THE ROLE OF TRADITIONAL LEADERSHIP INSTITUTIONS IN THE DEVELOPMENT OF THEIR COMMUNITIES WITH SPECIFIC REFERENCE TO THE RHARHABE KINGDOM

– MNGQESHA GREAT PLACE -

KING WILLIAM'S TOWN

by

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The role of Traditional Leadership Institutions in the Development of their Communities with specific reference to Rharhabe Kingdom – Mngqesha Great Place – King William's Town.

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It is the objective of this treatise to highlight and demonstrate the role that can be played by Traditional Leadership Institutions in the development of their communities, demonstrate and advance the extent to which they can enhance their image and restore their dignity by embarking on community development projects that will improve the quality of life of their subjects in their jurisdictional areas. However, as the number of Traditional Leadership Institutions that can be investigated and researched was so large, it became necessary to focus attention primarily on the Rharhabe Kingdom with its seat and headquarters at Mngqesha Great Place in King William's Town. The Mngqesha Great Place, the seat of the Rharhabe Kingdom is a typical example of a Traditional Leadership Institution selected from the six existing Eastern Cape Provincial Kingdoms. Attention is invited to the following fields which had to be explored since they serve the basis for the evolution of Traditional Leadership Institutions in South Africa.

A historical background to Traditional Leadership and Governance in South Africa and the Eastern Cape provides some key issues of governance, management and administration, position, place and status of the institution during the pre- colonial and colonial periods, the period under apartheid rule, the independence period of the former homelands of Ciskei and Transkei territories with reflections on Tribal and Regional Authorities and Local Government Bureaux. A synoptic perspective of the effect of changes on the functioning of the Institution of Traditional Leadership is provided in some detail. This part is concluded with a brief history of the Rharhabe Kingdom.

An overview of Traditional Leadership and Governance in the new South Africa since 1994 to date indicates the recognition and important role that Traditional Leadership Institutions can play. In this regard, there is policy and legislation that is in place on Traditional Leadership and Governance with a clear vision for implementation.

Since 1994, there are many initiatives that have been undertaken by government in creating and maintaining an enabling environment for the efficient management and administration of the institution, transfer payments for different projects like funding the building of various Great Places and Provincial Policy Initiatives on Traditional Leadership and Governance.

Institutional arrangements for Traditional Leadership Institutions reflect on the hierarchy of Traditional Leadership, for example, the position of the King as head of a Regional Authority (Ikomkhulu), the Chiefs under Kings as Heads of Traditional Authorities (Inqila) and Headmen as heads of the various Administrative Areas (locations). In order to give meaning to Government's recognition of the Institution of Traditional Leadership, to enhance the institution and give it a role at the National, Provincial and Local levels, the government has established a National and Provincial Houses of Traditional Leaders with clear roles and responsibilities and provision for accountability of Traditional Leaders and structures.

Regarding the role of Traditional Leadership Institutions in Governance and Development, it is clear that over many years, these institutions performed various governance functions. The policy framework on Traditional Leadership and Governance besides legislation specifies the duties and functions of these entities.

With regard to the King Sandile Development Trust and its role in community development, the research reveals visionary leadership on the part of the Kingdom, with the Trust, since its establishment in 1999 being at the centre of all development initiatives at the Great Place besides government initiatives. The King Sandile Development Trust is therefore a legal entity established and funded in terms of law.

It has its constitution, vision and clear objectives, procedural arrangements on administration, management and financial arrangements. The development role of the trust is reflected in the Queen's Programme of Action and Implementation, headed by the Queen mother, Queen Noloyiso Sandile, the wife of His Majesty King Maxhobayakhawuleza Sandile. Besides, there are established tourism chalets providing not only revenue but also employment opportunities to many local subjects of the Kingdom.

Finally, the treatise concludes with some general conclusion and recommendations and challenges that demand that traditional leaders be appropriately trained, its institutions adequately resourced, appropriately run and administered based on the need to account publicly on their performance.

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CHAPTER 1

IN THE DEVELOPMENT OF THEIR COMMUNITIES WITH SPECIFIC REFERENCE TO RHARHABE KINGDOM – MNGQESHA GREAT PLACE

1. INTRODUCTION

The Institution of Traditional Leadership occupies an important place in the lives of many South Africans, particularly the Africans and historically in the body politic of the country.

It embodies the preservation of culture, traditions, customs and values of the African people whilst also representing the early forms of societal organization and governance.

Following the 1994 elections, which culminated into a new democratic and social order and a new non-racial South Africa State, the new government embarked on a course to transform the South African State. This included the transformation of the institution of Traditional leadership in order to bring it, like many others, in line with the new democratic order and constitutional challenges.

The new government, in an unprecedented manner, was confronted with the main challenge of defining the place and role of the Institution of Traditional Leadership in a new system of governance.

The new constitution laid the basis for this to take place hence a White Paper on Traditional Leadership and Governance as approved by Parliament became a new National Legislative Framework and challenge setting the basis and foundation for the strategic repositioning and transformation of all Institutions of Traditional Leadership in South Africa.

The key issue addressed in this new framework legislation relate primarily to the place and role of the Institution of Traditional Leadership in a new system of

governance. It sets out a proud policy perspective that lays the basis for the drawing of Provincial Laws on Traditional Leadership and Governance.

It has now become imperative that the institution has a place in our democracy. It has a potential to transform and contribute to a very large extent towards the restoration of the moral fibre of our society and in the reconstruction and development of the country, more particularly in rural areas.

2. THE UNDESIRABLE CONDITION OF UNDERDEVELOPMENT IN THE EASTERN CAPE

The point of departure in this treatise and the concern of those entities involved with development, as service delivery and development arms of the government, is a noticeable undesirable condition of underdevelopment. This set of circumstances and condition typifies the Eastern Cape rural hinterland and lack of balance in development efforts. Such development void in the rural areas of the Eastern Cape has led to abject mass poverty of many citizens in the wake of the current scourge of HIV/Aids pandemic.

3. DEVELOPMENT AS A DESIRABLE CONDITION

How bad something is always depends on the good alternative to which it is compared and clearly underdevelopment is no exception. Development is therefore a desirable condition in order to overcome the dimensions of poverty in the Eastern Cape, its consequences and how it manifests itself. Like other Provinces, the Eastern Cape Provincial Administration has a vast array of policy documents on service delivery and development. It is now time to radically proceed and implement such policies and manage them efficiently to yield best results in terms of expected outcome.

Many development theorists and practitioners have, over time, thought about how societies ought to function. In this way, they have concerned themselves with the normative dimensions of development. Rothchild and Curry (1978:107-108) have an ideal-type development condition which is suggested to be the culmination of the development process. Similarly, development among the Eastern Cape rural poor, is

a preferred happy ending that will address the social development needs of many rural communities.

4. THE CAPACITY TO IMPLEMENT NATIONAL PROVINCIAL AND LOCAL DEVELOPMENT PRIORITIES

Rural development has already been identified as one of the Provincial priorities that is high on the development agenda of the Eastern Cape Government. However, its successful implementation requires material, financial, managerial, bureaucratic, technical and political resources and capacity. In every sphere of public affairs and public management, there is a great expectation and justifiable assumption that when policies and priorities have been made known and selected, they will be implemented. This requires co-operative group effort from a diverse spectrum of structures of government, one of which is the Institution of Traditional Leadership.

In the wake of the people's expectations on development, the challenge is the extent to which Government manages to implement its policies which include integrated sustainable rural development strategies aimed at achieving the goal of a better life for all.

5. PURPOSE OF STUDY

5.1 The main objective and purpose of this treatise is to:

- Demonstrate the role that can be played by Traditional Leadership Institutions in the development of their communities or subjects in their respective jurisdictional arrears.

- Reflect on the initiatives undertaken by Government on the above key challenge by means of enabling legislation and policy framework that gives more opportunity for these entities to play their roles more efficiently and meaningfully as required in terms of the constitution.

- Demonstrate that Traditional Leadership Institutions are not only other local government bodies at the local and community level but also other recognized state entities that if empowered, can play a more meaningful role and contribution in service delivery and development of rural communities.

- Demonstrate that these entities are other local government bodies with localized governing powers, authority, status, duties and functions and for which they must be democratically accountable.

- Using the Rharhabe case study, demonstrate and recommend what public management and service delivery initiatives and innovations can be put in place by these entities to bring about change in the outlook and perception about the role that they can play as other one stop rural service points or centres.

- Arrive and recommend an overall integrated action plan that may be useful to government in utilizing Traditional Leadership Institutions, especially Great Places in rural development initiatives and poverty alleviation programmes.

- Demonstrate that the challenge of institutional repositioning of these entities can enhance their propensity and capacity towards delivery of services in remote rural arrears integratively with Local and District Municipalities.

6. MOTIVATION: THE CONTEXT OF RESEARCH

The Eastern Cape is one Province dominated by rural underdevelopment, inadequate infrastructure and limited access to public goods and services. The state of public management, administration, development, capacity and utilization of Traditional Leadership Institutions if revisited, can enable government to compliment the role currently being played by state and local government bodies in the delivery of

services. When other initiatives are encouraged at each Traditional Leadership Institution, the government is further taking services closer to the people in that these entities can become other one stop multi-purpose services centers and serving as other links between government, Local and District Municipalities, traditional institutions and communities being served.

The state of the Province and its rural character hinders efficient and effective service delivery with many citizens in different areas still remaining inaccessible to existing services.

Therefore, the challenge of even further bringing services more closely to their respective traditional jurisdictional areas in the Kings Great Places as a traditional home and point of convergence for all subjects, also motivated selection of this topic. Existing municipal entities should not alone be seen and expected as the only entities and structures that should deliver services. Other structures of government should be allowed and appropriately utilized in the delivery of services and the challenge is the promotion of inter-governmental relations, co-operative governance and enhancement of institutional capacity of other entities that stand a better chance of assisting local government bodies. The motivation is also the need for an integrated interactive approach in line with the constitution.

This study provides a real practical contribution and implementable proposal and strategy aimed at ensuring adequate access by various communities to services provided by local and provincial state organs to the various publics. If correctly understood, it can serve as one positive step towards development of rural infrastructure service in all Kings Great Places.
Other Great Places through their Kings and other pro-active steps by councillors need to learn many lessons from the Rharhabe initiative at Mngqesha Great Place under the rulership of His Majesty King Maxhobayakhawuleza Sandile.

The Eastern Cape Province is predominantly rural in character. There is no balance so far between urban and rural development. The new innovations by means of integrated development plans by many municipalities are not yet fully understood by most Traditional leaders and communities. The practical implementation of such

Integrated Development Plans (IDP) has yet to achieve and maintain a needed balance between rural and urban development.

Efficiency in the delivery of services in a more accessible manner can only be realized and enjoyed when there are balanced development and service delivery efforts that do not consider single issues but look at long range issues broadly.

Similarly, public service and accountability as current trends in public management cannot yield good results if left only to a few entities. Government has to focus attention on a variety of combinations in accelerating service delivery, for there is no single solution to it or remedy to address the huge service delivery backlog in the Eastern Cape.

This study will also enable an in depth evaluation and analysis of the impact of Traditional Leadership Institutions in the delivery of services to their communities with special emphasis and reference to Rharhabe Kingdom initiatives at Mngqesha as a case study. It is also an attempt to demonstrate that the rural services void created by non utilization of Great Places as other rural service centres closest to the traditional communities can be addressed with the aid of rural initiatives under the jurisdiction of their Majesty, the Kings.

Every King or Traditional Leader is always intent on ensuring that Government brings services closest to his/her people, hence in many ways, Traditional Leaders and Institutions have always served as essential links between Government and their subjects.
Additionally, Governments have often resorted to Kings and other Traditional Leaders whenever new policies, as introduced, needed to be explained.

