) **Service delivery**: the manner in which customers’ needs are met. Service delivery supplying users with services needed or demanded. (Du toit, Knipe, van Niekerk, van der Waldt, and Doyle, 2002: p90.

(g) **Research**: means an investigation and a search for information, knowledge and understanding of social and physical phenomenon.

(h) **Public participation**: means the involvement of the community in development programmes.

1.12 **LITERATURE REVIEW**

1.12.1 **Traditional Leaders**

- Literature study was undertaken by reviewing the relevant sources on the topic. The information was gathered from different sources such as the following:

- The institution of traditional leadership represents the early form of societal organisation. It embodies the preservation of culture, traditions, customs and values.
During the pre-colonial era, the institution of traditional leadership was apolitical and administrative centre of governance for traditional communities.

- In the new dispensation the traditional leaders are recognized in terms of the provision in Chapter 12 of the Constitution. Also the Traditional Leadership and Governance Framework Act No.41 of 2003, Section 20 of the Act provides that national government may provide role for traditional leaders and traditional councils in respect of range of issues including land administration, agriculture, health, welfare, safety and security, and the administration of justice.

- The role of the institution of traditional leadership is therefore not to usurp the role of government in traditional communities but to complement and support the government in improving the quality of life of the rural communities. (Provincial gazette Extraordinary No.2546-9 dated 19 October 2011)

1.12.2 Ward Councillors

Chapter 7 of the final constitution of 1996 provides details about, amongst other things, the status and categories of municipalities (local governments), the powers and functions of municipalities and municipal councils. Developmental local government is local government that is committed to working with citizens and groups within community to find ways to meet their social, economic and material needs and improve the quality of their lives. Ward councillors are arms and feet of local government in order to achieve its mandate of development and reach the communities at municipal level to deliver services. In terms of the Municipal Structure’s Act, No. 117 of 1998 the ward councillors have a responsibility of carrying service delivery to the communities.

1.13 ETHICAL CONSIDERATIONS

Trust and confidentiality will be protected between the researcher and respondents, since also the researcher has grew up in the same local municipality of Mnquma, her credentials and respect is known by some chiefs and ward councillors.
1.14 LIMITATIONS OF STUDY

In the said research there will be some limitations and difficulties in securing appointments with the traditional leaders and ward councillors, questionnaires could not be returned and observations not conducted and reluctance of communities in answering questions or biasness of communities towards councillors or traditional leaders.
1.15 CHAPTER OUTLINE

Chapter 1: Introduction of the study

This chapter gives a background of the problem and also justification and significance of the study.

Chapter 2: Literature review

This is the chapter where the discussions of the study are dealt with regarding literature review on the relationship between the Traditional leaders the ward councillors. The concept ‘relationship’ is explored by studying and referring to various literature and legislations in order to establish the relationships between traditional leaders and ward councillors.

Chapter 3: research Methodology and Design

It is a mode of research used and how information has been collected.

Chapter 4: Data Presentation, analysis and interpretation

It sets out to discuss presentation, analysis and interpretation of data collected.

Chapter Five: Conclusion

In this chapter, broad overview of the study if provided, also suggestions, findings and recommendations are made.
CHAPTER TWO: LITERATURE REVIEW

2.1 INTRODUCTION

In this chapter impact of the ward councillors and traditional leaders’ relations at Mquma Local Municipality on service delivery will be assessed. Their respective roles and responsibilities will be evaluated and deductions be made in order to harmonize their operations in general. The study sought to investigate into the roles played by traditional leaders and ward councillors and how their relations affect the service delivery, and if indeed it hampers service delivery.

2.1.1 History of traditional leaders prior to the new democratic state and their roles and functions:

In the indigenous constitutional system, the King or Chief, as it may be, was the central figure of authority. He wielded legislative, executive and judicial authority. As a ruler of the tribe he had the power to allot land; the land was theoretically belonged to him, which he was held as a trustee for his people.

They were compensated by the privilege of sovereign immunity for these enormous responsibilities. Then the chief could do no wrong, this principle come from the English constitutional law which says, whatever pleases the princi-pate pleases all.

The chief was generally male and would earn the position through succession, although there were some exceptions in other tribes, for example, Lobedu tribe. In the discharge of their responsibilities, kings, chiefs were assisted by councillors, with the sovereign being the chief in council. The councillors were also male persons. The democracy of the council lay in the fact that it represented different sections of the people.

2.3 TRADITIONAL LEADERS PRIOR TO DEMOCRACY IN SOUTH AFRICA

Traditional leadership is an institution that has existed for hundreds years in Africa. Prior to the introduction of colonialism, social organisation in South Africa was characterised by
many tribal regimes that existed and operated within certain areas of jurisdiction. Originally traditional leadership was rooted in the notion of a kingship. The traditional leaders were not elected to their positions but inherited them. It was a family affair in which the elder son would succeed his father. The traditional leaders had the final authority over his tribe. His leadership and traditional authority served as a bonding factor for the Community, as he was responsible for the common good for all.

With the dawn of colonialism in Africa, the traditional African government was systematically weakened, and the strong and influential bond between traditional leaders and their tribe members were gradually eroded. Many African people were displaced and were evicted from their properties.

Under South Africa’s previous political system they enjoyed many privileges if they complied with the government in the enforcement of apartheid. The traditional leaders had a considerable number of duties, according to Fox and Wissink (1990:117), inter alia serve the interests of their subjects and keep themselves abreast of the affairs of the tribe; secondly, the traditional leaders were expected to consider personally the grievances and problems of their people. Nothing could be done without the consent of traditional leaders.

Traditional leaders had legislative, executive and judicial powers. Among other authority assigned to the traditional leaders was to allocate both residential and commercial land, although they had no proper plan for land distribution.

Houston and Somadoda (1996:3) also confirm that traditional leaders were charged with the following:

- Processing of social security benefits
- Promotion of education, also involved in maintenance of schools
- Allocation of land held in trust; the preservation of law and order
- The provision and administration of services at local government level.

Their responsibilities changed as the world developed, here in South Africa during the arrival of the colonials their chieftaincy was affected in different ways, depending whether the powers are Boer or British, it is when people lost most of their land to white farmers.
After the formation of the Union in 1910, the fiction was entrenched whereby the governor general was made the supreme chief of all blacks in South Africa. It was in terms of the Black Administrative Act of 1927.

2.2 LEGAL FRAMEWORK

2.1.2 Traditional leaders’ in the new democratic South Africa

In chapter 12 of the Constitution of South Africa of 1996 sections 211-212 gives recognition to the institution, status and role of the traditional leadership. The traditional leadership has remained at the periphery of transformation in this country. In chapter 12 section 212(1) national legislation may provide for role for traditional leadership as an institution at local level on matters affecting local communities.

National or provincial legislation may provide for the establishment of houses of traditional leaders, as a result at national level, there is National House of Traditional Leaders, and at provincial level there are houses of traditional leadership in four provinces, being, in the Eastern Cape, KwaZulu-Natal, Limpompo and North West province.

In each of the above provinces there are legislations and bills which stipulates their recognition by the new democratic government, wherein their benefits and roles are contained. In each province there is so-called Orientation Manual for Members of Traditional Councils in the Province, the said manual has been as a result of Chapter 12 sections 211 and section 212 in the Constitution, The White Paper on Traditional Leadership and Governance of 2003, Traditional Leadership and Governance Framework Amendment Act, 2009 (Act 23 of 2009), Traditional Leadership and Governance Framework Act, 2003 Act 41 of 2003, Traditional Leadership and Governance Act, 2004 (Act No.4 of 2004 and Regulations for Establishment of Traditional Councils.

The Orientation Manual for Members of Traditional Councils in the Provinces read as follows:

‘The manual represents efforts by the provincial government to introduce Traditional leaders and members of Traditional Councils that have been reconstituted in line with
the provisions of both National and provincial legislation impacting on Traditional Leadership to their strategic role at local level of governance in transforming the lives of the peoples within Traditional Communities to the better.

- ...Traditional Leaders and Traditional Council is made with a view to avoid confusion that may lead to other structures being viewed as dysfunctional...”

South Africa is a constitutional state, which means that the Constitution is Supreme. The Preamble in the Constitution of 1996 mention the following: “...

- Recognise the injustices of our past;
- improve the life of all citizens and free the potential of each person...”

In chapter one of the constitution sections 2 says “...and the obligation imposed by it must be fulfilled”.

In this democratic country traditional leaders has to function in a manner that embraces democracy and contributes to the entrenchment of a democratic culture, thus enhancing its own status and legitimacy amongst the people, that is why there is a challenge today of the transformation of certain customs such as circumcision and forcing minor females to marry, as it relates to the institution. (“Ulwaluko and Ukuthwala) (The White Paper on Traditional Leadership and Governance, 2003: 25).

2.2.3 What are the roles and responsibilities of traditional leaders in the new dispensation?

The role of traditional leaders has been viewed as an anomaly in the post-apartheid democratic political dispensation. Their recognized is envisage in chapter 12 of the Constitution of South Africa of 1996, traditional leaders, the institution, their status and role according to customary law are recognized subject to the Constitution. Chapter 12 of the Constitution of 1996 envisaged that this broad transformation of society would include the institution of traditional leadership, precisely because this institution has a critical role to play, especially in rural areas and has extensive influence. According to the White paper on Traditional Leadership and Governance (2003), South Africa’s transformation from undemocratic, unrepresentative and unaccountable systems of government necessitated that
all values, practices, institutions and structures of governance, be reviewed in the light of the new order.

It is the vision of government, therefore, to transform and support the institution of traditional leadership in accordance with the constitutional principles of democracy and that it may play a role in socio-economic development and contribute to the nation building and be accountable.

In section 211(2) customary law may function subject to existing legislation. In section 211(3) Courts are allowed to apply customary law when that law is applicable, subject to the Constitution and any legislation that specifically deals with customary law. What this means is so simply, as long as the customary law is consistent with the provisions of the Constitution it must apply, for example now a very serious debate and issue that is challenged by the Gender Commission and all other Commissions of Human rights are challenging the ‘Ukuthwala’ custom as it degrades the dignity of a woman and that is inconsistent with section 10 in the Bill of Rights, chapter 2.

A large percentage of particularly rural communities accept their existence and their authority within the context of tribal traditional government and justice. Although there has been debate about chapter 12 of the constitution, it is said to be vague or rather ambiguous.

In the above chapter there is no explicit clearly defining or outlining their roles and responsibilities with regard to service delivery. This was a highly contentious and sensitive issue in local government elections in 2000, traditional leaders demanding continuation of their positions as the local government in their areas.

In the National Traditional Affairs Bill [15(3)], a rationale was proposed that provision be made for the Minister rather than the President, to make regulations relating to the roles and functions of traditional leaders.

Furthermore, the Steyn Commission (19988: 14-18) set out the role of traditional leaders amongst other things: “traditional leaders shall seek to promote the interests of the tribe or community and shall support and actively encourage and initiate measures for the material, moral and social well being of his/her people…”
The Manual for Induction/Orientation of Members of Traditional Councils in the Eastern Cape Province (2010/11), in 4.1 functions of a traditional leader as stated as follows:-

“…a traditional leader must promote democracy, Provincial unity and uphold national and provincial legislation;

- a traditional leader must participate in municipal councils if identified to do so in terms of section 81 of Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998)…”

2.2.4 What is the role of traditional leaders in the spheres of government?

In chapter of the constitution of South Africa 1996, from sections 40-41 of Chapter 3, the government is constituted as three spheres being the national, provincial and local spheres of government, which are distinctive, interdependent and interrelated to one another. Section 2 emphasized that all spheres of government must observe and adhere to the principles in this Chapter.

The local sphere of government being the municipalities and are the most vital tools for development and service delivery, in that they are closer to the people. The traditional leaders are part of the community and they have been custodians of service delivery prior to democracy as such they are most familiarized with the needs and understanding of their communities, in fact they are also part of the community that should also benefit from development by improving the quality of their lives too.

Section 41(1)(b) stipulate the following:

“...secure the well-being of the people of the Republic...” If one reads the said section with context of the preamble of the constitution where it has been emphasized that “...improve the quality of life of all citizens and free the potential of each person ...”

In chapter 7 of the constitution section 151 explains status of municipalities. Executive and legislative authority of municipality is given to the Municipal Council.

In section 152 (1) (a) the objective of local government is to provide democratic and accountable government for local communities, if one speaks of the word “democracy” it is an environment where everyone’s participation and involved is welcomed, which means that
traditional leaders should work hand in hand with ward councillors for the benefit and improvement of the quality of life of all the citizens and free their potential.

In section 152(1)(c) to (e) the constitution is specifying objects of local government as promoting social and economic development, to promote a safe and healthy environment and to encourage the involvement of communities and community organisations in the matters of local government. All the mentioned objects under the apartheid era were the responsibilities of traditional leaders and that means, if, conducive environment can be created between them and ward councillors a drastic development can be achieved in Mnquma municipality. In chapter 9 of the constitution of south Africa section 181(1)(c) creates the establishment of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities.

2.2.5 The role of Traditional leadership in Governance and Development

The role which traditional leadership plays in respect of development cannot be separated from their role in governance. The role of traditional leadership in development has been clarified and addressed through a variety of measures.

According to submissions which were made to Nhlapo Commission, it transpired that there a lot of legislation and policies were made to clearly articulate the roles and functions of traditional leaders in development and service delivery, of many I will mention the Traditional Leadership and Governance Framework Act No.41 of 2003 as amended and also White Paper on Traditional Leadership and Governance, chapter 4.7 and 4.8)

On page 32 of the White Paper on Traditional Leadership and Governance) the following are some of the roles that the institution of traditional leaders can play:

- “...promote service delivery;

- Can influence government policy and legislation especially insofar as it affects the institution and traditional communities;

- Promote socio-economic development;

- Promote preservation of moral fibre and regeneration of society

- Contribute to nation building...”
The Traditional Leadership and Governance Framework Act No.41 of 2003 entail the following as duties ought to be played by traditional leaders with regard to development:

- “Supporting municipalities in the identification of community needs;
- Facilitating the involvement of the traditional community in the development...
- Participating in the development of policy and legislation at local level;
- Promoting the ideals of co-operative governance, integrated development planning, sustainable development and service delivery…”

The above mentioned legislations so far have tried to engage the Traditional Leaders in service delivery but that involvement they cannot do it in isolation they have to work with all other community structures, including municipality, ward councillors and other community structures such as SANCO. Below their relationship with ward councillors to be discuss.

2.2.6 Intergovernmental Relations in South Africa: Provincial and Local Government their Roles in service delivery

Prior to 1994 the key issues of the constitutional negotiations following the unbanning of the liberation movements in 1990, was the nature of the South African state. The liberation movements including the African National Congress, by and large advocated a unitary state that would be able to effect the transformation of society, after three centuries of racial discrimination and domination. The then government proposed a federal state that would protect regional interest but produce a weak central government. The eventual compromise that emerged in the interim Constitution of 1993, and consolidated in the 1996 Constitution Act 108, are:

- a decentralized state with a strong central government;
- nine provinces with elected legislatures and executives were established, having jurisdiction over a number of functional areas;
- local government was given relative autonomy on local service delivery matters;
- provinces and local government are to exercise their authority within a framework and direction, set and supervised by the national government;
- In fiscal matters the role of the national government became paramount.”
The interim Constitution was the result of lengthy negotiations between representatives of the former governing structures at the central, provincial and local levels of government on the one hand and representatives of the liberation movements and groups opposing the former regime on the other hand.

The present constitutional dispensation differs significantly from the previous constitution adopted in 1909, 1961 and 1983. Not only was new terminology introduced regarding the supremacy of the Constitution, spheres of government, but also a bill of rights were included as per Chapter 2 of the new Constitution. Of particular importance is the provision regarding co-operative government, assignment of functions and powers to each sphere of government and the introduction of a Constitutional Court to guarantee the supremacy of the Constitution.

INTRODUCTION

As a result of the constitutional arrangements a need developed to ensure that each sphere of government could operate effectively and efficiently without encroachment by another sphere of government. This in turn resulted in a number of co-ordinating mechanisms, which resulted in the establishment three spheres, national, provincial and local spheres of government. These three spheres have been created in terms of the Constitution, Act 108 of 1996, in Chapter 3. The Constitution provides that the three government spheres are “distinctive, interdependent and interrelated”.

Distinctive, which means that the Constitution, as it is supreme give certain functions and powers to each sphere of the government to have final decision making to those matters. That means each sphere cannot claim to have powers or functions outside the framework of the Constitution. Section 41(1)(f) of the Constitution: “All spheres of government and all organs of state which each sphere must not assume any power or function except those conferred on them in terms of the Constitution”

Interdependent, which means that as the government has its mandate or priorities, it is its mandate to speedup service delivery more especially, the taking into account the basic its socio economic challenges that include alleviation of poverty, that requires that all spheres should work hand in hand, harmoniously. By talking of interdependent it talks of cooperation with one another.
Interrelated, meaning that these spheres are according to their hierarchy, have responsibility of supervising each other, e.g. municipalities are supervised by provincial and national government, as well as the national government also exercises a degree of supervision over the provincial government.

There is a common loyalty to the Republic as a whole, that means all these spheres must be committed in securing the well being of all the people of this country and as such must provide effective, transparent, accountable and coherent government for the Republic as a whole, as enshrined in the Constitution in Chapter 10.

DISCUSSIONS:
The different spheres and their roles in the public service will be discussed below.

THE NATIONAL SPHERE

The Role of the national sphere:

- Departments have to work with provincial sector departments and municipalities to instigate and monitor the intervention agreed upon;
- Departments have to identify at least three priority interventions to improve service delivery at municipal level.
- Departments will appoint a LGTAS’ point-person’ who will liaise with their sector and organize intergovernmental support.
- National and provincial departments will report on the commitments made in the IDPs towards the municipal turnaround strategies, and these commitments will be monitored in the National Coordination Unit.

Functions:

- To have an oversight over the Province and Local government.
- To receive policies from the central government.
- To decentralize powers and functions for a speedily service delivery.
- Promotes and protects the interest of the government in order to make sure that policies are being implemented.
- To make national policy and legislation.
- Funding frameworks.
- Coordination of implementation
- Communicate with other spheres
- Support provincial and local government in the functions.
- Monitoring and evaluation of provincial and local

**PROVINCIAL GOVERNMENT:**

The Role of Provincial Government:

- To develop a provincial implementation plan.
- To facilitate a sustainable housing development.
- Work closely with the province-based Technical Support Units.
- Support, monitoring and reporting on provincial sector performance, which include the following:
  - better spending and outcomes;
  - alignment and resource commitments in IDPs;
  - municipal and public participation in provincial sector programmes;
  - improve oversight of municipalities
  - Allocation of more resources.

The functions of Provincial Sphere

- Capacity building for municipalities to perform housing function.
- Co-ordinate housing and related functions in the province
- Approve housing subsidies and
- Approve housing projects.
LOCAL SPHERE OF GOVERNMENT

ROLE OF LOCAL SPHERE

- To ensure through the IDP that residents have access to housing on a progressive basis
- To interact with the provincial for support as well as to report for progress.

FUNCTIONS OF LOCAL SPHERE

- Identify a housing champion in consultation with the province.
- Compile a housing chapter in the IDP.
- Provide IDP priorities to the provincial plan of service delivery.

There are other forums, such as the following:

OTHER IGR STRUCTURES/FORUMS

A number of intergovernmental forums have been established at National and Provincial levels, most of which are non-statutory forums. Forums are in place so that the various role-players work closely together and that the activities they plan are integrated. Forums need to have clear channels of communication between them. Proactive communication is the key for good IGR and efficient implementation of government programs. It helps to spread information to relevant stakeholders in time so that all stakeholders are on track and are able to contribute to service delivery.

Here in Eastern Cape Province and the structures / Forum, its structures are as follows:

The existing IGR Structure and their functions of Eastern Cape Province
In 1999 the President's Coordinating Council (PCC) was formed as a result of the failure of the Intergovernmental Forums which existed before then, but proved to be too large. They comprise of the President, the Minister of Provincial and Local Government and provincial premiers. Organized local government attends on invitation.

2.2.7 Background of Ward councillors

In 1993 from the discussions in World Trade centre where strategies and mechanisms where discussed as to how to drastically bring a change to the disadvantaged communities, it became clear that there must be centralization of powers for speedy service delivery and
development to be achieved. In the White Paper on service delivery, principles of BATHO PELE have been emphasized. It is in this tone that the dire need for South African government to be divided into spheres, which are, National, Provincial and Local Sphere. In chapter 3 of the Constitutions of South Africa in section 40(1), it is declared that these three spheres are distinctive, interdependent and interrelated. In Section 40 (1) from subsections (a) to (h), the principles of co-operative government and intergovernmental relations are clearly articulated.