Traditional Leadership Institutions when appropriately utilized can become other key and useful service delivery entities and rural services centre with a variety of one stop facilities that can equally serve as nodes for the creation of social and economic infrastructure that is necessary for effective public management and delivery of services. Other rural development initiatives and projects for local economic

development can be run, managed and administered from these centres. People in need of the social grants, identity documents, application for registration of births and deaths, health and preventive measures can now find such services in these centres.

7. DESCRIPTION OF RESEARCH TOPIC AND FIELD

The research topic as reflected in the title covers the Institution of Traditional Leadership in the Eastern Cape. Because of the broad nature and vastness of this field, specific attention is given to the Rharhabe Kingdom with its seat and Great Place at Mngqesha in King Williamstown. The initiative currently in place at Mngqesha under the rulership of His Majesty King M.Sandile serves to illustrate and demonstrate what initiatives the various Kingdoms in the Province stand to take, in assisting Government in service delivery alternatives.

In terms of social needs and other necessities of life and communal or societal living based on the norms and values of each traditional community, Traditional Leadership Institutions become and are centres of hope, family support and livelihood. In most areas, the King or Chief became the mouth-piece and spokesperson and an important link between his/her subjects and government with regard to needs and services required.

Traditional Leadership Institutions are many, and are in terms of law and the constitution, expected to perform a variety of duties and functions aimed to address unmet community needs at different and varying capacities.

Because of the broadness of the area that can be covered, and to be more specific and focused, attention and particular emphasis is paid to the Rharhabe Kingdom-Mngqesha Great Place as one such leading Traditional Leadership Institution in the Eastern Cape that has taken big strides in the development of its own subjects or people.

8. LOCATIONAL FACTORS

The call for full and maximum utilization of the various Kingdoms as main traditional centres of convergence of people under the jurisdiction of the Kings augers very well when considering its positive impact in bringing people together in one stop service centre. In the same way, public service delivery takes cognizance of locational factors which are essential aspects in the strategic positioning, location and distribution of services.

With the case of this topic and treatise, the very location of Mngqesha Great Place not only as the home to many subjects and people of the Rharhabe Kingdom, but also as a traditional community service centre in the hinterland of King Williamstown, deep in the remote rural area poses many challenges and opportunities and potential for a future one stop service centre for rural growth and development. The Rharhabe Royal Kingdom with its headquarters at Mngqesha is situated along the main route that links King Williamstown, Middledrift, Debe Nek, Keiskamahoek and Alice, on the right hand side below the Ntaba ka Ndoda mountain range and fringes. It is approximately 10km from King William's Town under the Buffalo City Municipality.

9. AREAS TO BE COVERED

In the chapters that follow, apart from the introduction and conclusion, the subject matter is dealt with as follows:

Chapter 2: Historical background to Traditional Leadership and Governance in South Africa and the Eastern Cape.

Chapter 3: Traditional Leadership and Governance in the new South Africa since 1994 to date.

Chapter 4: Institutional arrangements for Traditional Leadership Institutions.

Chapter 5: The Role of Traditional Leadership Institutions in Governance and Development.

Chapter 6: The King Sandile Development Trust and its role in Community Development.

Chapter 7: Conclusion and Recommendations.

10. RESEARCH METHODOLOGY, PROCEDURES AND TECHNIQUES UTILISED

For purpose of data collection in this research, personal interview as a means of secondary data has been utilized. A sample of individuals presumed to have extensive experience and knowledge of traditional leadership and what they think it can do if given opportunity and appropriately capacitated has been interviewed. A list of developed questions has been provided for each respondent and utilized during interviewing process allowing each respondent to furnish replies directly on the spot. Responses have been recorded throughout the interviewing process. Debate and participative style of research has been utilized to generate more views and ideas from selected traditional leaders. This research and treatise solicited views of selected respondents about the need and desirability of consideration of Great Places of the various Kingdoms in the Eastern Cape as other rural service centres and one stop service facilities which can be used by both Government, Local and District Municipalities in the extension of services and bringing them closer to rural communities.

This work demonstrates that projects for rural economic development around the different Kingdoms together with initiatives of these entities could possibly create a stable local and rural environment where people work together to make a better life for themselves, using their traditional institutions as an economic nerve centre around which can spring several projects aimed at poverty alleviation.

The nature of this research and treatise whilst serving to demonstrate the capabilities of the writer or researcher for purposes of academic qualification, by its very nature, requires personal interview and direct face to face contact with selected respondents to elicit information, views, ideas and opinions covering any issues that will ensure good results of the study. It demonstrates what people can do using their own initiatives. The question of time within which this work had to be conducted also motivated this method of data gathering coupled with the need to ensure greater flexibility in responses without neglecting strategic focus and control.

11. KEY SOURCES AND REFERENCES

- The Constitution of the Republic of South Africa, 1996.
- The House of Traditional Leaders Act 1995.
- The White Paper on Traditional Leadership and Governance.
- Information derived from personal interviews with Traditional Leaders, His Majesty King M. Sandile, Board of Directors of The King Sandile Development Trust and Chairperson of the Eastern Cape House of Traditional Leaders.
- Strategic management plan documents of the Department of Housing, Local Government and Traditional Affairs.
- Budget documents relating to Traditional Affairs Resource Administration Programme of the Department of Local Government and Traditional Affairs.
- Literature on Traditional Leadership and Governance and various books by different authors.
- Information obtained from different conference and workshop documents.

12. RESEARCH RESULTS

Research results will be distributed to priority stakeholders, for example, the Eastern Cape Provincial Government, relevant Departments and Office of the Premier, the House of Traditional Leaders, the Rharhabe Royal Kingdom, King Sandile Development Trust, the Provincial Legislature, National Library, Universities and Techikons, Standing Committee Chairperson, Department of Provincial and Local Government, Public Works and the Presidency.

13. DEFINITION OF TERMS

For purposes of this treatise, it has been considered essential to explain and define certain words which are used repeatedly. However, the manner in which these selected words are dealt with, is not necessarily in order of importance.

13.1 Development

Linda Cornwell (1991:1) describes development as a positive social, economic and political change in a country or community, especially in the Third World. J. Cole (1987) refers to development as a social process that produces results that can be described and measured in economic terms. He views development as including not only economic growth but also conditions in which the people have adequate food and jobs.

Conyers, D. and P. Hills (1984) state that development should not only be equated with growth in population, wealth, knowledge and skills, but should also be seen as change because development is a process of planned change. Its focus is aimed at people and their needs.

D.A. Kotze (1983) argues that a people-oriented approach to development is aimed at achieving three vital objectives, namely:

- to increase the availability and widen the distribution of basic life-sustaining goods such as food, shelter, health and protection;

- to raise levels of living standards including, in addition to higher incomes, the provision of more jobs, better education and greater attention to cultural and humanistic values, that is, to enhance material well-being; and
- to expand the range of economic and social choices of individuals and groups by freeing them from servitude and dependence.

13.2 Service Centres

Rondinelli, D.A. and Ruddle, K (1978) perceive service centres as policy instruments for development planning. They are development nodes that can be widely dispersed on a larger area as important growth poles or rural development nodes. They feature as core development centres in the mostly deep rural areas. They are instrumental in the provision of needed services and one – stop service facilities for rural people and their needs.

13.3. Capacity

Rothchild and Curry (1978:17) assume that capacity exists when an institution is able to fulfill its intended function adequately, when it does what it is expected to do, and when it can cope effectively with the range and intensity of demands confronting it. This refers, in short, to the ability to do something.

Traditional Leadership Institutions as other creatures of statutes and organs of state should be appropriately utilised in order to assist government in the delivery of services. To be efficient, however, in the discharge of delegated responsibilities, they must be resourced properly and provided with the requisite skills necessary.

13.4 White Paper

The term “White Paper” here refers to the White Paper on Traditional Leadership and Governance. It is a national policy document on Traditional Leadership and Governance from which has been developed a National Framework Legislation on Traditional Leadership and Governance.

The objective of this policy is to set out a framework that will inform legislation intended to:

- "define the place and role of the institution within the new system of democratic governance;
- transform the institution in line with constitutional imperatives; and
- restore the integrity and legitimacy of the Institution of Traditional Leadership in line with customary law and practices.

Traditional Leadership Institutions can play the role of Service Centres and can be positioned as other institutions necessary for the enhancement of our rural development capacity and drive. They can become useful institutions for development if fully utilized. Accordingly, they must be repositioned to fulfill their mandate as outlined in the White Paper on Traditional Leadership and Governance and other relevant legislation. Based on the National Framework Legislation, provinces should develop policies intended to reposition the Institution of Traditional Leadership such that it is capable of assisting government in community development initiatives and other service delivery challenges.

Traditional Leadership Institutions have a crucial role to play in the development of the local populace. As other structures of government at the local level, they are also appropriately positioned to assist government and local government bodies in the delivery of services to the communities. When speaking about the role that Traditional Leadership Institutions can play, one is focusing on the most urgent social development needs and the challenge of poverty reduction in most remote rural areas. The pressing social needs and the greatest imbalances in human societies in South Africa, resultant from a rural-urban divide, places the Institution of Traditional Leadership at the centre, as one such important organ of the State, that can fulfill some development and service delivery imperatives.

The main concern in particular is the need to bring Traditional Leadership Institutions in line with other community level entities like local government bodies. Additionally, these institutions when working together with local governing bodies in all attempts aimed at service delivery and poverty eradication, stand a better chance of

working together harmoniously as other structures of government, committed towards the fulfillment of the goal of a better life for all, the Government's broad vision and strategic goal.

Development efforts suggested in this treatise will aim at recommending measures and strategies that will address the pressing needs of the rural poor in the Eastern Cape, using lessons from the Rharhabe Kingdom at Mngqesha.

CHAPTER 2.

HISTORICAL BACKGROUND TO TRADITIONAL LEADERSHIP AND GOVERNANCE IN SOUTH AFRICA AND THE EASTERN CAPE.

1. INTRODUCTION

The Institution of Traditional Leadership occupies a central place and position in African life and in the body politic of South Africa. It has over the years performed various governance functions within defined limits of its prescribed jurisdiction. Such governance functions were not exercised in a unified manner because of the former system of government in South Africa during the period of apartheid and separate development. Therefore, South Africa's colonial and apartheid past affected and altered its governance functions and roles.

2. TRADITIONAL LEADERSHIP AND GOVERNANCE: SOUTH AFRICAN CONTEXT

Traditional leadership is indigenous to South Africa and the rest of the African continent and like many other institutions, has evolved with time. Each traditional community under the rulership of a traditional leader functioned as an independent separate entity from others. They did not constitute a nation state as we know it today and prior the colonial era, these societies were kept together through hierarchies defined along family and kingship ties.

In this chapter, attention is given to a brief discussion of the historical background to Traditional Leadership and Governance in South Africa in accordance with the various stages or phases, namely:

- the pre-colonial period;
- the colonial period;
- the period under apartheid rule;
- the independence period of the former homelands of Ciskei and Transkei.

Additionally, attention will also be given to the roles and responsibilities of traditional leaders in governance and community development during these phases. The effect of changes and developments that took place will also be briefly discussed.

2.1 The pre-colonial period

The history of traditional leadership dates from pre-colonial times. During the pre-colonial period, the Institution of Traditional Leadership was already occupying an important place in African life and in the body politic of South Africa. It embodied the preservation of culture, traditions, customs and values of the African people. It represented the early forms of societal organization and governance.

In Africa and South Africa in particular, early systems of governance were characterised by traditional leadership rule. Traditional leaders and institutions dealt with a wide range of issues which related to traditional communities, for example, a King or Chief was regarded as the father and figure head of the community tribe. The King or Chief was responsible for the welfare of his people, peace and harmonious co-existence, dispute resolution, promotion of agriculture and indigenous local knowledge systems.

Additionally, the King or Chief was responsible for allocation of land to cater for some individual needs because mostly everything was predominantly communal with people sharing food and other resources. Members of the community looked upon the King or Chief for any community welfare and development issues.