In addition to allocating powers and functions to the three spheres of government, the Constitution in section 156 of Chapter 7, also allows for the assignment of powers and functions. This means that a function that belongs to either national or provincial government can be assigned to municipalities.

In chapter 7 section 155 (a) municipalities are categorized into different types depending to its capacity. In section 156 of the same act powers and functions of municipalities are mentioned and most importantly such functions are nothing else either than service delivery.

Municipalities have their structures called municipal councils which are created in terms of section 157 of the Constitution of 1996. The Municipal Council is formed by ward councillors of different wards, representing their areas.

Ward Councillors are the tool of government to reach to the lowest level of communities, as they are assigned by government to bring development and service delivery to the communities.

**2.2.7.1 Role of Ward Councillors in service delivery**

A ward councillor is an individual who has been voted by the members of the community in order to represent that ward in the municipal council, with the following purpose:

- of bringing development, service delivery and development to the community

- encouraging the community to participate in development programmes

In doing their duties the ward councillors had to adhere to BATHO PELE PRINCIPLES and with the provisions on White Paper on Reconstruction and Development Programmes.
Ward councillors are as the results of Intergovernmental Relations (IGR), which is about relationship between the three spheres of government – national, provincial and municipal government and how these can be made to work together for the good of the country as a whole. IGR puts forth the idea of coherent government as an integral part cooperative government. Coherent government exists when the three spheres of government work in coherent and seamless manner rather than disjointed manner, as such ward councillors are part of carrying the said mandate to the people of South African from lowest level of communities, in doing so the ward councillors work hand in hand with other stakeholders such as District Mayor’s Forums (DIMAFO).

DIMAFO has the following roles:-

- It discussed the issues concerning service delivery.
- Coordinate the district’s planning, and Integrated Development Plan (IDPs).
- It act as a platform where disputes between municipality.

IGR as it puts forth the idea of coherent government it promote relationship between a wide range of stakeholders, through multi-sphere dialogue, this includes South African Local Government Association, Ward Committees, Community Development Workers, Traditional Leaders, Ward councillors and other state and non-state actors to promote service delivery.

South African Local Government Association (SALGA) which is a representative organisation of all Local Government in South Africa, which its value is to formulate policies, negotiate, to support and strengths municipal capacity, it monitor performance of municipality and cause them to account. Ward councillors when their performance impacts service delivery negatively SALGA as one of the stakeholders in the intergovernmental relations intervenes through the concerned municipality. The ward committees as a formal communication channel between the community and the municipal council, support councillors by representing the community and building relationship with communities. Ward committees also assist in giving input to the Integrated Development Plans and highlight priorities for development. Ward Councillors work hand in hand with Community Development Workers (CDW) because they CDW has a role to help bridge the gap between service provision by government and access to these services by communities. Duties of CDW are more similar to the ward councillors in that the CDW have the following duties:
- Assist communities in explaining their needs to municipalities;
- Facilitate the participation of the public in development projects;
- Develop and support existing community structures;
- Identify service blockages in the community and
- Interact with government structures to meet the community’s needs and solve problems that have been identified.

The Municipal Systems Act No.32 of 2005 clearly stipulates the Municipal Council’s duties and rights as follows:

- “...to encourage the participation of the local community;
- Promote development in the municipality;
- Promote a safe and healthy environment in the municipality
- Exercise their powers and use their resources in the best interests of the local community...”

In this Act it has been explained that the municipal institution is an organ of the state, which has to adhere to the principles of co-operative government in performing their duties. Municipal councils is formed by ward councillors and is the structure with the municipality have a responsibility to bring to the municipal council the interests and needs of the community, therefore they have to fulfil the principles of the Reconstruction and Development Programme (RDP) White Paper of 1998, which are the following:

- ‘...all levels of government must pay attention to affordability given our commitment to fiscal discipline and to achievable goals.

- This programme must become a people-driven process; the government will build on the many forums, peace structures and negotiations that our people are involved in through the land.

- The Government therefore commits itself to maximum transparency and inclusivity.
• Promoting peace and security will involve all people.

• We are a single country, with a single economy, functioning within a constitutional framework that establishes provincial and local powers, respect and protection for minorities and a process to accommodate those wishing to retain their cultural identity...”

It is the same spirit and principles that the ward councillors have to carry their duties and functions when dealing with community. In the Municipal Structures Act, No.117 of 1998, Municipal finance Management Act No. 56 of 2003 and Municipal Systems Act No. 32 of 2000, ward councillors are given a responsibility of service delivery and also to manage available resources in an accountable and transparent manner, in doing so they should allow the public to participate.

According to Frik De Beer Hennie Swanepoel Introduction to Development Studies 2nd Edition “South African local government has been in a state of flux for years...” In the post-apartheid era in South Africa, local government was never designed to unite people of different races, instead it was used as a tool to separate them, by using the Group Areas Act of 1961, whereby the stringent measures were used for segregation and compulsory removal of black people to “own group” areas.

Through spatial separation, influx control, and a policy of ‘own management for own areas, apartheid aimed at limiting the extent to which affluent white municipalities would bear the financial burden of servicing the disadvantaged black areas. (The White Paper on Local Government, 1998:1

The apartheid government left a legacy in South African human settlement and municipal institution that is not east to rectify within a short space of time. Yes we almost in twenty years in democracy, it is for this reason that the local authorities have to play a crucial role in the South African economic development as they are engines of development to improve the quality of poor and disadvantage lives of South Africa. It is for this reason that there was a necessity for the formation of local economic development (LED), which supports broad national macro-economic and provincial development strategies.
It is in the said spirit that chapter 3 of the constitution in s40 established three spheres of government, national, provincial and local sphere, which must observe the principles of co-operative government and intergovernmental relations being the following:

“All spheres of government and all organs of the state within each sphere must-

- Preserve the peace, national unity and the indivisibility of the Republic;
- Secure the well-being of the people of the Republic;
- Provide effective, transparent, accountable and coherent government for the Republic as a whole…”

This means that the local sphere should have broad roles not narrow, restricted roles as they are required to become instruments of change and development. They have legal duty and obligation to strive to raise the overall standard of living of all their inhabitants (White Paper on Local Government: General: 1998). It is therefore the duty of the local authority to ensure that it attracts large numbers of investors and also that it should monitor the activities happening at the municipal levels, more especial the awarding of tenders and contracts should be based on merits to avoid poor quality of work due to poor skill. That is where SALGA should also intervene by monitoring and causing the municipalities to account for poor performance. SALGA should investigate that the principles of BATHO PELE are adhered openness and transparency to avoid nepotism, corruption, and string-pulling which is so ripe in the municipalities including Mnquma municipality.

If honesty and impartiality do not become the order of the day, it could repulse the potential entrepreneur and investor. (Die Burger 25/10/1996); Beeld 15/8/1996.

According to the daily dispatch dated 19/01/2013 75% of the Mnquma population are under the traditional leadership and only 23% progress has been achieved. The only method to achieve development is to work together with the local citizens and other partners in the development process. Community should be engaged in participatory planning and other capacity building projects.

The principles of democracy and the extension of municipal governance into traditional leadership areas had resulted in a shift in the development role of traditional leaders and their structures. Development and the provision of services became local government
competencies. The obligation, therefore to fund service delivery and development lies primarily with municipalities, working with the national and provincial spheres of government (The White paper on Traditional leadership and Governance, 2003:42).

2.4  Constitution of the Republic of South Africa 1996

In chapter 7, s152 mentioned the objects of local government as follows:

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

In order achieve the above mentioned objects, the machinery of local government should be organized such that mutual deliberation and consultation of both Constitution of the Republic of South Africa of 1996 as already mentioned above traditional leaders and ward councillors.

Section 153(a) and (b) of the Constitution clearly outlines the development duties of the municipalities as follows:

- Structure and manage its administrative as well as budgeting and planning processes, to give priority to the basic needs of the community and to promote the social and economic development of the community; and
- Participate in national and provincial development programmes.

Also the Municipal Systems Act, (Act 32 of 2000), in chapter 4, s17 (2) (d) states that consultative sessions with locally recognized community organizations and, where appropriate, traditional authorities must be held. It is further emphasized that a municipality must develop a culture of municipal governance that complements formal representative government, with a system of participatory governance.

According to Atkinson and Reitzes (1998:107), traditional leaders still have notable support within the rural population. They have constitutional protection and have been vested with powers and responsibilities, which cannot easily be taken away from them. Therefore failure to include them in meaningful ways, will seriously impact on development in rural
communities and is a recipe for conflict and violence, thereby the ultimate losers will be rural communities.

In addition, Gildenhuys, Fox and Wissink (1991: 124, explain that in any society conflict of interest does exist and local government is mainly a process of reconciling this conflict. Conflict reconciliation, through local policy and decision-making, is vital for the most common collective needs and the equitable allocation and application of scarce resources among competing communities.

Clarke and Stewart (1996:44-45), identify some roles of ward councillors, inter alia:

- They are elected representatives acting on behalf of their electors and a particular geographical arena.
- They ensure identification of priorities and resource allocation as priorities have to be defined and resources allocated.
- They ensure policy development so as to shape and guide service delivery.
- They are strategic in matters of local government.
- They also monitor and review projects.
- They serve as community leaders.

Van der Waldt et al (2007:5) suggest that, in playing their role, municipal councils have a duty to:

- Provide services to the community and make sure that the environment is safe and healthy.
- Use their resources in the best interest of the communities.
- Be democratic and accountable in the way they government
- Encourage communities to be involved in the affairs of local government and
- Batho Pele principles to be observed.

Gildenhuys et al (1991:125) further state that ward councillors must be sensitive to public problems and needs, feel responsible for satisfying these needs and solving the problems and realize their accountability to the public. Local government should work closely with traditional leaders in the form of participation and involvement in service delivery to the communities within their domain. The white Paper on Local Government, (1998:15) made proposals on the possible co-operative relationship between local government and traditional
leadership. It allowed the participation of traditional leaders in the council meeting on matter relating to needs and interest of their communities.

Van der Waldt *et al* (2007:38) add, ward councillors should ensure that the ways in which services are delivered, match the preferences of the community as to how these services should be delivered. Councillors should represent the interest of the community in the council and should promote the involvement of citizens and community groups in the design and delivery of municipal programmes. Stewart and Stoker (1992:188) argue that traditional leaders should have substantial discretion in the discharge of services to their communities.

Government at all levels is mobilizing all sectors of society to maximize the delivery of services at local level. In rural area, the institution of traditional leadership plays an important role in supporting government to improve the quality of life of the people.

### 2.3.1 Relationship between Traditional Leaders and Ward Councillors in service delivery

Traditional leaders and ward councillors are the community based tools to speeding up of service delivery, as discussed the role which traditional leadership plays in respect of development cannot be separated from their role in governance, this has been clarified and addressed through a variety of measures including the leadership of our government. Thus the challenge being to the implementation of these pronouncements, policies, legislation and also Nhlapo commissions, which its recommendation has been appealed, which is still delayed as its recommendation is appealed.

Government at all levels is mobilizing all sectors of society to maximize the delivery of services at a local level. In rural areas, the institution of traditional leadership, ward councillors and other community structures such WDC and SANCO can play a key role in supporting government to improve the quality of life of the people. The White Paper on Traditional Leadership and Governance on Chapters 4.7 and 4.8 as discussed already in this document outline government’s vision regarding the role which the various Houses of Traditional Leaders ought to play with regard to development, amongst other things to participate in development programmes of municipalities and of the provincial and national spheres of government.
In terms of section 29(1) of the Municipal Systems Act No.32 of 2000 the following are emphasized:

- The local community to be consulted on its development needs and priorities;
- The local community to participate in the drafting of the integrated development plan; and
- Organs of state, including traditional authorities, and other role players to be identified and consulted on the drafting of the integrated development plan.

In section 81(3) of the Municipal Structures Act No. 117 of 1998, it has been stated that: “Before a municipal council takes a decision on any matter directly affecting the area of a traditional authority, the council must give the leader of the authority the opportunity to express a view on that matter”.

On the 7th of April in 2005 when the ex-President of South Africa addressed the National house of Traditional Leaders on page 4, he made the following statement:

‘The Houses are also required to participate in local initiatives that are aimed at monitoring, reviewing or evaluation government programmes in rural communities. I trust that we will continue to use existing frameworks and processes to collaborate so as to accelerate the process of development of our rural communities”

Also section 5 of Act 41 of 2003 of the Municipality Systems Act No.32 of 2000, articulates the following:

“(i) The national government and all provincial governments must promote partnerships between municipalities and traditional councils through legislative or other measures.

(ii) Any partnership between a municipality and a traditional council must:

- Be based on the principles of mutual respect and recognition of the status and roles of the respective parties; and
- Be guided by and based on the principles of co-operative governance.
(iii) A traditional council may enter into a service delivery agreement with a municipality in accordance with the Local Government.”

On page 78 of the White Paper on Local Government, the following has been said:

‘there is no reason why African customs and traditions should be seen to be in conflict with the demands of modern governance. What is required is an innovative institutional arrangement which combines the natural capacities of both traditional and elected local government to advance the development of rural areas and communities. The co-operative model proposed here provides constructive role for traditional leadership at local level in the governance and development of rural communities”.

In section 212(1) of the Constitution of the Republic of South Africa, 1996, it has been clearly stated that “National legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities”.

The traditional leadership and ward councillors are developmental arms of government for developmental needs of the different communities in South Africa; it is for this reason that they have to work together for the sake of service delivery. The development responsibility which they have been tasked with has been defined in section 1 of the Municipal Systems Act 32 of 2000 as follows:

‘Development means sustainable development, and includes integrated social, economic, environmental, spatial, infrastructural, institutional, organisational and human resources upliftment of a community aimed at-

- Improving the quality of life of its members with specific reference to the poor and other disadvantaged sections of the community; and

- Ensuring that development serves present and future generations.

- Despite having gone to great lengths to acknowledge the role and place of traditional leaders in South Africa as mentioned in Chapter 12 section 211 and 212 of the Constitution, in terms of local level functions the Constitution fails to identify the traditional leaders’ specific roles and responsibilities and that has caused the traditional leaders to be very bitter about councillors as they are regarded as ones taking lead in development process, also the financial resources are the responsibility of local government as such that leaves traditional leaders unable to do anything.
- The Constitution of South Africa 1996 and the Municipal Systems Act 32 of 2000 failed to address the clear responsibilities and roles of traditional leaders in the new democratic political dispensation. In contrast, the roles of ward councillors have been clearly stipulated regardless of the fact that the Municipal Structures Act, 117 of 1998 section 81 regulates, albeit in a limited manner, the participation of traditional authorities on the municipal council.

- In section 81(3) of the Municipal Structures Act 117 of 1998, it declares that before a municipal council takes a decision on any matter, directly affecting the area of traditional authority, the council must give the leader of that authority the opportunity to express opinion or views on that issue. Act 41 of 2003 has created a cooperative environment between traditional leaders and municipalities to work together, by elaborating on the functions of traditional, although truly speaking nothing more expect to say that traditional leaders should play a supportive role to the municipalities.

With democracy, South Africa opted for the entire country to be divided into electoral wards, which means that in most rural areas there are both elected ward councillors and traditional leaders.

In substantiating these causes for conflict, Van der Waldt, Venter, Phutiagae, Khalo, Van Niekerk and Nealer (2007:16) explain that traditional leaders believed the new local council would take away their powers and functions. They were particularly incensed by the fact that the boundaries of the new council cut across the old tribal authority and they feared that their authority is being challenged. Traditional leaders consider the infrastructure without their involvement, as being undermining their authority and powers.

They are of the opinion that the ward councillors do not consult neither involving them in provision of services, the councillors only come to them when they experience problems and require them to mediate to the community, at the same time the ward councillors also complain of the allocation of land by traditional leaders without their involvement and that give rise to conflict.

The source of the cause of the conflict in the relationship between traditional leaders and democratically elected ward councillors lies between institutions claiming different kinds of legitimacy with overlapping functions and competing for recognition within the same communities. The traditional leaders claim to be custodians for community development,
and on the other hand the ward councillors claim to be politically elected and that are empowered by the legislation with clear roles and responsibilities for development.

According to Kanyane 2007: 318), traditional leaders claim stewardship powers over municipalities as custodians of African traditions in some areas. This paradox of power relations is a potential cause for concern because at times, the developmental focus of local government is obstructed as municipal and tribal councils do not always agree, whilst service delivery is desperately expected by the communities they serve, bearing in mind that the reconstruction and development programmes are key issues of the democratic government.

The concern of the traditional leaders is the manner in which councillors conduct themselves in the approach of community development, whereby preference would be given to the people who belong to the ruling party, or the party of that particular ward council, whereas, traditional leaders are born leaders of their communities, irrespective of organisation. The two often view each other with distrust (Kanyane 2007:319). However the main role of traditional leadership should be to serve as the building blocks of the local government, for effective local economic development.

According to Cloete (1996:100) advises that traditional leaders who are the residents in a local area shall, before the introduction of any law, be consulted, as local government are required to give effect to some laws. The council will remain responsible for the governmental functions performed in their areas of jurisdiction.

The following are some of the roles that the institution of traditional leadership can carry out:

- To promote socio-economic development;
- To promote service delivery;
- To contribute to nation building;
- To promote the social well-being and welfare of communities;
- To promote and preserve culture and tradition of communities
- To promote the preservation of moral fibre and regeneration of society

In carrying out the above roles, traditional leaders as custom-guardians:

- Can advise the government particularly on matters that affect the custom;
- Can influence on making of government policy and on formulation of legislation, insofar as it affects the traditional communities and their institution;
- Must form co-operative relations and partnerships with government at all levels in development and service delivery (the white paper on traditional leadership and governance, 2003:32)

Traditional leaders should have representation on local councils to advise on the needs and aspirations of the people they are responsible. Although the White Paper on Local Government attempted to bring about understanding between municipalities and traditional leaders, it failed to achieve the working relationship the two since major decision-making powers are still vested with the local municipalities.

The White Paper did not allow traditional leaders to reject the introduction of municipalities in rural areas. Traditional leadership has to function in a manner that embraces democracy and contributes to the entrenchment of a democratic culture, thus enhancing its own status and standing among the people. The critical challenge, facing both government and traditional leadership, is to ensure that custom, as it relates to the institution, is transformed and aligned with the Constitution and the Bill of Rights. (Van der Waldt et al, 2007:37)

Traditional authorities have remained a significant social, culture and political force and exercise their power particularly in rural areas. Although traditional leaders, in rural areas, do not provide significant municipal services, their control over the dispersion of tribal authority land, secures their political and economic influence within their areas of jurisdiction. Traditional leaders should not be viewed as individual citizens with a uniform democratic system, but as a special interest group, worthy of consultation and active participation in local government (Gerrit et al 2007:88).

2.4 CONCLUSION:

From (Sindane, 2001:15) The main difference, according to Contralesa, stems from the fact that traditional authorities assume the form of a social system. Traditional authority’s role is to manage, observe and monitor not only social behaviour but also relationship in a traditional community that falls within the traditional authority’s jurisdiction, while local authorities are preoccupied with service delivery.

There is insufficient consultation and discussions between traditional leaders and ward councillors, although many legislations as discussed above, that include Municipal Structures
Act, encourages consultation and working together for the benefit of the poor and disadvantage community.

Another contributing factor as mentioned no clear roles of traditional leaders except to **observe and advise**. Traditional leaders want to be recognized as the primary layer at local government and that chiefs should be the executive heads of rural local government. Vehement clashes between the government and the traditional leaders have been an ongoing battle since 1993, and the Municipal Demarcation Act 27 of 1998, which made things worse because it gave birth to Municipal Demarcation Board. The Municipal Demarcation Board, as it was instructed by the government vowed to create financially viable municipalities and this, as it immediately turned out, meant at times amalgamating existing traditional authorities into wider municipalities, or cutting through their boundaries. It became clear that the redrawing of boundaries would diminish the control traditional leaders wielded over land (Omen, 2005: 64-65).