During this period the Institution of Traditional Leadership was a predominant force in terms of governance and rulership with all powers vesting in the King or Chief. Traditional leadership was very intact and coherent.

The King or Chief was not alone in terms of leadership. He has always been assisted by a body of persons known as Councillors performing advisory services and administration of local and community affairs within a traditionally defined boundary. Each traditional community was headed by a King or Chief with

powers, authority and jurisdiction over his own people. Communities were generally self-sufficient in terms of food and living standards. There were no divisions in society and a system of leadership by kingship prevailed.

2.2 The Colonial period

During the colonial period, the majority of forces in Southern Africa, for example, the Africans and the early Dutch settlers had a common need, that is, fertile soil, grass and water for survival. When these Dutch settlers arrived here, African people were living peacefully and harmoniously under the rulership of their Kings.

Van Jaarsveld (1652:55-56) states that the first early clashes between Africans and Dutch settlers led to a break up of African unity. During this time, the institution of traditional leadership was the main structure responsible for governance and leadership. The war in 1779 between Dutch and Africans, divided many traditional communities in that, with the defeat of many African leaders and Kings, the Institution of Traditional Leadership was never the same again.

During 1834 the colonial administration realised the ineffectiveness of the wars and started to impose a civil administration to govern the frontier (De Kiewiet 1941:23-24). Traditional leaders resisted these frontier wars in the Cape and this led to restoration of the Province of Queen Adelaide to the Chiefs (Carter 1967: p84).

The British expected to achieve much by entering into treaties with the Xhosas who were regarded as sovereign and independent. In the same way, they wanted to break the power and authority of the Chiefs by assigning them more responsibility to maintain order and discipline among his own people.

The above tactic did not work and the War of the Axe, in 1847 forced the British government to accept responsibility. The eventual defeat of the Chiefs and their people led to the establishment of administrative policies and measures further intended to weaken them.

Brookes (1959:87) enumerates some of these measures as introduced in 1848 as follows:

- White magistrates were introduced;
- Chiefs were allowed to rule their people in accordance with customary law;
- for years martial law was applied to the territory;
- British Kaffraria itself was regarded as a Black reserve; and
- in Victoria East, the Blacks were placed in locations under the control of the headman.

The period between 1848 – 1894 is regarded as that of direct rule and from a tribal point of view, this policy was most disruptive. Hammond – Tooke (1975:77-83) states that the reasons for its introduction were to secure law and order, replace traditional customs by White laws and to introduce civilising institutions among the tribes. It was realised that the above ideals could only be attained if the tribal rulers were deprived of their traditional authority. Thus, the Chief was stripped of the executive, legislative and judiciary powers over the tribes. These powers were vested upon the White Administrative Officers who were appointed by the government.

In reducing the Chief to a lesser status (Hammond Tooke) meant the weakening of the structure of the Black society. In the eyes of the society, the Chief was regarded as:

- the high priest and thus respected from a religious point of view;
- the custodian of tribal land;
- the recognised guardian of all widows and orphans;
- the dispenser of tribal or public authority; and
- the ex-officio representative of the tribe in all dealings with external authorities.

However, the Chief consulted his Councillors before taking any action. The presence of the Councillors was to prevent the Chief from infringing upon the laws and customs of the tribes which were based on precedent and traditions. To replace the Chief, (Hammond. Tooke) the services of the members of the tribes were used. These junior members were appointed as headman of administrative areas. As time passed by, the role of the headman had taken great advances in that the society regarded them as rulers. The reason for this was that the people

preferred their own system of traditional government. The office of the headman had come to be regarded as hereditary.

Therefore, the advent of the European colonial expansion altered the social organisation of these traditional communities to the extent of virtual European control. To this end, various statutes were introduced, for example, the South Africa Act of 1909 which designated the Governor General as the Supreme Chief. This position gave him the power and authority to create and divide tribes and to appoint any person he deemed fit as a Chief or headman without any genealogical consideration. The Glen Carey Act which was later reinforced by the Land Act of 1913 finally destroyed the economic self-sufficiency of traditional communities. The Black Administration Act No. 38 of 1927 that followed consolidated these powers and vested them in the Minister of Native Affairs whilst the Bantu Authorities Act of 1951 finally rendered traditional leaders as part of the state bureaucratic machinery. Most African tribes of South Africa lost their independence during the colonial era.

There were many variations in the political structure of the different tribes which reflected differences in the mode of incorporation of these traditional institutions into colonial political society. The colonial powers reduced the powers of traditional leaders along the border areas of the Eastern Cape. There were also attempts to reconstruct traditional leadership as an instrument of colonial rule. The role of chiefs and their authority was undermined especially after they were finally subdued and defeated during clashes over land and cattle.

The Glen Grey Act which was later reinforced by the Land Act of 1913 finally destroyed the economic self-sufficiency of traditional communities. Chief Native Commissioners were appointed to administer all Africans in the Union. The Commissioners were given the power to recognise, appoint and depose Chiefs. Besides, they had authority and power to prescribe their duties, powers and privileges. A limitation was placed on any judicial actions by members of tribes against chiefs. (Stadler 1987:129-130)

The Governor-Generals had power to define the area of a tribe, to change, divide and amalgamate tribes to constitute new tribes. African chiefs consequently occupied an ambiguous position in the chain of command. They became subordinated within a hierarchy controlled by government bureaucracy, the establishment of which no African was entitled to enter and which was answerable to a political leader elected to a parliament in which no African had the right to sit. (Stadler 1987:130).

2.3 The period under apartheid rule

When the National Party came into power in 1948, it entrenched a policy of apartheid and separate development. The Institution of Traditional Leadership was already a tool of colonial and apartheid masters. In both Transkei and Ciskei, there was a territorial authority established in order to provide a form of Bantu local government. Different localities were divided into kraals, wards and districts. Each kraal constituting several families was headed by a headman who was accountable to the Chief. The kraal headman was assisted by a council of advisors chosen from different family heads.

Each ward constituting different kraals or family units was headed by a headman who may be appointed by the tribal chief. Such headman may also be a member of the chiefs family. Besides, several wards constitute a district, with a district headman in charge of its administration.

Apartheid led to the establishment of Black Authorities System of administration during the period between 1956 – 1963. According to Carter, Karis and Stultz (1967: p. 84) Blacks had realised the many drawbacks in the Council system and this resulted in the apartheid government of the time integrating the Council system in the Black Authorities.

Notwithstanding the Black Authorities Act, 1951 (Act 68 of 1951) proclamation No. 180 of 1956 was passed, making provision for:

- Black laws and customs to be followed wherever possible in the organisation and conduct of Black Authorities;

- Dis-establishment of the Council systems and creation of Territorial Authorities in Ciskei and Transkei , and
- Establishment of tribal community and regional authorities.

Whilst the Black Authorities Act No 68 of 1951 remained in force in Ciskei, Regulations prescribing the Duties, Powers, Priviledges and Conditions of Service of Chiefs and Headman, were promulgated in terms of Proclamation No. 110 of 1957 which was generally applicable to all Bantu territories.

After Transkei opted for self-government in 1963, the Transkei Authorities Act, 1965 (Act No. 4 of 1965) was passed to:

- vary the powers, authorities and functions of tribal and regional authorities;
- establish local government bureaux;
- provide for voluntary levies;
- define the duties, powers, authorities and functions of and to provide a code of discipline for Paramount Chiefs, chiefs and Headmen, and
- abolish district authorities (Vosloo, Kotze and Jepper 1974:61).

This was further supplemented by the General Regulations for tribal and regional authorities in Government Notice No. 83 of 25 February 1966.

One of the main objectives of the Black Authority system was that Blacks should administer their homelands according to traditional lines.

This system was the most important instrument of the Nationalist government in establishing the basis for the apartheid system. It completed the process of incorporating the chieftaincies into a bureaucratic hierarchy. Chiefs were utilised as key elements in the apartheid political system and the system expanded the judicial and administrative powers of Chiefs. This power is evident in the Transkei, for example, where Proclamation 400 of 1960 was introduced to use and enable traditional leaders who were in favour of the system to impose emergency regulations that would put an end to any resistance. These traditional leaders or

Chiefs used the Proclamation to prevent the opposition Democratic Party from holding meetings (Stadler 1987:133).

In both Transkei and Ciskei, there was therefore in existence, a political order that was dominated by traditional leaders. Traditional leaders who resisted this arrangement were perceived as opponents and enemies of both the homeland regimes and Apartheid State.

2.4 The independence period of the former homelands of Ciskei and Transkei

When the homelands of Ciskei and Transkei were granted a nominally independent status by the South African apartheid government, several changes with regard to management and administration of traditional affairs took place.

In the Transkei, there are no real changes that took place with regard to policy and legislation on traditional leadership and governance. The function was placed in the Office of the Premier instead of local government. Traditional leaders did not participate in local government as we know it today. They only performed local level functions in so far as each government function relates to local community and social needs. As such, traditional leaders acted as essential links between government and their respective communities.

The Transkei Authorities Act, (Act No. 4 of 1965) did not change. Regulations prescribing the duties, powers, priviledges and conditions of service of traditional leaders in the capacity of Paramount Chiefs, Chiefs and Headmen were utilised concurrently with Act No. 4 of 1965. The Traditional Leadership and Governance function was handled at three different levels of authority, namely:

- Headman (Isibonda) - Head of Administrative Area
- Chief (Inkosi) - Head of Tribal Authority
- Paramount Chief (Kumkani) - Head of Regional Authority

Traditional leadership affairs were handled, managed and administered through tribal and Regional Authority structures. Besides, there were also some local government bureaux structures in each district Magistrate Office. The three structures were under the supervision and control of the Premier's Office and the District Magistrates under the Justice Department which was performing agency functions on behalf of the Premiers Office. The situation prevailed until the coming into being of the new democratic order in 1994 when South Africa attained freedom from all forms of colonial and apartheid rule.

In the area formerly known as Ciskei, the situation of traditional leadership remained the same as in the Transkei during the L.L.Sebe period of governance and leadership. Traditional leaders were however supervised, managed and controlled in the Office of the President using the same structures as in the Transkei, namely, tribal and regional authorities and local government bureaux in the District Magistrate's Offices.

With the seizure of political power by Brigadier O. J. Gqozo, Traditional Leadership and Governance function fell under a military dictatorship. The same applied to Transkei under General H.B. Holomisa. This new arrangement resulted into many changes, for example, traditional leaders were harassed and oppressed. They were forced to join Brigadier Gqozo's Mass Democratic Movement and those who opposed him were either brutalized or removed from office. Some could not even operate properly being accused of subversive activities. As the Ciskei Military Council was ruling by means of a decree, the military regime repealed legislation relating to Traditional Leadership and Governance. It was replaced by promulgation of Ciskei Administrative Authorities Act, 1984 (Act No. 37 of 1984) which altered headmanship by imposing on it a three year term of office renewable at the pleasure of Brigadier O. J. Gqozo as head of the Ciskei Military Council and Government of Ciskei. The above state of affairs led to the collapse of headmanship in Ciskei due to non-renewal of the three year term. Therefore, traditional leadership in the Ciskei remained with two structures of leadership and governance, namely, Chiefs as head of Tribal Authorities and King as head of the Regional Authority.

In both Transkei and Ciskei, the Institution of Traditional Leadership performed its duties and functions through tribal and regional authorities. Besides, there were also

local government bureax. It has changed many times during the different phases of political change in South Africa for different reasons whilst at the same time allowed to perform its traditional customary and indigenous role. Such role, whether indigenous, traditional or customary were performed at different structural levels as shown hereunder.

2.4.1 Tribal Authorities

The members of the authority were the Chiefs and Headmen residing within the area. Besides, there are other Councillors appointed by the Chief as head of each tribal authority in accordance with custom. The head of a Tribal Authority is a Chief or a Headman, that is, where there is no Chief and only Headmen.