Most important traditional leaders knows very well the needs of their communities as they have been there and involved in development prior to the present era. Of importance the ward councillors in conducting projects should do so in prior consultation and participation of the traditional leaders, in fact they should plan together in strategizing their way forward of development, creating an environment and a platform of working together for the best interest of community needs and service delivery. Traditional leaders must constitute part of the cadre of leadership that is leading South Africa towards a better life for all. In final conclusion a clear policy with clear roles and duties of traditional leader should be created in order to close the existing gap and insecurity to avoid the present conflict.

As outlined in the preamble of the Municipality Systems Act (Act 32 of 2000) that municipality needs to inform their daily interactions and relationships with communities, they have been mandated to serve, which community at rural areas is under the leadership of Traditional Leaders.

The democratic government introduced three spheres, National, Provincial and Local sphere of which Local government is the sphere that is close to the people, of which in its delivery of services it does so through ward councillors. A councillor is the elected representative of a ward. A ward is a smaller part of a municipal area which has been divided into a number of
sub-units. Councillors are elected by the municipal voters, which process is prescribed by legislation. The role of councillors is mainly deliberative and legislative in nature.

It is important to mention that there is a large number of people in South Africa who are subjects of traditional leaders, who live under customary systems, such as Mnquma Municipality. South Africa’s traditional leaders were co-opted by the colonial powers to govern rural areas, some other traditional leaders are hereditary although some are not. Traditional leaders hold positions of great authority and high status.
CHAPTER THREE: RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

Research design focuses on how data have been collected, the method used and design followed by the researcher. It has to do with the development of a research method that includes the choice of design. Techniques used to collect are explained and described in this chapter. The research design provides a framework for the collection and analysis of data. Information is presented under subheadings. In this chapter defining methodology and sampling are explained.

3.2 Research Design

Research design is defined by many authors as a plan as to how to conduct the research, provides the overall framework for collecting the data, outlines the detailed steps in the study and provides guidelines for systematic data gathering (Strauss & Corbin, 1990:17). According to (Welman and Kruger 1994: p46), research design is a plan according to which research subjects are obtained and the collection of information from them.

3.3 Research Methodology

According to Bryman (2001:29) and Mouton (1996:57) both agree that research specific instruments can be used, for example, completion of questionnaires, survey, participatory action research or structured interview schedules. In this research an investigation on the relationship between traditional leaders and ward councillors and as to how their relationship affects service delivery will be done.

In order to establish the relationship between the traditional leaders and ward councillors, it became necessary a systematic and standardized research approach be adopted.

Methods used by the researcher were qualitative research. This research gives answers as to why there is a conflict between traditional leaders and ward councillors, it was appropriate therefore to use qualitative research methods. The term ‘qualitative research’ does not
describe a single research technique. There are many research methods associated with qualitative research, employing means such as, interview, content analysis, form groups examples (Struwig & Stead, 2001:11).

In this research, structured interviews were used. The researcher formulated research questions, selected relevant respondents, as Foster (1995 in Bryman, 2001:267) suggests and lastly executed dated through interviews. This research often collected and analyzed texts and documents, the legislations, Acts and Commission’s Report and other relevant documents of both Municipality and the House of Traditional Leaders.

3.5.1 Interviews

The researcher in conducting field work had to use structured interviews for the House of Traditional Leaders, Mnquma Municipality, Local Government and the community of Mnquma rural area. A researcher must give answers to the question under study, as such the researcher used interviews to get the answers; involving question and answer session and the researcher noted the responses in writing. A format of planned and structured questions and objectives were prepared by the researcher, which were easier to manage.

Interviews were found to be more reliable and honest because it would be easy to engage the participants and that made easy to observe their feelings and they show their frustrations. The participants explain out their concerned and attitude to the relationship of traditional leaders and ward councillors.

The researcher made appointments with the targeted groups and officials, from the Department of Local Government, The House of Traditional Leaders, Mnquma Municipality, traditional Leaders of Mnquma, Ward councillors of Mnquma and the community members. The researcher paid a physical visit to the respondents as mentioned upon confirmation and approval of appointments, however, not all targeted officials honoured their appointments, as such telephonic interviews were held, using the same structured interview questionnaires and noting their responses in writing.
It took so long for the researcher to get respondents on time because they keep on changing appointments due to their busy schedules; as such the researcher had to wait for most of them.

3.4.1 Questionnaires

Questionnaires were used in collecting data, wherein they were distributed among the members of the Municipalities and other stake holders involved. According to Bless and Higson-Smith (2000:156) a questionnaire is an instrument of data collection, consisting of a standardized series of questions relating to the research topic to be answered in writing by participants. Questionnaires encompass a variety of instruments, in which the participants respond to written questions to elicit reactions, beliefs and attitudes.

Questionnaire can also be defined a set of questions structured as a form, which an object respond by answering such questions. Such questionnaires were distributed to villages and municipalities and later collected from the said places. The objects were given an opportunity to ask questions and researcher respondent to such question for clarity.

3.3.1 Study area

The research will focus on Mnquma municipality and the surrounding villages which are under its jurisdiction. It is part of the former Transkei, comprised of Butterworth, Nqamakwe and Centane, in the Province of Eastern Cape, South Africa. The Mnquma municipality falls under the category of previously disadvantage and poor areas in South African. Most residents in this municipality solely depend on government services to survive, including pension grant, foster care grant, food parcels, water, electricity, schools and roads. Most of the population is uneducated, unemployed, and under the traditional leadership.

3.3.2 Sampling and sample size

Sampling means that part or size of universe one will use to answer research questions and in this case not all community participated in this research, a small size was considered. Sampling techniques may be grouped into probability and non-probability (Neuman,
Non-probability sampling techniques were used because it was not known whether any member of the population would be involved and could therefore not be guaranteed.

The type of sampling used was purposive or judgmental. A judgmental or purposive sampling technique was used, as the researcher relied heavily on personal judgment.

Four traditional leaders, two senior managers from the House of Traditional leaders, two managers from Local Government, the mayor of Butterworth, The municipal manager and four ward councillors from different wards of Mnquma and ten members of Mnquma of rural community were interviewed from Mnquma municipality. According to Marshall & Rossman, 1995:55, for a sample to be considered reliable, it must consist of a reasonable number of people.

3.4.2 Interview survey

Interview survey it’s a process whereby questions, conversation and recording what you are told. It is a joint exercise whereby a researcher and members participate actively in the process. It is vital because that is where the researcher is able to get a meaningful participation, to show insights and show reaction of participants.

In conducting such interviews, a researcher has to be strategic to involve the informant, in the sense that a skill is needed to win their trust and confidence, which lead for them to be flexible and answer the questions freely and voluntarily.

3.5 Observations by the researcher

Techniques were used to establish as to how the community respond to circumstances and the following are the observations:

- Some of the participants could show insecurity by asking questions that are irrelevant;
- The reaction of the participants could be observed.
- Different understanding of the participants, some were stubborn and impatient with the process.
Some were less interested as they have lost confidence with their ward councillors and traditional leaders’ relationship.

3.6 Limitations

Interviews were delayed as the respondents were unavailable and cancelled appointments on numerous occasions. Respondents did not show any interest in the research as they said there has been a lot of interviews before which did not bring any change to the situation. Tensions between the parties also caused some delays as some at first were of the impression that the researcher is there for certain individuals’ interest.

The researcher had to motivate and encouraged the participants to make their attitude positive. Time was a challenge to the researcher as she is full time employed. The schedule of respondents which was busy delayed the researcher in getting the information.

3.7 Ethical Considerations

Ethics are defined as the science of human behaviour and conduct with the intention of valuing and safeguarding human dignity, promoting justice, equality, truth and trust. Ethics are associated with morality (Babbie, 1991: 464). Professionalism is of importance in conduction the research because the researcher has an obligation to maintain personal conduct and moral duty. Most importantly, the participants, has to have confidence that privacy and anonymity will be observed.

Personal information of participants when obtained they were assured that it will be kept strictly confidentially and no one’s identities will be disclosed. The written consent letters of identity from the University was produced to the participants for assurance to the participants. (Appendices A)

3.8 Conclusion

The choice of using interview and questionnaires has assisted the researcher in acquiring all necessary and relevant information from participants. The interviews conducted were structured to promote uniformity across all participants and to ensure clarity to participants on how to answer or respond to questions. Documentation assisted in that most of the
legislation, Act, Precepts and policies were used to correlate the information in assessing the relationship between the traditional leaders and ward counsellors and its impact on service delivery. Prepared questionnaires were very simple and understandable.
CHAPTER FOUR:

PRESENTATION AND ANALYSIS OF QUALITATIVE DATA

4.1 INTRODUCTION

This chapter presents the data collected in the research as well as analysis of the findings from the field work after interaction with the respondents. Interviews were conducted from all stakeholders involved. The purpose of the study was to assess impact of traditional leaders and ward councillors’ relations on service delivery. Both the qualitative and quantitative data analysis methods were applied to give the readers understanding of the results and opinions of the respondents. Judgmental or Purposive sampling techniques were used and the following respondents were found useful in this research. The following are the respondents who were interviewed:-

- One provincial Manager of district coordination at the House of Traditional Leaders;
- Provincial Senior Manager of Integrated Development Plans (IDP) Coordination, at Local Government;
- One provincial Manager of Local Government, public participation.
- The mayor of Mquma municipality
- Four traditional leaders from Mquma municipality
- Four ward councillors from different wards, two from ward 39 and two from ward 41
- Two headman and six members of community

Their names are not mentioned both for anonymity and privacy reasons.

4.2 QUANTITATIVE DATA ANALYSIS

The questionnaire, used in collecting quantitative data was structured in a manner that would provide information on the profile of the respondent and their views on the impact of relationship of traditional leaders and ward councillors on service delivery in Mquma municipality.
Figure 4.1: Role players

Figure 4.1 illustrates that about 60% of the participants indicated their dissatisfaction on the functioning of both the traditional leaders and ward councillors in relation to service delivery, claiming that consultation is not constantly done to keep them abreast prior and after any project is done, this can be caused to the non-existence of platforms wherein both traditional leaders and ward councillors sit together to discuss service delivery issues in their respective areas of operation., 40% of the respondents indicated that ward councillors’ role is that of representing the communities in local government and that the traditional leaders were the custodians of the land. The participants further stated that ward councillors were a product of the voting process, while traditional leaders were enthroned by hereditary process. Other respondents argued that ward councillors should be a link between their constituencies and the local government on all service delivery matters.

There was consensus by most participants that the role of the traditional leaders was profound and cohesive. This was observed across various levels of participants and from various respondents, for example, on the issue of social grants, they help to identify those who qualify according to them, and recommend such individuals to the relevant department, also with allocation of land they assist to those who qualify,

However, with the introduction of the local government in rural areas, some councillors tend to think that this is the sole responsibility of ward councillors, who are not always available for community and not knowledgeable about the personal circumstances of the applicants.
Traditional leaders were seen as people, who interact on a daily basis with their communities. It was viewed that traditional leaders should strive to enhance tradition and culture and also promote nation building and harmony as well as peace among the people. Traditional leaders must promote the principles of cooperative governance in its interaction with all spheres of government and organs of the state. These leaders must also promote an efficient, effective and fair system of administration of justice as envisaged in applicable legislations.

Ward councillors were seen by participants as representatives of the community for government development programs and service delivery, but that does not happen as ward councillors do not consult the electorate and allowed them to participate. No consultation for projects to be implemented, they are planned by the ward councillors themselves without involving the broader community.

**Figure 4.2: People who were consulted**

85% of the participants were not consulted neither by the traditional leaders nor the ward councillors in relation to service delivery projects in the respective wards. This problem came up to an extent that some projects stalled during the implementation phase, due to a number of reasons. Of the participants, 15% indicated that they were consulted by the ward councillors or traditional leaders, while 85% claimed that consultation only took place when road shows were conducted by local government on IDP and Budget issues, which are perceived as compliance matters. There is no service delivery audit meetings that includes
all stake holders, including traditional leaders who know very well the priority needs of the communities and as such leading to the implementation of projects, which are not need or at time duplication of unnecessary project and undesirable. Furthermore, 15% of the respondents indicated that a lack of consultation deprived them of their Constitutional rights of ensuring participatory governance, when it came to service delivery matters.

It came up clearly that there is a lack of proper communication and involvement of community and is the reason of implementation of unwanted projects by local government, in opposition to the broader interest of the communities. Participants believed that community meetings were effective and efficient platforms, where service delivery issues could be discussed broadly. Ward councillors do not schedule meetings with community whereas with traditional leaders were convened occasionally. However, ward councillors realized that to ensure an acceptable quorum for all meetings, traditional leaders had to be engaged, as these officials have the authority to call people to attend meetings.

![Figure 4.3: Respondents’ views on community involvement](image)

The findings reveal that about 85% claimed not being involved in any planning programmes for projects and 15% reported being informed at the last minute without agenda many times, it is for this reason that the non-involvement of communities by neither the traditional leaders nor the ward councillors paralyzed the provision of service delivery.
It became clear that the principles of Batho Pele are not adhered to by ward councillors. Community need to be involved and be informed about the intention of all projects to be implemented. No community structures to interact with the government and/or ward councillors to express their needs. Traditional leaders are unable deal with other service delivery projects, which are:

- Political influence,
- Municipal versus traditional structures,
- Traditional versus municipal boundaries, and
- Lack of capacity.

<table>
<thead>
<tr>
<th>Meeting Schedules</th>
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<tbody>
<tr>
<td>Series 1, Monthly Meetings, 30</td>
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<td>Series 1, Quartely Meetings, 70</td>
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**Figure 4.4: Respondents’ views about scheduled meetings**

It transpired that about 70% of the participants mentioned that meetings called by traditional leaders were not attended to satisfaction by ward councillors vice versa. 30% of the participants indicated being informed about and invited to the meetings of the ward. This high percentage vindicated the fact that there was no coordination of programmes between traditional leaders and ward councillors.

It became so clear that there is a need to determine the clear roles of traditional leaders, so as to avert the overlapping of responsibilities with those of ward councillors, or that the ward councillors should focus on projects which are implemented by local government. Lack of consultation with the communities proved that there could be no proper planning of projects.
for effective service delivery. In terms of a municipal planning tool, meetings were supposed to update communities on a quarterly basis. In terms of the chart above, 70% indicated that monthly and quarterly meetings were not held, while 30% indicated knowledge of such meetings and therefore, attended monthly and quarterly meetings but agreed that they were not properly communicated.

![Impact of Relations](image)

**Figure 4.5: Impact of relations**

When analysing the impact of the relations between traditional leaders and ward councillors, it became clear that 70% of the respondents showed dissatisfaction and indicated that the poor relations affect service delivery negatively, while 30% were merely happy about relations. It became clear that those who expressed satisfaction were those closest or related to traditional leaders or ward councillors. Of the participants, which 70%, who are at rural areas expressed their dissatisfaction about the poor progress service delivery, indicated above. The 30%, who expressed satisfaction, are those who are living in semi-urban areas.
**Figure 4.6: Participants’ response on monitoring**

About 80% of respondents argued that the municipal authorities’ role of monitoring the relations between traditional leaders and ward councillors was minimal as there were no proper constituted structures to do so, while 20%, conversely, responded in the affirmative. 20% of those living in semi-urban areas do not appreciate the existence of SALGA, as there has been a lot of protest due to poor service delivery by the municipality, as such they are of the view that SALGA is not intervening at all.

Participants claimed that the demarcation process has not been a transparent issue whereby they were involved, they felt that public participate was not properly conducted, Local Government which spearheaded the process failed them, that is why they maintained that even local government was not doing its best in ensuring a better life for the poor and disadvantaged community. The view of some respondents was that the demarcation process should be transparent and be inclusive of all the affected stakeholders.

On interviewing Local Government official, he explained that Municipalities were tasked to facilitate the meetings with the communities but that was not monitored if it is indeed properly done. Municipal Manager indicated that municipalities were only facilitating the holding of meetings; the demarcation process was the competency of the national sphere of government.

**4.2 PRESENTATION AND ANALYSIS OF QUALITATIVE DATA**

The interviews were conducted with respondents, qualitative analysis looks at the sources and the participants’ responses as reflected on the questions posed. During the interviews with respondents it became clearly that there is no understanding of the role of traditional leaders in relation to service delivery, whereas ward councillors were perceived as the elected representatives of communities in their wards.

Respondents are of the belief the role of traditional leaders is a historical one since time immemorial, being that of serving their subjects in all their needs. Ward councillors were perceived as the vanguards for service delivery in the wards.

Respondents showed no understanding as the procedures to be followed when they need certain projects in the community. They do not understand the link between them and ward
councillors for implementation of projects. On the other hand, ward committees were perceived as serving the interests of the elected councillors, ignoring the broader interest of the community. This scenario was disputed by ward committees claiming that in some projects they were invited, but in others they were not. Their role was being questioned as they were not fully utilized.

The role of traditional leaders was of great concern as it was claimed that all the powers and dignity, historically assigned to traditional leaders, were removed by the legislative framework that came into place in 1994. Most participants emphasized the importance of recognizing traditional leaders as they have been custodians of their communities and they have relationship with them for ages. Respondents believed that development in rural areas, should be the responsibility of traditional leaders.

Respondents are of the view that community should have their monitoring structures in order to monitor service delivery and other projects in place to avoid any hiring of poor labour and delay in service delivery.

The researcher has observed that the traditional leadership level of authority in the community has been and will remain the centre of power in the community and indeed the interactive body between the community and local government.

It cannot be doubted that the roles of ward councillors are clearer, than those of traditional leaders, as the ward councillors are favoured by legislations. It is clear that our the Constitution of the Republic of South Africa has not clearly the role and duties of traditional leaders, although the Traditional Leadership and Governance Framework Act, No. 41 of 2003, and other applicable legislation recognize and regulate the role of traditional leaders, there is still so much ambiguity.

There is still so much desired to be done by our government in empowering skills and knowledge to traditional leaders on how to assist communities with regard to issues relating to service delivery. It was evident that the relations between the traditional leaders and ward councillors are poor, as most of the traditional leaders do not know their councillors to such an extent that the latter hardly attend the meetings of the tribal authority and vice versa.
The researcher observed that there an element of not recognized each other between traditional leaders and ward councillors, have said so, the traditional leaders remain serving as cultural leaders in charge of their respective societies”, their well-being and management. It is therefore necessary for the government to review the structures pertaining to traditional leaders and formulate a very clear role of traditional leadership in government.

Principles of Batho Pele on implementation of projects are disregarded; this is acting against the laws of the country stipulating regular consultation with the communities on any project to be implemented in the area. Ward councillors imposed projects without consulting beneficiaries, thereby resulting in the collapse thereof or having to redone because of poor quality. Traditional leaders believe that no concentration has been put into rural areas only semi-urban areas are taken care of, while rural roads are still very poor not maintained, no water in some areas, no electricity. Consultation should not be disregarded in major decisions that affect the lives of community as it is their right to decide. The researcher’s view is that traditional leaders could best mobilize communities their community towards participatory developmental approach as it has been his duty to always call imbizo.

As such, traditional leaders may enforce certain regulations among their respective subjects, though challenges were experienced by communities, like the provision of basic infrastructure and health facilities. In considering whether there were any tensions between traditional leaders and ward councillors, it was evident from the respondents that as much as this could not be clearly noticed, tensions were in existence, no scheduled meetings, where cooperative discussions regarding the challenges of the ward in relation to service delivery, took place.

There were no cooperative planning sessions on programmes to be implemented in the ward, this resulted in social distance. Community respondents indicated that some of the requests for projects were not taken into consideration by the relevant authorities.

The role of local government is minimal as there are no platforms to engage and solve tensions between the traditional leaders and ward councillors, or local government to go direct to community and hear community’s concerns. Meetings are not convened properly by announcing it properly to reach the community.
According to traditional leaders even if they attend council meeting their opinions or view are not considered as such some decided not attend meeting due to poor participation on their side. The Speaker of Mnquma Municipality indicated that standing committees of the council, however, do sit in where traditional leaders and ward councillors broadly discuss projects and other service delivery issues for various wards.

4.3 Researcher’s observation

It cannot be disputed that the role of ward councillors is clearly secured by legislations, such as the Constitution of South Africa and other legislations, than that of traditional leaders, although the Traditional Leadership and Governance Framework Act 41 of 2003, and the Constitution of South Africa stipulate their role, albeit in a very ambiguous manner.