Vosloo, W.B. et. al. (1967) speak of the duties, functions and powers of tribal authorities. These duties, functions and powers of a tribal authority are:

- to administer the affairs of the tribes within its area;
- to assist the head in the exercise of the powers, authority and functions conferred upon him;
- to promote the socio-economic development of the residents in its area;
- to make recommendations to the competent authority regarding school buildings, arable land, old age and disability grants;
- to assist in services like preservation of the environment, flora and fauna, soil erosion and reclamation and control of grazing and burning of grass;

These authorities were allowed to make by-laws regarding the exercise of their functions. All income derived was directed to the Magistrate's Office. The source being:

- fees, rates and charges which were in accordance with custom;
- all amounts derived from any property owned by the tribal authority;
- donations; and
- moneys from the Legislative Assembly.

The Chief Officer of a tribal authority is a tribal secretary appointed by the authority itself, unless the government had appointed a government official as the tribal secretary.

2.4.2 Regional Authority

The members consists of all the Chiefs and other heads of tribal authorities in the region, one Councillor from each district in the region appointed from amongst their own number, by a majority votes, by representatives of registered voters on the Tribal Authorities in a district, one Councillor appointed by the King and Paramount Chief as Head of the Regional Authority and three Councillors appointed, respectively, on the grounds of their knowledge or experience of education and agriculture.

The Head of each Regional Authority is a Paramount Chief or King of the region. Where there is no Paramount Chief or King in the region, a Chief nominated by the majority of Councillors of the Authority concerned becomes the head. The functions of the Regional Authority are primarily to:

- assist in the administration of the affairs of Tribal Authorities falling under it in the region;
- promote the advancement and the general interests of the inhabitants of the region;
- exercise such civil or criminal jurisdiction, including any appellate functions, as may be conferred upon it by or under any law;
- provide for the suppression of diseases of cattle by construction, maintenance and operation of dipping tanks or the application of any measures which it may consider necessary; and
- advise the government in relation to the establishment of industries and the development of natural resources, the improvement of farming, agricultural and pastoral methods, soil conservation, the development and improvement of water supplies, education, public road, administration of welfare services, establishment of markets and ponds, preservation of fish and game, the control of licensing of trading and business, the administration, settlement and use of land in the region.

The authority may make by-laws, prescribe or amend the customary laws and prescribe fees for services rendered. It had authority and power subject to approval by the Minister, to levy a rate of money, usually R2 upon each resident of the region.

The Chief Officer of the authority was the Secretary who was seconded. The Secretary prepared the estimates, was responsible for receipts, banking and disbursement of funds.

2.4.3 Local Government Bureaux

The Magistrate supervised the affairs of every local government bureau. The bureau function was to assist and guide the Tribal Authorities in the district concerned; on behalf of any authority perform administrative and other functions, and on behalf of the Minister, conduct and administer the financial affairs and the account or treasury of any Tribal and Regional Authority, and finally, to promote the application and administration of legislation on traditional leadership and governance.

3. THE EFFECT OF CHANGES ON THE FUNCTIONING OF THE INSTITUTION OF TRADITIONAL LEADERSHIP.

The changes that took place during the colonial apartheid, self-government and independence period in both Ciskei and Transkei, greatly affected the functioning of the Institution of Traditional Leadership. Most traditional leaders abandoned their traditional and indigenous roles in favour of politics. Traditional leaders who were willing to cooperate with the colonial and apartheid masters were supported financially, militarily and in terms of safety and security. The institution stopped functioning as an independent traditional institution that is above party politics. The appointment of certain non hereditary persons onto positions of traditional leadership tainted the institution. Traditional leaders who resisted apartheid policies were harassed, imprisoned and deposed. The institution ceased to be an indigenous and traditional community institution that is held in high esteem.

It lost its status, dignity and integrity and many people began to regard it as an instrument and tool to frustrate all liberation efforts that were taking place.

4. THE RHARHABE KINGDOM

Rharhabe is the son of Phalo together with his brother, Gcaleka. His father, Phalo reigned from 1715 to 1775, the year when he died. The history of amaXhosa reflects that Phalo ended up having to marry two wives as a result of arrival of two bridal parties from amaMpondo and abaThembu. Out of that scenario, he produced two sons, namely, Gcaleka of the Great House and Rharhabe of the Right Hand House. This point is reflected to explain and illustrate in passing how amaXhosa came to be divided between Gcaleka of Nqadu Great Place in the Transkei and amaRharhabe in Ciskei. Peires (1987) states that these two brothers were very strong and powerful such that their father Phalo, decided to separate them, thus leading to Rharhabe, allocating land across the Kei River at Amabele, near Stutterheim. It is in this vast area that Rharhabe proceeded freely to build his power, authority and Kingdom. In 1780, Rharhabe proposed an alliance between himself and the colonial government. This was in return for Boer assistance against imiDange whom he represented as rebel subjects.

Rharhabe's eldest sons were Mlawu and Ndlambe. Mlawu, Rharhabe's eldest son gave birth to Ntimbo and Ngqika. We are learning from history that for some time, Ndlambe ruled as regent for the young Ngqika. J.B. Peires (1987:50) states that, it was Rharhabe's son, Ndlambe, who was the real architect of Rharhabe greatness.

According to J.B. Peires (1987:51) Ndlambe refused to hand over regency and allow his brother's son, Ngqika to take over traditional leadership. It is only after an intensive battle that Ndlambe upon being defeated, surrendered. History reflects that Ngqika was strong, young and energetic. Additionally, he was gifted, full of intelligence and ambitious.

AmaXhosa under Rharhabe are regarded as one of the first tribes to come into contact with colonists from 1775 to 1812. Several wars were fought and many peace settlements for harmonious existence were concluded including land allocation. For example, Ngqika's greatness and intelligence led to him conquering all opponents and building a great and powerful Rharhabe tribe of amaXhosa. Ngqika's son, Sandile,

took over the position of rulership from his father. Many innovations took place during this period and Ngqika remained strong and popular until 1835.

Rharhabe is Phalo's son from his Right Hand House. His eldest son is Mlawu, the father of Ngqika. Ngqika's eldest son is Sandile, the father of Gonya. Gonya's eldest son is Faku, the father of Velile. Velile's eldest son is Bazindlovu, the father of the present King of amaRharhabe, His Majesty King M. Sandile, Ah! Zanesizwe!.

CHAPTER 3.

TRADITIONAL LEADERSHIP AND GOVERNANCE IN THE NEW SOUTH AFRICA SINCE 1994 TO DATE.

1. INTRODUCTION

When negotiations for a non-racial and democratic South Africa took place shortly after the unbanning of liberation movements, one of the key challenges tabled for discussion was the role and status of traditional leaders and traditional leadership institutions. Subsequent to these negotiations and various discussions held, significant developments leading to repositioning of the Institution of Traditional Leadership followed. One of the key government priorities was to ensure that Traditional Leaders and Traditional Leadership Institutions are appropriately geared for the challenges of a new local government system. It was felt that this institution, by virtue of its closest traditional positioning nearer communities at the local level and within the various jurisdictional areas, could play a prominent role in assisting government with regard to local government and the challenges of delivery of services in the respective rural communities.

This chapter therefore looks into these developments with regard to policy development on traditional leadership and governance, the objectives of such policy and legislative arrangements necessary for the repositioning and transformation of the Institution of Traditional Leadership. Additionally, this chapter focuses on the government's vision for the Institution of Traditional Leadership and the initiatives undertaken in creating an enabling environment for the efficient management and administration of the institution.

2. RECOGNITION AND ROLE OF TRADITIONAL LEADERS

The Constitution of the Republic of South Africa, 1996 recognises the institution, status and role of traditional leadership. What appears under Chapter 12 of the 1996 constitution is a product of agreements reached.

Section 211 of the constitution provides that the institution, status and role of traditional leadership, are according to customary law, recognised, subject to the constitution.

Section 212 of the constitution which deals with the role of traditional leaders, left all other details regarding traditional leadership to legislation. However the 1998 White Paper and Local Government, whilst it laid the basis and foundation for transformation of local government, highlighted the need for the government to address the question of Traditional Leadership and Governance in a separate white paper dealing specifically with traditional leadership.

3. THE POLICY ON TRADITIONAL LEADERSHIP AND GOVERNANCE

During 1998, government endorsed a policy development process on Traditional Leadership and Governance. The aim was to deal and finalise all issues relating to the Institution of Traditional Leadership.

Subsequent to this, government during the year 2000, published a discussion document on Traditional Leadership and Governance citing a variety of challenges and issues with regard to the institution. This process led to the drafting and publication of a White Paper on Traditional Leadership and Governance adopted and approved in 2003.

The Status Quo Report on Traditional Leadership and Governance in South Africa that was first compiled after extensive research preceded the White Paper. This report was the product of a national audit of the Institution of Traditional Leadership with emphasis on:

- The identification of statutes in terms of which Traditional Leadership Institutions were established and carried out in all provinces;
- The responsibilities of Traditional Leadership Institutions;
- Role and functions of Traditional Leaders and Traditional Leadership Institutions;

- The relationship between the institution and other structures of governance; and
- Relevant statistical information on traditional leadership.

3.1 Objectives of the policy

The key objectives of the policy and which is central, is to set out a framework that will inform legislation intended to:

- Define the place and role of the institution within the new system of democratic governance;
- Transform the institution in line with constitutional imperatives; and
- Restore the integrity and legitimacy of the Institution of Traditional Leadership in line with customary law and practices.

4. LEGISLATION ON TRADITIONAL LEADERSHIP AND GOVERNANCE

The White Paper on Traditional Leadership and Governance recognises that the functions performed by traditional leaders throughout the country differ from one province to another. The constitution entrusts responsibility to legislate on traditional leadership issues to the National and Provincial governments.

Recognising this constitutional reality, national legislation setting out a national framework for the provinces, setting norms and standards became an urgent necessity. Such national framework legislation is known as Traditional Leadership and Governance Framework Act, 2003.

When dealing with the issue of policy and legislation on Traditional Leadership and Governance, it is necessary to remember that the Institution of Traditional Leadership is also not a homogeneous entity. Customs, tradition and culture differ from ethnic group or tribe to another. In recognition of this heterogeneity, the various provinces are expected to take into account their peculiarities, when developing legislation on the role of the institution.

5. THE VISION FOR THE INSTITUTION

It is necessary that every institution should have a vision. Once there is a vision in place, chances are that, it will be fairly easier for leadership and management to develop relevant and appropriate policy and legislation. Similarly, the South African Government has succeeded to develop policy and legislation based on a common vision for Traditional Leadership and Governance.

The vision of government, therefore, is to "transform and support the Institution of Traditional Leadership so that it is brought in line with the constitutional principles of democracy and equality and so that it may represent customary interests of communities, play a role in socio- economic development and contribute to nation building, and be accountable".

As it is normally the practice, norms and standards in every constitutional order, South Africa, as a new non-racial democratic country, need to, and continues to need transformation from undemocratic, unrepresentative and unacceptable systems of government and practices. The current democratic order implies that all structures of governance, practices, institutions and values be reviewed and repositioned if they are going to be able to contend with the new challenges of good governance. The Institution of Traditional Leadership like every institution in the country, has to undergo some changes and transformation. It is no exception from many others which have to reposition themselves.

Such a move and initiatives are in line with the Constitution and the current policy framework on Traditional Leadership and Governance. Similarly, the programme for the transformation of the Institution of Traditional Leadership is an intergral part of the Government's transformation agenda.

Chapter 12 of the Constitution envisages that this broad transformation programme of the State, public and private institutions together with society should also include the Institution of Traditional Leadership. Government fully recognises the critical role that this institution has to play at the local level. Government recognises the development needs of people in the rural areas and the possible prominent role that

Traditional Leadership Institutions can play in assisting government realise the goal of a better life for all.