The syndrome of complex by traditional leaders as they feel that they are being stripped of their power and status by ward councillors, has paralyzed the relations between them, as a result the ward councillors do not attend the (Imbizo) meetings called by traditional leader and vice versa. It is then when it was suggested by respondents that they should reach a common ground for the sake of progress that ward councillors should approach traditional leaders to mobilize and call the meeting when needed at the (Ikomkhulu) traditional leaders’ place, as they are and have been always custodians of their communities. The researcher observed that despite of all these differences and doubt over the capacity of traditional leaders, these office bearers remain serving as cultural leaders in their societies as before.

The intervention by local government is very minimal if any, to create platforms to engage and solve the tensions between traditional leaders and ward councillors. Participants are of the view that local government should play a leading role in all service delivery projects by involving traditional leaders by proper consultation, creating a platform of working as a team with ward councillors.

There is no doubt that our government has to develop a clear legislation that will clear state the role and duties of traditional leaders insofar service delivery is concerned and that will restore their insecurity.

4.5 Conclusion

It can be deduced that the relations between traditional leaders and ward councillors in relation to service delivery matters was not sufficient enough to serve the cause of ensuring a better life for the people. The monitoring and evaluation committee should urgently be
considered by our government. Both parties the traditional leaders and the ward councillors should worked together for the benefit of the community and should create a mutual trust between them in order to minimize the tension between them. The functioning of the municipality and the future role that can be played by both of these parties was also misunderstood. It became clear that between the traditional leaders and ward councillors the moral fibre decayed, why I say this, it has been clear that ward councillors do not recognize the traditional leaders at all, although they have been under their authority prior to the democracy.
CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION
This chapter reviews the findings of this study on the impact of relationship between traditional leaders and ward councillors and how it affects service delivery and also suggestions are in this chapter. The lack of service delivery is very vital issue and therefore, consultation is an essential step when dealing with communities, more especially in rural areas and it has been come clear that service delivery has been compromised due to the poor relationship.

5.2 SUMMARY OF THE FINDINGS
The findings of the study are as follows:

- After consultation and interviews 99% of traditional leaders they are of the view that their house should be separated from local government and be an independent department which will run its own affairs and focus strictly on service delivery in rural areas, the statistic has been confirmed that currently, 75% population of Mnquma Municipality are rural areas under the traditional leadership.
- Almost 99% of Traditional leaders perceive that there is no proper communication and involvement between them both by local government and ward councillors in developmental programmes.
- Traditional leaders feel that they are isolated by the government of democracy.
- The concomitant to communication problem between traditional leaders and ward councillors has a negative impact on development and service delivery as a result a lot of projects are incomplete or some have not started although they have been in the agenda and priorities of 1994 from the White Paper on Reconstruction and Development Programs.
- 70% of rural community and semi-urban community claimed that awarding of contracts and projects is not based on merit but nepotism and fraud is very ripe and government should intervene by creating a committee that will include members of the community, traditional leaders and officials to supervise and observe the awarding procedures properly.
- The Traditional Leadership and Governance Framework Act 41 of 2003 has gone a long way in defining the role of traditional leaders in service delivery, by proposing
partnerships between local government and traditional leaders in order to improve service delivery but that is not happening, no strategy of implementation.

- 60% of community confirmed that ward councillors are not consulting and involving the community properly to participate in development, neither by way of meeting or any other mode of consultation.

- It cannot be denied the relationship between traditional leaders and ward councillors (local government) is poor.

There is no extension of democracy to rural areas as they cannot benefit from basic services for almost eighteen (18) years of democracy, as 65% of rural areas in Mnquma cannot benefit from basic services, such as, water, electricity, building of schools, clinics and roads.

- According to the study done by Professor Thakhathi (1996), it revealed that the new system of local government has caused concern for many traditional leaders who feel that their power, position and status is threatened because more power and status has been given to ward councillors.

### 5.3 RECOMMENDATIONS

It is from the above finding that the following recommendations are made:

- This research has clearly shown that pertaining to development programmes, 75% of the communities at Mnquma municipality are under the traditional leadership and their headmen.

- Harmonisation of traditional leaders and ward councillors to bring about the introduction of horizontal structural operational relation between local government and traditional leaders.

- It is from this reason therefore that for developmental programmes and speedy service delivery, it remains necessary for government to establish strong communication links between local government, municipality, traditional leaders and ward councillors. This is problematic due to poor policies and regulations in place.

- The government needs to facilitate proper communication networks among the traditional leaders to enable them to be part of decision-making processes towards government policies and programmes in order to respond to the needs of community.
The findings of the study suggests that improvement of relationship between traditional leaders and ward councillors at Mnquma Municipality could lead to the improvement and drastic progress in service delivery and development in that:

i) Government should finalize the creation of proper policies and statutes that will give traditional leaders a clear mandate and responsibilities in service delivery.

ii) There is dire need for a flexible legislation that will differentiate as to who is having a higher authority between ward councillors and traditional leaders for the sake of the progress, also clearly roles of community structures play in the enhancement of community participation in service delivery are very important, because without the structures there will be a gap between community and local municipality.

iii) The local government, through its ward councillors, should have a harmonious relationship with traditional leaders and give them respect, honour, authority and thus, status which they deserve in order to preserve and strengthen positive African cultural values, that will uplift the moral well being of society. It can be done on the spirit of tolerance, dialogue and consultation (The White Paper on Traditional Leadership and Governance, 2003:19).

iv) Traditional leaders are part of governance and have a duty to meet needs of their communities, therefore a proper consultation and monitoring on service delivery is imperative and that government must consider the formation of an independent committee to monitor the relationship between traditional leaders and local government and its sub-structures urgently.

v) In the planning process of the IDP by the municipality, traditional leaders should be consulted they are a stakeholder, so as to ascertain their priority needs as against the needs of the ward councillor representing the community, as traditional leaders know their communities very well.

vi) Empowerment of traditional leaders and ward councillors is needed to ensure that they have ability to utilize resources within communities this will prevent creation
of unnecessary competition between traditional leaders and ward councillors. Training should be continuous in order to sustain the capacity of the municipalities for a better service delivery.

vii) Traditional leaders need education of issues concerning:-
Local government administration, Change Management, Community development, Governance, Political System. Integrating the traditional leaders’ ways of functioning to benefit the South African agenda for economic growth and development will impact positively on efforts towards the upliftment of poor rural standards of living. (Arabian Journal of Business and Management Review (OMAN Chapter) Vol. 1 No.6 January 2012

viii) Monetary benefits, if needs be, should be agreed upon between the local government and traditional leaders before the commencement of a project. Community structures should have knowledge about services that are to be delivered and how they can be closer to the municipality.
5.4 CONCLUSION

The Eastern Cape serving mostly the rural communities subscribed to the above Act thus establishing its own Act, Act No.4 Of 2005(EC) Traditional Leadership And Governance Act, 2005 (Eastern Cape). The Act reads; “To provide for the recognition of traditional communities; to provide for the establishment and recognition of traditional councils; to provide a statutory framework for leadership positions within the institution of traditional leadership, the recognition of traditional leaders and the removal from office of traditional leaders; to provide for the functions and roles of traditional leaders; to provide for a code of conduct; and to provide for matters connected therewith.”

The province of the Eastern Cape has enacted this law in order for the traditional leaders to perform their duties within a specified framework. The Eastern Cape Government intends to cater for matters which are peculiar to the province. The act gives an idea that there are traditional communities in the Eastern Cape who have to be led by traditional leaders. Also, that the traditional leaders will have a code of conduct that will determine their existence or removal from office. In the present democratic government, traditional leaders are expected to work with the democratically elected councillors. Some traditional leaders were not happy about this partnership and they perceived the new local government as “unacceptable and that it would lead to the usurpation of their powers (DPLG 2003:23).

The government had to ensure that traditional leadership responds and adapts to change and that there is harmony with the Constitution and the Bill of Rights. Chapter 12 of the Traditional Leadership and Governance Framework Act, 2003 recognizes a traditional community as a community that is subject to a system of traditional leadership in terms of that community’s custom and that it observes a system of traditional law.

Traditional communities need to have traditional councils which will be recognized by the provincial Premier. The traditional council in its composition should have traditional leaders. Amongst the functions of the traditional councils, the council has to assist, support and guide the traditional leaders in performance of their functions. Also it has to support the municipalities in the identification of the community needs.

The traditional councils, also, are responsible for facilitating the involvement of traditional communities in the development of the integrated development plan of their communities, hence the introduction of the Local Government: Municipal Structures Act 117 of 1998 and
the Municipal Systems Act 32 of 2000. Section 81 of the Municipal Structures Act 117 of 1998 confirms the participation of traditional leaders in municipal councils. Although it is stated in the constitution that traditional leaders should participate in the development of their communities, the word ‘may’ is used. It is stated that traditional authorities may participate through their leaders. Also, that they ‘may’ participate in the proceedings of the municipal council seems not to be enough. Their involvement is left open that they may do as they wish as if there is no code of conduct. Another question arises when the number of traditional leaders is not supposed to exceed 20% of the total number of councillors in that council.

Considering the fact that traditional leaders function in the rural areas, which is a bigger part of community, is it therefore 20% sufficient to work effectively? Section 81(3) of the Municipal Structures Act 117 of 1998, gives a municipal council powers to make a decision on matters affecting a traditional authority. A traditional leader is to be given an opportunity to express a view on the matter. It looks like a shift of roles as the matters affecting traditional authority exist where a traditional leader is found than a municipal council which leaves outside the traditional community. The Municipal Systems Act 32 of 2000 is not clear on matters affecting the rural communities except in mentioning that it empowers the poor and ensures that municipalities put in place service tariffs and credit control policies that take their needs into account by providing a framework for the provision of social services.

Chapter 12 of the Constitution of South Africa in section 211 and 212 to traditional leaders, it is a very short chapter, where in section 211 the institution is being recognized nothing more, and again in section 212 it reads as follows:

“(1) National legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities.

(2) To deal with matters relating to traditional leadership, the role of traditional leaders, customary law and the customs of communities observing a system of customary law...”

The term “May” its legal implication when interpreted limits their authority and power and gives more to the national government. In all legislations with regard to traditional leader no where they are given full authority and power, even in other legislations such as the Municipal Structures Act 117 of 1998, Municipal Finance Management Act 56 of 2003 and Municipal System’s Act 32 of 2000, when it comes to traditional leaders they are observers
and advisors, although the municipal is given clear roles and duties. Some of the traditional leaders and communities are of the opinion that section 211 and 212 are vague and ambiguous.