Traditional Leadership and Governance is not operating in isolation. It functions within the totality of South Africa's current democratic order. It further cannot afford to remain unchanged when other institutions and entities are undergoing change and transformation.

Traditional leadership has to function in a manner that embraces democracy. It should, in the like manner, be appropriately repositioned in order to contribute meaningfully to the entrenchment of a democratic culture. It must through community building initiatives, enhance its own status and standing among the people of South Africa.

The White Paper on Traditional Leadership and Governance agrees with the above view. To this end, it states that 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.

According to the White Paper, the challenge of transformation of the Institution of Traditional Leadership must ensure that the institution:

- Responds and adapts to change;
- Is in harmony with the constitution and the Bill of Rights and promotes democratic governance and the values of an open and democratic society;
- Promotes freedom, human dignity and the achievement of equality and non-sexism;
- Derives its mandate and primary authority from applicable customary laws and customary practices;
- Strives to enhance tradition, culture and custom;
- Respects the spirit of communality;
- Achieves unity and peace amongst people;

- Promotes and facilitates a strong relationship between the institution and the different spheres of government, in particular, the local government sphere;
- Mobilises rural people to participate in rural local governance to achieve Reconstruction and Development Programme (RDP) goals and Local Economic Development (LED) initiatives and explore the human potential of people living in rural areas;
- Manages an efficient, effective and fair dispute resolution system through customary law courts for traditional local communities, and
- Acts in partnership with municipalities to contribute to, and create co-operative and supportive relationship in service delivery and secure and safe rural areas.

6. INITIATIVES UNDERTAKEN BY GOVERNMENT IN CREATING AN ENABLING ENVIRONMENT FOR THE EFFICIENT MANAGEMENT AND ADMINISTRATION OF THE INSTITUTION.

Several initiatives have been undertaken by the Eastern Cape Provincial Administration on behalf of Government to create an enabling environment for the efficient management and administration of the Institution of Traditional Leadership. It is encouraging to note that Government has embarked on appropriate budgeting for Traditional Leadership Institutions in order to ensure that projects aimed at repositioning these entities are successfully implemented. This chapter, therefore, briefly looks into these initiatives. These institutions cannot succeed in their duties and functions without the support of government. Present day societal needs and developmental challenges demand that all community level institutions should play a role in the development of their communities within their jurisdictional areas.

6.1 PROVINCIAL BUDGET ARRANGEMENTS FOR TRADITIONAL LEADERSHIP

The Department of Housing, Local Government and Traditional Affairs has with the approval of the Provincial Treasury and Legislature, utilized the following budget allocations for Traditional Affairs in the Eastern Cape:

2002/2003	R55 329 000
2003/2004	R65 838 000
2004/2005	R68 911 000
2005/2006	R79 214 000

The above reflects commitment in revitalizing the institution of traditional leadership.

6.2 TRANSFER PAYMENTS FOR TRADITIONAL AFFAIRS PROJECTS.

Transfer payments have been made from funds allocated for traditional affairs. In terms of service agreements between government, Traditional Leadership Institutions and District Municipalities in the Eastern Cape, funds earmarked for traditional affairs projects have been transferred to the different District Councils in the Province as implementing agents. During the 2001/2002 financial year for example, the Department of Housing, Local Government and Traditional Affairs has transferred funds for projects to relevant District Councils as implementing agents as follows:

INSTITUTION	**AMOUNT**	**PURPOSE**
O.R. Tambo District Municipality	R 352 666.55	Renovations Dalindyebo Regional Authority Office.
O.R. Tambo District Municipality	R 352 666.55	Renovations Nyandeni Regional Authority Offices.
Chris Hani District Municipality	R 352 666.55	Renovations Western Tembuland Regional Authority Office.
Amathole District Municipality	R 264 500.00	Acquisition of property for offices – Fingoland Residential Authority.
O.R. Tambo District Municipality	R 264 500.00	Acquisition of property for Emboland Regional Authority.
Alfred Nzo District Municipality	R 264 500.00	Construction of Maluti Regional Authority Offices.
Afred Nzo District Municipality	R 264 500.00	Acquisition of property for offices – Umzimkulu.
TOTAL	**R 2 115 999.00**	

During the 2002/2003 financial year, the following funds were transferred to respective District Municipalities for projects in targeted Traditional Leadership Institutions.

INSTITUTION	**AMOUNT**	**PURPOSE**
Amathole District Municipality	R 500 000.00	Reconstruction and Development – Xhosa Royal Kingdom – Nqadu
Amathole District Municipality	R 1 000 000.00	Reconstruction and Development - Rharhabe Royal Kingdom
O.R. Tambo District Municipality	R 500 000.00	Reconstruction and Development Qaukeni Regional Authority
TOTAL	**R 2 000 000.00**	
O.R. Tambo District Municipality	R 1 000 000.00	Reconstruction and development of Amatyengqina Traditional Authority – Dalindyebo Region.

Besides the above, the Department of Housing, Local Government and Traditional Affairs started a forum for the six Queens in the Province in order to enable the Queen mothers to take practical action steps in the development of their communities in their own areas. With the aid of this forum as a medium through which to bring them together, seek their participation openly in community development, the Queen mothers themselves, were allowed to identify projects of their choice as a start.

Presently, Government has therefore spent a total amount of R 300 000.00 at R 50 000.00 per Queen's project spread in the six Kingdoms of the Province.

During the 2003/2004 financial year, an amount of R 2 344 000.00 was allocated and transferred to Traditional Leadership Institutions for reconstruction and redevelopment of fifteen (15) targeted Traditional Authority Offices in the Eastern Cape Province. Summarily, the above exposition means that Government has over the period, as stipulated, approved and allocated funds to the tune of R 7 759 999.00 for reconstruction and redevelopment of Traditional Leadership Institutions. This

also serves as Government's financial policy statement for Traditional Leadership Institutions in the Eastern Cape.

7. PROVINCIAL POLICY DEVELOPMENT INITIATIVES ON TRADITIONAL LEADERSHIP AND GOVERNANCE

As earlier stated, the Institution of Traditional Leadership occupies an important place in the history of local government in South Africa. Whilst it embodies the preservation of culture, traditions, customs and values of the African people, it also represents the early forms of societal organization and governance. It is also a local government institution that should play a part in the development of our communities.

In order to enable the Institution of Traditional Leadership to play its role properly and to contribute meaningfully in local government service delivery challenges, it became necessary for government to take certain policy initiatives intended to reposition Traditional Leadership Institutions.

Additionally, it was recognised that traditional leaders operate in a local government environment together with elected local government representatives in municipalities. Besides, cognisance was taken with regard to the new local government system in South Africa which brings rural and urban areas together under one local government institution. The need for different actions in local government working together cooperatively also gave impetus to the new policy initiatives.

It was realised that it is necessary for Government to resource the Institution of Traditional Leadership properly and adequately, foster sound relations between traditional leaders and other democratically elected local government bodies and government and restore the dignity, integrity and image of Traditional Leadership and Institutions.

Based on the above, four policy issue areas were identified as crucial in the quest for the repositioning of the Institution of Traditional Leadership, namely, the challenge of:

- Resourcing the Institution of Traditional Leadership;

- Restoring the image, dignity and integrity of Traditional Leadership and Institutions;
- Harmonising relations between traditional leadership and other democratically elected local government structures; and
- Harmonising legislation in the Eastern Cape on Traditional leadership and Governance on the basis of the National Framework legislation.

Commissions were established for each of these policy issue areas. The key objective of these four commissions was to give traditional leaders with the aid of the Executive Committee members of the House of Traditional Leaders selected to serve in these Commissions, Departmental Officials and resource persons outside government to research, investigate and explore what needs to be done to realise policy development objectives on these four key challenges.

Each Commission was therefore allowed to convene workshops and working group sessions on the allocated focal policy issue. The work of the Commissions was tabled in a meeting chaired by the MEC after which it was consolidated into one document. A conference was then convened to discuss and place a position paper to all traditional leaders and government regarding what should be done. Both government, traditional leaders, local governing bodies and other stakeholders agreed on the need to develop policy on these four areas and further mandated government to implement other key aspects towards efficient management, administration, resourcing, harmonizing and restoration of the lost dignity of traditional leaders and harmonisation of Provincial legislation on Traditional Leadership and Governance.

8. THE ESTABLISHMENT AND DEVELOPMENT OF THE KING'S CHAMBERS AND OTHER FACILITIES.

The coming into being of the new democratic and non-racial and non sexist government in South Africa has brought about among significant changes. When the first black South African State President, Dr Nelson Rolihlahla Mandela, took office after the first, all inclusive and non-racial National elections, transformation of many public and private institutions took place in a manner virtually unprecedented in the South African political and public management history. Many of these institutions

were responding to a number of broad policy measures and legislation initiated to bring about a complete change in the manner in which public institutions should function in their quest for delivery of public services.

The Institution of Traditional Leadership is one such public state organ that was also targeted for this fundamental change. Government realizing the history and background of Traditional Leaders and Institutions during the period of colonial oppression and apartheid, took a policy decision to restore the lost dignity of these leaders and their institutions. Government realising the history and background of Traditional Leaders and Institutions during the period of colonial oppression and apartheid, took a policy decision to restore the lost dignity of these leaders and their institutions. Government realised that among many measures and initiatives intended to restore such lost dignity, was by resourcing, redevelopment and reconstruction of the various Great Places. One other reason was to restore the image and dignity of Kings and Traditional Leadership Institutions.

Thus, the National Department of Public Works under Minister Stella Sigcau, started with the key priority project in this regard by development and construction of the King's Chamber at Mngqesha in the Eastern Cape, at a total cost of R5m. Using this initial amount, the Kings Chambers comprising the King's office, Executive Boardroom, public lounge and foyer, reception area, office administration units, a large modern kitchen, ablution, canteen and toilet facilities and a larger hall with a podium and chairs was erected. Besides the above, a separate structure intended to accommodate the activities and initiatives of the Queen mother was also established and developed. That is where today, the Queen has started several projects like sewing, art and craft activities.

The King's Chambers are now fully functional and operational. Additional funding arrangements made by the Eastern Cape Provincial Administration through the Department of Housing Local Government and Traditional Affairs will be reflected in the chapter dealing with the initiatives of the Provincial Government. Although the Rharhabe Kingdom has a long history of existence dating back from the time of rulership of Ngqika and Kings that followed, little has been done by the previous governments to develop it. One acknowledges that this Kingdom probably could not

have been built by the former South African apartheid regimes because of the known history of resistance of the White Colonial oppression which Rharhabe, Ngqika and Sandile fought. When the Ciskei territory became a self-governing entity and later, a nominally independent homeland, the Kingdom was not developed.

CHAPTER 4

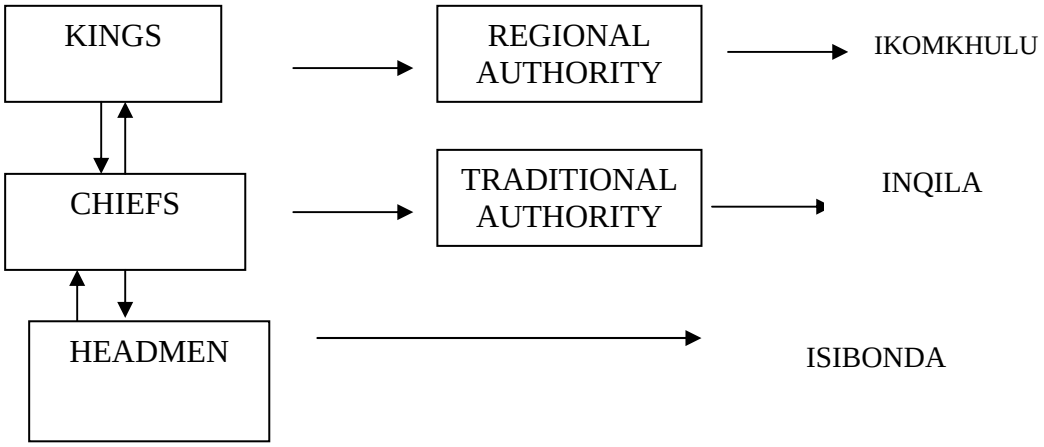
INSTITUTIONAL ARRANGEMENTS FOR TRADITIONAL LEADERSHIP INSTITUTIONS.