This study has clearly shown that there a poor relationship between the traditional leaders and ward councillors and this affects service delivery and as such strategies should be made to harmonize their relationships.

This should be done in order achieve better results in service delivery and development of the poor and disadvantage communities. Government has to speedily create statutes, legislation and policies that are clear as to the role and responsibilities of traditional leaders against those of ward councillors.

Intervention from both local government and local municipalities to create a platform of a harmonious environment between traditional leaders and ward councillors to work hand in hand with one another for the smooth and speedy service delivery for the sake of the communities.

The national government and provincial government must promote partnership between municipalities and traditional councils through legislative or other measure.

The government should enact a legislation that will guide traditional leaders or else the government should give them authority for full operation in rural areas with regard service delivery and development and that ward councillors to work under their supervision as they are custodians of their communities.

Currently, it is so clear of all legislations mentioned in this research no clear framework exists of how traditional leaders operate in the new dispensation. To recognise their presence and status without allowing them to practice is akin to repeating history.
REFERENCES:

1. BOOKS


Biklen, B. 1992: *Qualitative Research for Education*. Ally and Bacon, Boston


Education Co., USA.


2. LEGISLATIONS:


3. **JOURNALS**


4. **OTHER ARTICLES**


Logan, C. 2008.*Traditional Leaders in Modern Africa: Can Democracy and the Chief Co-Exist?*


Appendix A - Letter of Authority.

University of Fort Hare
DEPARTMENT OF PUBLIC ADMINISTRATION
Office of the Chair & Head of Department:
Professor Edwin Ijeoma
Head of Department of Public Administration
PO Box 6155, King William’s Town, 5000, RSA
Tel: +27 (0)44 608-3403 • Fax: +27 (0)44 608-3408

16 April 2013

TO WHOM IT MAY CONCERN

RE: REQUEST FOR CONDUCTING AN ACADEMIC RESEARCH

<table>
<thead>
<tr>
<th>PROGRAMME</th>
<th>MASTER OF PUBLIC ADMINISTRATION (MPA)</th>
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<tbody>
<tr>
<td>NAME</td>
<td>Mrs Fuzeka Mhlanga</td>
</tr>
<tr>
<td>STUDENT NUMBER</td>
<td>201110105</td>
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The above named is a registered student of the University of Fort Hare. As part of the requirements for completing her MPA degree, the student is expected to conduct a research and submit its findings accordingly.

We hereby request you to allow the student conduct a research in your institution and to interact with relevant selected office-bearers and officials. We have instructed the student to observe professionalism and ethical considerations by maintaining anonymity of the participants concerned. The student has also been advised to maintain strict confidentiality in her interaction with respondents.

Once the research is completed, it may be availed to your institution on request. We hope that the findings of the research will benefit your institution in particular and South Africa in general.

Please extend every assistance she stands in need.

Regards

[Signature]
EOC Ijeoma

[Logo]
www.ufh.ac.za
APPENDIX B: RESEARCH INTERVIEW QUESTIONS

Section A

RESEARCH INTERVIEW QUESTIONS:

The following are questions about issues related to the relationship between traditional leaders and ward councilors and how it affects service delivery, in Mnquma Local Municipality.

1. What would you say is the role and responsibility of traditional leaders as against that of ward councilors?

2. How is the relationship between the traditional leaders and ward councilors?

3. What causes of conflict if any between the traditional leaders and ward councilors?

4. What could be the cause of power struggle between traditional leaders and ward councilors with regard to service delivery?

5. Is there any intervention made by the community, municipal and/or the Local Government as remedy to solve the animosity between traditional leaders and ward councilors?

6. To what extent then their poor relationship is affecting the service delivery?

7. What do you understand with term ‘demarcation’?

8. Was the demarcation process transparent to everyone?
9. What are perceptions of local government, traditional leaders, ward councilors and members of the public with regard to the management of the relationship between ward councilors and traditional leaders?

10. Who interacts with the community between traditional leaders and ward councilors in development issues better than the other?

11. Is the community been involved for participation in development programs by traditional leaders and vis-a-vis by ward councilors?

12. Is there any transparency in issues of development by both traditional leaders and ward councilors?

QUESTIONNAIRE B

IMPACT ASSESSMENT TOOL

This tool of research has been developed to assess as how does the relationship between Traditional Leaders and Ward Councillors affect service delivery.

Respondents

This questionnaire accommodates the participation of Traditional leaders, Ward Councillors, Municipal Officials, Speaker, Community Members and Officials of Local Government.

Guidelines

Information received will be treated with confidentiality and all other research ethics.

Process
The researcher will interact with respondents both directly and telephonically.

Communication

Language to be used is both English and Xhosa, though responses will be recorded in English.

**QUESTIONNAIRE**

**Section B**

The below questionnaire is prepared for selected group of community with regard to their opinions and views with regard to the relationship between traditional leaders and ward councilors.

1. **NAME OF PARTICIPANT:**

2. **WARD NO:**

3. **GENDER:**

   - **FEMALE**
   - **MALE**

4. **How would you rate the relationship between traditional leaders and ward councilors?**

   - **GOOD**
   - **AVERAGE**
   - **POOR**

5. **Is there any fair consultation for public participation in development programs by either traditional leaders or ward councilors?**

   - **YES**
   - **NO**
6. How would you rate the relations between traditional leaders and ward councilors?

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<th>GOOD</th>
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<tr>
<td>AVERAGE</td>
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<tr>
<td>POOR</td>
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7. Is the community participating in decision making traditional leaders and ward councilors?

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8. Is there any tension between them from your observations, if any what could be the cause of such tensions?

________________________________________________________________________
________________________________________________________________________

9. How do their poor relations affect service delivery?

________________________________________________________________________
________________________________________________________________________

10. Has there been any intervention to resolve the tension between traditional leaders and ward councilors?

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11. How do they involve the community as part of projects in place?

________________________________________________________________________
________________________________________________________________________
QUESTIONNAIRE

IMPACT ASSESSMENT TOOL

This tool of research has been developed to assess as how does the relationship between Traditional Leaders and Ward Councillors affect service delivery.

Respondents

This questionnaire accommodates the participation of Ward Councillors, who government tool for development and service delivery. Ward Councillors are elected by through voting process by voters in that specific area. Ward Councillors expected to be history makers when it comes to service delivery.

Guidelines

Information received will be treated with confidentiality and all other research ethics.

Process

The researcher will interact with respondents both directly and telephonically.

Communication

Language to be used is both English and Xhosa, though responses will be recorded in English.
APPENDIX C QUESTIONNAIRE FOR TRADITIONAL LEADERS

QUESTIONNAIRE

Section C

This questionnaire has been prepared for traditional leaders’ participation, whereby they answer the questionnaires administered by the researcher.

1. NAME OF THE CHIEF: ……………………………………………………………………………………..

2. WARD NO: ……………………………………………………………

3. GENDER

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<td>FEMALE</td>
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4. Are there any tensions between yourselves and ward councilors:

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<th>YES</th>
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5. What do you think is the cause of such tensions?

____________________________________________________________________________________

____________________________________________________________________________________

6. What do you suggest that can be done to solve such tensions?

____________________________________________________________________________________

____________________________________________________________________________________
7. What have you done in trying to resolve such tension?

8. How do you rate your relationship with the communities and their involvement in participation for service delivery?

<table>
<thead>
<tr>
<th>GOOD</th>
<th>FAIR</th>
<th>POOR</th>
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9. Do you attend meetings of ward councilors?

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<th>YES</th>
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10. Do you understand your role with regard to service delivery?

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<th>NO</th>
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11. Do you attend the meetings held by ward councillors Vis-a-versa?

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<th>NO</th>
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12. Do you have any involvement with regard to project programmes by Local Government?
14. Do you hold any open meeting involving all stakeholders on development and service delivery that are called by either yourselves or ward councillors?

NO

15.

16. Has the Local Government have any meeting with the traditional leaders for your concerns?

NO

17. What do you think you wish could be added or done to the existing legislations with regard to service delivery?

NO

18. With the existing legislations with regard to your roles and duties is there anything you wish you could comment on?

The below are questions to establish the relationship of ward councillors and traditional leaders and how it affect service delivery.
QUESTION FOR WARD COUNCILLORS

Section D

1. NAME OF WARD COUNCILLOR:

2. WARD NO.

3. GENDER

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4. Are there any tensions between yourselves and Traditional leaders?

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<tr>
<th>YES</th>
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5. What do you think is the cause of such tensions?

_________________________________________________________________
_________________________________________________________________

6. What do you suggest that can be done to solve such tensions?

_________________________________________________________________
_________________________________________________________________

7. What have you done in trying to resolve such tension?

_________________________________________________________________
_________________________________________________________________
8. How do you rate your relationship with the communities and their involvement in participation for service delivery?

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<td>FAIR</td>
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<td>POOR</td>
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9. Do you call meeting for the communities, do you do so through the traditional leader of the area? If no Why?

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10. Are you participating in projects conducted by traditional leaders

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<th>YES</th>
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<td>NO</td>
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</table>
QUESTIONNAIRE

IMPACT ASSESSMENT TOOL

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Guidelines

Information received will be treated with confidentiality and all other research ethics.

Process

The researcher will interact with respondents both directly and telephonically.

Communication

Language to be used is both English and Xhosa, though responses will be recorded in English.
INTERVIEW FOR WARD COUNCILLOR

1. Where were you here

2. How would you describe the quality of life in this area, things such as access to electricity, water, transport, roads etc.

3. How far are schools?

4. What can you say about development and service delivery, is there any production?

5. If yes from 1994 up until now what are the changes?

6. If no what are the challenges?

7. How is your relationship with traditional leader of this area?

8. If not good, can you tell why?

9. If not, what intervention has been sort?

10. How do you conduct public participation?

11. Are people interested in being involved in project programmes?

12. Are the people aware as how to go about in getting project?

13. In awarding projects are the people parts of the process?

14. Do you know and understand the principles of Batho Pele?

15. Do you apply them in conduct service delivery

16. What would you say are the challenges faced by the municipality in execution of development programmes?

17. How does municipality and local government plan to enhance human development in this area?

18. Do you have any plans to improve infrastructure backlogs that compromise service delivery in this area?

19. Is there any plan for priority projects?

20. How does the Municipality plan its priority Projects with community?
APPENDIX D

Map Mnquma Local Municipality Highlighted in Red Colour