1. INTRODUCTION

Traditional Leadership Institutions require appropriate institutional arrangements in order to function and discharge delegated and assigned responsibilities. Additionally, it is necessary reflecting on the present institutional set-up in order to determine to what extent transformation initiatives should be implemented. Secondly, Traditional Leadership Institutions should be positioned in such a manner that they are required to account for all assigned and delegated duties, functions and responsibilities. They also need requisite capacity in order to efficiently discharge such duties and functions. This chapter deals with some institutional aspects necessary to be handled around which capacity of Traditional Leaders should be built to ensure good governance and accountability.

2. THE STRUCTURE OF TRADITIONAL LEADERSHIP IN THE EASTERN CAPE

The structure of Traditional Leadership in the Eastern Cape can only be successfully dealt with when one reflects on the hierarchy of Traditional Leadership. Presently there are three distinct hierarchical levels of traditional leadership in the Eastern Cape. At the lowest level, there are headmen, middle level has Chiefs and at the Upper most and top level are Kings.



The King is the head of the entire tribe and head of the Regional Authority. For example, His Majesty King M. Sandile is the King and Head of the Rharhabe Regional Authority with its headquarters at Mngqesha, also known as the Great Place. As such, Mngqesha Great Place, as the King's Headquarters, is the home of the Rharhabe tribe. The King is the father of the nation in his jurisdictional area and his subjects look upon him to play his role in terms of interacting with the government for the delivery of needed services besides other structures of government.

In the Eastern Cape alone, there are ten Regional authorities, six of which are headed by Kings namely:

- Rharhabe Regional Authority - King M. Sandile - Mngqesha, KWT
- Gcaleka Regional Authority - King X. Sigcawu - Nqadu, Willowvale
- Qamata Regional Authority - King L. Matanzima - Emigrant Tembuland Qamata - Cofimvaba
- Dalindyebo Regional Authority - King Z.B. Dalindyebo- Bumbane, Umtata
- Nyandeni Regional Authority - King B. Ndamase - Nyandeni, Libode
- Qaukeni Regional Authority - King J.M. Sigcau - Qaukeni, Lusikisiki

There are four Regional Authorities without Kings. They are:

- Fingoland Regional Authority - AmaMfengu (Butterworth, Tsomo, Ngqamakwe)
- Emboland Regional Authority - AmaMpondomise tribe (Qumbu, Tsolo)
- Umzimkhulu Regional Authority - AmaBhaca (Umzimkulu & Mt Frere)
- Maluti Regional Authority - Hlubi & Sotho (Maluti & Sterkspruit)

Because these four Regional Authorities do not have Kings, a policy decision was taken that each of these four Regional Authorities should among its chiefs, in each jurisdictional area, select and appoint a chief to serve as Head of the Regional authority. There are also members of every Regional Authority who serve as the King's Council. Their primary duty is to advise the King on matters of traditional leadership including local disputes, allocation of sites to rural people for different usages in liaison with relevant government structures and functionaries and matters relating to development needs of the community. Therefore, besides matters of a traditional nature based on custom, culture and tradition, there is also a broad range of issues of community development to be discussed and to which presentations should be made to government and municipalities.

The next level below that of Kings is that of Chiefs and who are Heads of different Traditional Authorities. A Traditional Authority is made up of a collection of different administrative areas under a chief as the Head. All chiefs report directly to the King and in areas where there are no Kings, the rest of the Chiefs report to the appointed chief serving as Head of a Regional Authority. The chief as Head of a Traditional Authority presides over all issues brought to the Traditional Authority. Each Traditional Authority has members whose duty is to deal with matters of traditional leadership and community development at their level.

The third level is the lowest. It is occupied by Headmen responsible for some administrative areas. In areas where there are no chiefs, you can find a Headman who is Head of a Traditional Authority. In terms of the hierarchy of traditional leadership, issues of traditional leadership, problems etc and community development start at the community level locally, to the Headman for attention, resolution and decision making with the community, transmitted as local agenda issues for attention in a Traditional Authority meeting where all Headmen have to be present together with members of the Traditional Authority. At this level, recommendations on issues are transmitted to the Regional Authority level headed by the King for attention. All matters that have been tabled in a Regional Authority level meeting are then finalised. Some, where necessary, are forwarded to relevant government Departments for

implementation, for example, appointment of a Chief or matters of delivery of services to a particular community.

However, there are some areas where there are no Headmen at all, for example, the Rharhabe Kingdom. Therefore, presently there are two levels of authority in the Rharhabe jurisdictional area on matters of traditional leadership. There is presently a debate on the need to restore Headmanship in the Rharhabe Kingdom area of jurisdiction. This area happens to be the entire former Ciskei area where headmanship was abolished during the time of the previous Ciskei Governments. The Institution of Headmanship alone requires extensive research because of its inconsistencies.

Traditional leaders administered the affairs of their communities through structures, with each structure headed by a King or Chief as outlined above. Through these structures, a traditional leader co-ordinated the activities of his community, including ploughing and harvesting, hunting, war expeditions, ancentral worship and other rituals. This includes traditional meetings to discuss the affairs of the community relating to disputes and development needs.

There are other structures of traditional leadership that were created through legislation and which were not customary in nature, for example, community authorities for rural communities without traditional leaders.

Regional Authorities were given local government functions similar to a certain extent, to those carried out by municipalities. However, most of them lacked the necessary infrastructure and capacity to discharge local government functions. These functions were either carried out by relevant government departments or not carried out at all.

The White Paper on Traditional Leadership and Governance is now explicitly clear on this, in that, governmental responsibilities have now been assigned to the three spheres of government by the Constitution. The above necessitates redefinition of the role of traditional leadership structures in order to align them to the new arrangements.

Notwithstanding the need for the definition of the role and function of traditional leaders, the Traditional Leadership and Governance Framework Act, states that the structures established by the custom should:

- Continue to exist and to exercise powers and perform functions conferred upon them in terms of customary law, customs and statutory law consistent with the constitution;
- Continue to generally administer the affairs of the tribe in accordance with custom and tradition;
- Continue to assist, support and guide traditional leaders in the exercise or performance of their responsibilities; and
- Continue to advise and make recommendations to government.

3. THE HOUSES OF TRADITIONAL LEADERS

In order to give meaning to government's recognition of the Institution of Traditional Leadership, to enhance the institution and give it a role at national, provincial and local levels and in compliance with the Constitution, government has established a National and Provincial Houses of Traditional Leaders. The National House of Traditional Leaders has its headquarters in Pretoria. Other Provincial Houses are in the North West, Free State, KwaZulu – Natal, Eastern Cape, Mpumalanga and the Northern Province (Polokwane).

Whilst these houses are intended to give a role to the institution at the highest level of government, they are also meant to:

- promote co-operative relations;
- ensure a smooth flow of information within institutions and between government and traditional communities for the smooth implementation of policies and programmes;
- ensure a deeper understanding of customary values and the prevention and resolution of conflicts and disputes; and

- advise government on matters affecting traditional leadership, traditional communities, custom and customary law.

3.1 The role of the Houses

The White Paper on Traditional Leadership and Governance authorises the houses to play a supportive role to government structures and other structures of traditional leadership at the local level. This policy allows them to play a unique role based on key principles which compel them to:

- "ensure that there is co-operation between structures of traditional leadership, the three spheres of government (National, Provincial and Local) and other organs of State;
- ensure that traditional leaders are properly elected to represent their communities in municipal structures, Provincial and National Houses of Traditional Leaders;
- ensure that there is adherence to a common national vision between structures of traditional leadership and other government structures;
- ensure that there are skills development programmes for traditional leaders;
- ensure that there is a common use of resources and are allocated to traditional leaders for appropriate utilization within the principles of co-operative governance;
- ensure that traditional leadership structures carry out their functions and account for their activities;
- ensure that traditional leadership structures are well-resourced so that they are able to carry out their functions; and
- ensure that there is close co-operation amongst the Houses and the government in the provinces where they are established".

Traditional leaders have displayed a positive attitude with regard to these changes which seek to address the position, place and status of traditional leaders. They also believe that they can play a more meaningful role and active participation in local government if their existing structures like traditional and regional authorities were to

be recognised as other local governing bodies. Traditional leaders assert that it is not enough for them to be merely granted ex officio status in municipal councils.

4. ACCOUNTABILITY OF TRADITIONAL LEADERS AND STRUCTURES

The changes currently taking place in our society including transformation of State structures compel the Institution of Traditional Leadership to discharge its delegated duties and functions in a more accountable manner.

In the past, because of the collective nature of accountability and form of governments that were in place, accountability, generally speaking, was substantially compromised. Accountability was not formalized. There was no obligation for them to account. Everything was done on the basis of traditional african value systems.

Presently, there is wide consensus that traditional leaders and structures should be held accountable for their activities. However, Government realises that custom is not sufficient to regulate the accountability of traditional leaders and structures. Noting this, the White Paper advocates a situation whereby at the local level, traditional leaders and structures should together with traditional communities, put in place mechanisms intended to ensure that they account for their activities.

The White Paper recommends that traditional structures must ensure that, at least once a year, a meeting of the whole community is convened where every Traditional leader and his councillors report on their activities during the preceding year.

Additionally, it is now the government's standpoint that the responsible State organ in the provinces charged with the administration of traditional affairs must ensure that traditional leaders and authorities carry out their role and functions in accordance with custom and law. Government is further considering legislation intended to regulate the accountability of Traditional Leadership and Institutions. This includes a Code of Conduct and Good Practices.

Traditional Leadership and Institutions cannot succeed in the performance of their assigned duties and functions without the necessary institutional arrangements. Existing structures of traditional leadership should be transformed in such a manner that enables them to respond to the challenges of a democratic non-racial South Africa.

The Houses of Traditional Leaders in the various provinces are at the centre of the role that these institutions should play in the development of their communities. The Houses should view themselves as good links between traditional leaders, the communities and government. They must be viewed as service delivery entities established by the State for a good cause. If they are to be held accountable for their actions, they must be equally supported and trained. Government must in line with the Constitution, the White Papers on Local Government and Traditional Leadership and Governance, create and implement appropriate institutional mechanisms that will enhance the propensity of these entities to deliver on delegated responsibilities to the best advantage of the Government.

CHAPTER 5.

THE ROLE OF TRADITIONAL LEADERSHIP INSTITUTIONS IN GOVERNANCE AND DEVELOPMENT.

1. INTRODUCTION

The Institution of Traditional Leadership has, over many years, performed various governance functions. However the manner in which these entities perform these functions differ from one territory to another, in that, during the time, South Africa was not a unified territory or State. South Africa was divided into various territories, namely, self governing and nominally independent entities. The institution operated within defined limits of its prescribed jurisdiction.

This chapter is intended to demonstrate that Traditional Leadership Institutions can play a meaningful role in the development of their communities and play an advisory role to government with regard to socio-economic needs. They should therefore be allowed to play a complementary role of government in rural areas. It is also intended to demonstrate that notwithstanding the delegation of authority, powers and functions to the three known spheres of government in South Africa, Traditional Leadership Institutions, nevertheless, can play an increasingly important role in the development of communities in their jurisdictional areas. They stand a better chance of serving as essential links between themselves, their communities and the three spheres of government. The initiatives currently in place in the Rharhabe Kingdom further serve to demonstrate what Traditional Leadership Institutions can innovate pro-actively.

2. THE ROLE OF TRADITIONAL LEADERSHIP INSTITUTIONS IN GOVERNANCE AND DEVELOPMENT

Traditional Leadership Institutions can play an important role in governance and development. It is necessary therefore that this institution be appropriately repositioned in order to fully demonstrate practically what they can do in assisting government and the local government sphere in community development and delivery of services.

The White Paper on Traditional Leadership and Governance proposes and tabulates a variety of duties and functions which can be discharged by Traditional Leadership Institutions, namely:

- Promote socio-economic development, good governance and service delivery, especially in rural areas; and
- Ceremonial role, and serve as custodians of culture, tradition and custom.

Because a large number of people reside in rural areas, it is necessary that government should not only rely on the national, provincial and local spheres of government with regard to the delivery of services. Other creatures of statutes should be utilized, for example, Traditional Leadership Institutions. Government requires a combination of options and use of a multi-sectoral approach to ensure efficient delivery of services. This can help reduce the burden on the three known spheres of government in a mutually re-inforcing way.

The White Paper recommends that government should put in place mechanisms to ensure an integrated, structured and co-ordinated involvement of the House of Traditional Leaders in various policy development processes and programmes.

At the local level, the White Paper recommends that the institution should:

- Facilitate community involvement in the IDP processes;
- Support municipalities in the identification of community needs;
- Support municipalities in the implementation of development programmes;

- Enter into service delivery agreements with municipalities regarding the provision of services to rural communities; and
- Promote indigenous knowledge systems for sustainable development.

However, before Traditional Leadership Institutions can be expected to discharge these envisaged duties and functions, as a prerequisite, it is necessary that they be appropriately capacitated. A programme for the enhancement of institutional capacity of Traditional Leadership Institutions is necessary and should be embarked upon. This requires a strategic partnership action approach by all actors in development in order to promote functional co-ordination and cross-functional management of development projects.

3. THE FUNCTIONS OF TRADITIONAL LEADERSHIP AND INSTITUTIONS

Given an opportunity and when appropriately developed and capacitated, Traditional Leadership and Institutions can perform a variety of duties and functions. The White Paper on Traditional Leadership and Governance elaborates a variety of different functions, namely:

3.1 Carry out various functions in support of government

3.1.1 Arts and Culture

- Promote indigenous knowledge systems, music, oral history and other commemorative events;

3.1.2 Land and Agriculture

- Advise government and participate in programmes geared to prevent cruelty to animals;
- Advise government on stock breeding;
- Advise government on agricultural schemes;
- Advise on the improved farming methods;
- Promote sustainable use of land; and
- Promote the settlement of disputes around land.

3.1.3 Health and welfare

- Co-operate with health authorities in circumcision practices
- Co-operate in nation-wide health campaigns, for example, HIV/AIDS;
- Facilitate community access to pensions and social grants.

3.1.4 Justice, Security and Internal Affairs

- Act as Commissioners of oath;
- Preside over traditional courts;
- Facilitate the establishment of community policing forums;
- Notification of deaths to relevant authorities;
- Registration of customary marriages; and
- Assisting with registration of births and deaths.

3.1.5 **Economic** development

- Support local economic development initiatives

3.1.5 Environment and Tourism

- Promote environmental management
- Promote sustainable use of cultural resources within communities; and
- Involvement in management/ protection of world heritage sites.

3.1.6 National Resources Management

- Identification of development needs and participation in decision making; and
- Promote sustainable traditional approaches to water resource management.

The White Paper on Local Government stipulates a variety of other functions which traditional leaders should perform, namely:

- Acting as head of a Traditional Authority;
- Presiding over customary law courts;

- Consulting with traditional communities through imbizo;
- Assisting members of the community in their dealings with the state;
- Advising government on traditional affairs through the Houses of Traditional Leaders ;
- Convening meetings to consult communities on needs and priorities, and providing information;
- Protecting cultural values and providing a sense of community in their areas through a communal social frame of reference;
- Being symbols of unity in their community; and
- Being custodians and protectors of the community's customs and general welfare.

Traditional leaders, however, cannot succeed and excel in the performance of these envisaged duties and functions unless appropriate action steps are taken to ensure that they are adequately trained and capacitated. They also need to be equally exposed to a variety of skills development programmes in order to enhance their capacity to discharge their assigned responsibilities.

CHAPTER 6

THE KING SANDILE DEVELOPMENT TRUST AND ITS ROLE IN COMMUNITY DEVELOPMENT

1. INTRODUCTION

Subsequent to the establishment and development of the King's Chambers and other facilities in the Great Place at Mngqesha, the King Sandile Development Trust was initiated as an innovation of His Majesty King M. Sandile. This chapter will therefore focus attention on the establishment of the King Sandile Development Trust, its objectives, constitution, Procedural arrangements, Administration and Management, financial matters and its community development role.

2. THE KING SANDILE DEVELOPMENT TRUST

The King Sandile Development Trust (KSDT) was formerly established with the approval of His Majesty King M. Sandile in 1999 as an initiative of the Rharhabe Kingdom for redevelopment and economic revival of the Rharhabe nation. Its headquarters are at Mngqesha Great Place outside King William's Town. It uses the King's Chambers constructed by Government through the National Department of Public Works.

2.1 Mission

The mission of the King Sandile Development Trust is to restore and develop the dignity, pride and economic well-being of the people of the Rharhabe Kingdom through cultural, social and economic activities to meet their needs and improve their quality of life.

2.2 Objectives of the Trust

Like every entity and creature of statute, the King Sandile Development Trust has been established in order to accomplish and realize some key strategic objectives, namely:

- to restore and support cultural structures and values of the AmaRharhabe Kingdom;
- to uplift, develop and empower all people living within the AmaRharhabe Kingdom;
- to foster good relations with the diverse cultural, linguistic, spiritual, social and economic groupings both within and outside the AmaRharhabe Kingdom; and
- to administer the assets or monies as may be settled on the trust and to conduct all business pertaining thereto in the best interest of the beneficiaries.

2.3 Constitution

The Trust was incorporated and obtained its certificate to commence with its business on 7 April 1999. It was established in terms of Section 6 (1) of the Trust Property Control Act, 1988 (Act No.57 of 1988). It is officially and legally known as the King Sandile Development Trust. It is made up of five trustees and which are led by His Majesty King M. Sandile as its Chairperson.

The Trustees having been duly put in place in terms of legislation establishing the Trust, do not have a free and absolute discretion to make distributions to Beneficiaries. Distribution of assets as tabulated in the "Letter of Authority" from the Department of Justice may only take place if fixed property is being disposed of, in the presence of a suitably qualified valuator appointed by two thirds majority decision and only if a two thirds majority of the Trustees has decided to distribute some assets.

A democratic process is followed in appointing the Trustees. The representatives of the Kingdom in the Provincial House of Traditional Leaders are automatic members of the committees of the trust during their term of office. Besides, eight (8) additional traditional leaders are appointed by traditional leaders to serve in the committees of the trust. At the time of writing this treatise, there were five (5) committees of trust in existence, namely:

- project development;
- procurement;
- finance;

- special projects; and
- audit committee.

It is therefore clear that the King Sandile Development Trust is a legal entity, a legal persona and body corporate with powers, duties, functions, responsibilities and authority in law to perform on behalf and in the interest of the Rharhabe people.

2.4 Procedural arrangements

All property acquired by and on behalf of the Trust vests in the Trustees in their fiduciary capacity for the smooth administration and management of the entity. Besides, the Board of Trustees is entrusted with other responsibilities and for which they can be held accountable.

The Trustees are required to convene meetings scheduled for the purpose of handling the business and activities of the Trust and procedures for the conduct of such meetings is clearly outlined in the document establishing the Trust. Decisions and resolutions taken by the Trustees in the conduct of their business are legal and binding and have to be executed in order to implement and realize the strategic goals and vision of the Trust.

Besides, there is procedure and process in place designed to guide members with regard to:

- execution of documents;
- Trust’s securities;
- payment of administration expenses;
- liabilities of the Trust;
- termination of the Trust; and
- variation of the Trust Deed.

2.5 Administration and Management

For purposes of administration and management, the Trust has drawn a Master Plan document featuring as a strategic management plan of the Trust covering its short, medium and long-term objectives. The plan constitutes:

- brief history and foundation of the Kingdom
- its broad vision and mission;
- its strategic objectives;
- The Trust development perspective, legal and economic arrangements; and
- the Trust's operational structure based on the organogram.

In short, the King Sandile Development Trust is, on the basis of an approved organogram, headed by a Chief Executive Officer and who is supported by a number of administration personnel ranging from Senior Administration Officer, Administration Clerk, Maintenance Officer, Security personnel and gardeners. All these employees are, in terms of organisational arrangements, catered for in order to perform assigned and delegated duties and responsibilities as tabulated in the Trust Master and operational plan, including its organogram.

2.6 Financial Arrangements

Like any other entity or body corporate and as a legal persona, the King Sandile Development Trust has financial management responsibilities. It must account for all monies and donations it collects and receives. It must account for its expenditure. It must keep and maintain records of all financial activities in terms of revenue, expenditure, bookkeeping and budgets, inclusive of its record of assets and liabilities.

Article 13 and 14 of the Trust's letter of authority and which is the establishment document, deals with payment of administration expenses and Trustee's liability.

Besides, and in keeping with the procedural and legal requirements with regard to its financial activities, the Trust is keeping record of its annual financial statement, record of its accounting policies, balance sheet, income and expenditure statement in

keeping with the generally recognised accounting principles. This includes management of cash flow transactions.

Research and information gathered during a meeting held with Board members revealed that the Trust is being run professionally. One of its members, is a well known Chartered Accountant in the Eastern Cape Province. Another one, is the Deputy Chairperson of the Eastern Cape House of Traditional Leaders and a key member of the Executive Committee of the House.

During such meeting, to illustrate and give meaning to their internal operations, I was given the following documents which further authenticate operational activities of the Trust, namely:

- Annual financial Statements for the year ended 28 February 2002, duly signed by the Chairperson and Chief Executive Officer;
- Report of the Independent Auditor to the Trustees of the King Sandile Development Trust (Klinkradt and Associates – Chartered Accountants);
- Report of the Trustees;
- Accounting policies for the year ended 28 February 2002;
- Balance Sheet as at 28 February 2002;
- Income statement for the year ended 28 February 2002;
- Statement of Changes in Equity for the year ended 28 February 2002;
- Cash flow statement for the year ended 28 February 2002;
- Notes to the Financial Statements for the year ended 28 February 2002;
- Detailed Income Statement for the year ended 28 February 2002;
- Annual Financial Statements, Trustees report and auditors report for the year ended 28 February 2003 as per above details.

It is therefore clear from the above operation exposition that the King Sandile Development trust is managed properly by appropriately qualified and relevant ‘hands on’ Board of Trustees and which is headed by His Majesty King M. Sandile. It is also clear that the Trust and overall, the Rharhabe Kingdom is able to account openly about operational activities of the Trust. The Kingdom has through the Trust, succeeded to demonstrate what it can do to develop its people and that it has a

thorough understanding of its business beyond the Trust, as an institution for Traditional Leadership and Governance.

As a consequence of the institution by the Rharhabe Kingdom it can be stated without doubt that there will be no reason why the Eastern Cape Administration should not advise other Kingdoms in the Province to follow this example, including lessons in the Kingdom on sustainable, participatory and innovative approaches to local self help development.

3. THE DEVELOPMENT ROLE OF THE KING SANDILE DEVELOPMENT TRUST

The King Sandile Development Trust, right from its inception, started embarking on a clear and comprehensive community development programme which today is marked by the existence of a Queens Programme of Action and Implementation, headed by the Queen mother, Queen Noloyiso Sandile, the wife of His Majesty King M. Sandile. This Queens programme has given rise to several projects, namely:

- Sewing and knitting;
- Catering;
- Poultry;
- Piggery;
- Bakery; and
- Gardening and agriculture.

3.1 The Tourism Chalets

The King Sandile Development Trust has recently launched 41 tourism chalets at a cost of approximately R10,4m at the Mngqesha Great Place. These chalets offer accommodation of African inspired thatched roofed designs aimed at promoting cultural tourism. The National Department of Tourism and Environmental Affairs is responsible for funding this project comprising 41 chalets and a restaurant. Sixteen of these 41 chalets have already been completed whilst the remaining 25 and the restaurant are still under construction.

These chalets do not simply feature as accommodation only but are intended to revive Xhosa customs. They are therefore an eye opener for those who do not know the history of the Xhosa nation, especially the people of Rharhabe. Additionally, each of the 40 chalets represents each of the 40 chieftaincies in the Rharhabe Kingdom with details regarding the genealogy of each tribe. The remaining 41st chalet represents His Majesty King M. Sandile whilst each of the completed chalets features a shower, toilet, bedroom and a lounge.

The 25 chalets currently under construction comprise:

- 1 King or Presidential suite,
- 6 Executive chalets, and
- 8 self catering chalets with 2 beds, lounge, a kitchen and a bath.

Besides the above, there are conference facilities and services of a qualified hospitality and tourism manager.

3.1.1 The Benefits of the Chalets

According to the Kingdoms spokeperson, Prince Zolile Burns-Ncamashe, the chalets offer several opportunities and benefits. He sums such opportunities and benefits as:

- contribution to the economic development of the 40 tribes;
- African foods and beverages in the restaurant when completed;
- employment opportunities to 120 people on a full-time basis upon completion whilst it has succeeded to employ many local villagers during the construction phase

His Majesty King M. Sandile is very proud and excited about these projects especially when he mentions its intended and targeted beneficiaries. He says that the Trust through its projects, as an innovation by the Kingdom, would improve the lives of the people in the Kingdom. He states as follows:

"I have a dream where each and every household in the Kingdom will have food on its plates, where the people of the Rharhabe Kingdom will have their own economy run by the Rharhabe people irrespective of race, colour or creed, where our own children would see it worthwhile to plough back into the Kingdom what they have learned and where the dignity of our traditional leaders is restored".

3.2 Other Projects

The Kingdom, has with the aid of the Trust, solicited funding from the National Development Agency and the Tourism Department to implement some projects,namely:

- R 1.3 m for the training of Traditional Leaders
- R 1 451 102 – Vukuzenzele projects
- R 8 m tourism project which includes the King Sandile Memorial Site, museum and arena funded by the Lottery Board.

The Kingdom is now generating some profit and revenue from these projects, for example, revenue generated from traditional attire and sewing, catering, poultry, piggery, bakery, vegetable crops, tourism and overnight accommodation in these chalets. It is now successful in providing employment opportunities to local citizens within the Kingdom, thereby featuring as a true success story in terms of:

- local self help;
- creation of enabling settings;
- building a self-reliant approach to development; and
- utilisation of local knowledge systems in participatory development approaches.

Therefore, the Trust also serves as an empowerment and development arm of the Kingdom. Realizing the economic potential of the Kingdom, the Trust was established to exploit opportunities within the Kingdom which have been identified as those which will contribute to the revival of the Kingdom, namely:

- agriculture and forestry;
- cultural and historic tourism;
- fishing; and
- arts and culture.

To realize the above, the King Sandile Development Trust plays a facilitative role on several projects. However, with regard to cultural tourism, it has preferred a hands-on approach. The promotion of some projects by the Trust is also intended to yield some royalties besides joint ventures with other community development entities.

Its community development role and responsibilities is depicted clearly in attachment C of the Trust documents, reflecting a variety of duties and functions of the trust. When speaking about the King Sandile Development Trust and the Rharhabe Kingdom, it is important to understand learning from what this Kingdom has done, that traditional leadership institutions are other institutions for development whose role in society cannot be ignored.

In the olden days, people as subjects of the various Kingdoms, used to place and pin their hopes on the role of these institutions when it comes to community development. Most of them were the main leaders in massive food production, agriculture and stock farming. Even to date, they still serve as other important links between their subjects or communities and government.

CHAPTER 7

GENERAL CONCLUSION AND RECOMMENDATIONS

1. INTRODUCTION

The case of Eastern Cape's chances of development, a predominantly rural Province, is to take advantage of existence of a variety of different institutions for development in its midst. Traditional leadership institutions are one such structures of government which stand a better chance of appropriately assisting government and other local government bodies in the socio-economic development of our communities. Government alone cannot succeed in the challenge of socio-economic transformation and development. It must make full use of many of its structures on the basis of existing policy framework documents which emphasize the need for partnership action approach in the development of our people.

This chapter attempts to arrive at some conclusions based on the findings of its research work in this treatise, challenges facing Traditional Leadership Institutions within the context of community development. Based on the above, this treatise concludes by advancing a set of proposals as recommended action steps necessary to be taken by both Government, Local Government Institutions and Traditional Leadership Institutions in the development of our communities in every sphere of their lives. Both Government, Local Government Bodies and Traditional Leadership Institutions should come together and develop a turn-around strategy and implementation plan to reposition the Institution of Traditional Leadership in order to realize sustainable socio-economic development objectives for all of our communities.

In particular, Government and Local Government Institutions in the Eastern Cape have a better opportunity of learning from initiatives currently in place in the Rharhabe Kingdom under the rulership of His Majesty King M. Sandile. These are unprecedented initiatives and efforts of its first kind by a Traditional Leadership Institution in the Eastern Cape.

2. GENERAL FINDINGS

The Institution of Traditional Leadership has many chances of making a meaningful contribution in governance, development and creation of a stable local economic environment working together with other structures in both public and private sectors towards realizing the Government's broad strategic goal of a better life for all.

Like any research work, and through this treatise, it has been fairly easy to demonstrate, in some detail, the role that can be played by Traditional Leadership Institutions in the development of their communities. The Rharhabe Kingdom in the Eastern Cape, is a case in point, where a Traditional Leadership Institution, for the first time in the history of the Province on Traditional Leadership and Governance, has come up with the idea and innovation of a Development Trust. Today, the King Sandile Development Trust is making strides in the socio-economic development of the people within the Rharhabe Kingdom. Facilities already in place, at Mngqesha, the headquarters of the Rharhabe Kingdom, prove beyond any doubt that these institutions can do a lot in the development of their communities. Initiatives like these, need to be encouraged by Government and local government bodies by working closely and co-operatively with Traditional Leadership Institutions.

The Rharhabe Kingdom is participating in the Amathole District Municipality and Buffalo City Municipality integrated development planning efforts. The current initiatives at Mngqesha also feature as the product of integrated development planning activities involving these two local government institutions which are working harmoniously with this Kingdom.

National Government's efforts in coming up with a policy framework on Traditional Leadership and Governance brings about encouraging developments with regard to the current opportunities and enabling environment for the repositioning of the Institution of Traditional Leadership. This national policy framework has resulted into a National Framework Legislation that will serve as a basis from which provinces should develop their own legislation. The onus is therefore in these provinces to appropriately develop legislation on Traditional Leadership and Governance in their

own provinces that will enable them to realise the government's goal of a better life for all by appropriately utilising all institutions as actors and role players in community development efforts.

Notwithstanding what the Rharhabe Kingdom has succeeded to do presently, it is important to state that Traditional Leadership Institutions lack capacity and skills necessary to enable them to forge smoothly with their community development efforts. Programmes and projects for the enhancement of institutional capacity of Traditional Leadership Institutions is urgent.

Traditional leaders are local community leaders responsible for a variety of activities in servicing the interests of their people. They need appropriate skills and capacity necessary to enable them to discharge their responsibilities. Presently, very little training is done to improve and enhance skills of Traditional leaders yet Councillors of the different municipalities are being trained sufficiently enough in order for them to deliver efficiently on their local service delivery political goals. This imbalance in skills development arrangements as a skills gap needs to be tackled early by providing necessary and same training to traditional leaders.

Traditional Leadership Institutions are, thus, other local government structures and bodies at the community level. They interact with their people daily in the same way like Municipal Councillors. Therefore, it is necessary that Local Government Municipal Councillors should work together with Traditional leaders in their areas. The Amathole District and Buffalo City Municipalities are working well with the Rharhabe Kingdom and its Traditional Leaders. These two municipalities are providing technical assistance, where necessary with regard to all projects at the Great Place, in Mngqesha. The success of projects in the Rharhabe Kingdom is therefore the product of harmonious co-existence, mutual respect for each other's role, the need to integrate and work together co-operatively.

However, Government has, thus far not succeeded in the utilisation of Traditional Leadership Institutions as other development nodes and service delivery centres. People still travel long distances to urban centres to reach out to services which they should be enjoying in their own areas. A case in point, is the question of registration

of births and deaths, social grants, identity document applications and old age pension application with its problems of corruption and misuse. Traditional leaders know their people, therefore, they stand a better chance to assist government in the identification of citizens and people who are unlawfully enjoying these grants and benefits.

Other Royal Kingdoms in the Eastern Cape cannot be comparable with the innovations in the Rharhabe Kingdom. There could be a lot of reasons around this point. However, it is necessary that these other Kingdoms should learn from one another and share ideas, knowledge and expertise through exchange programmes and partnership. The Rharhabe Kingdom, besides the King Sandile Development Trust and its structural components within the scope of the trust has other structures like the Rharhabe Royal Council, King's Council and Traditional Authority local government bodies, all of which serve as a think-tank with regard to the overall community development role and responsibilities in the different Kingdom localities. All of these structures have proved beyond doubt the essence of working together. Besides most Traditional leaders and communities in this area make use of the current lack of claims and disputes over positions of traditional leadership as an opportunity to concentrate on value added community and development programmes.

It transpired that there is not enough infrastructure in Traditional Leadership Institutions. They need to be adequately resourced. Beside resource provision by government, these institutions should take practical action steps and initiatives to resource themselves by being creative. To achieve in this regard, they should learn from the Rharhabe Kingdom. Government should encourage others to forge links with this Kingdom. For example, Government should facilitate a joint session where others will in one joint session learn what is being done by the Rharhabe Kingdom. Thereafter, there could be established a joint working group serving as an implementation agent of initiatives by these institutions, also playing an advisory role as part of government efforts.

With the aid of this treatise and more particularly the Rharhabe Kingdom which has established the King Sandile Development Trust, one has been able to demonstrate

the role that can be played by Traditional Leadership Institutions in the development of their communities or subjects in their respective jurisdictional areas.

Additionally, the initiatives undertaken by Government at both policy, legislative and operational levels give more meaning to the need to reposition these entities as other institutions for development. It has also been demonstrated that Traditional Leadership Institutions are other Local Government Institutions at the local level which need to be appropriately empowered in order to assist government in the delivery of services especially rural development as a key challenge in community development.

The treatise has demonstrated beyond doubt that these entities have localized governing powers in their areas, authority, status and functions for which they can be held accountable. Lessons displayed in this research demonstrate that there are many public management and service delivery initiatives and innovations that Traditional Leadership Institutions can undertake. The Rharhabe Kingdom has proved beyond any doubt what these institutions can do. Those who are interested in the development of their communities or subjects can learn many lessons in the Rharhabe Kingdom and establish trusts in their areas.

Rural development initiatives cannot be sustainable and successful enough if the contribution of traditional leadership institutions is overlooked. By working harmoniously with State Departments and other structures of government like the Buffalo City Municipality and Amathole District Municipality, the Rharhabe Kingdom displayed the importance of partnerships and intergovernmental relations.

The government's sustainable development efforts, the Provincial Growth and Development Strategy together with the initiative for promotion of rural livelihoods through integrated sustainable rural development approaches should ensure maximum participation and involvement of Traditional Leadership Institutions.

This study has enabled an in depth evaluation and analysis of the impact of the Rharhabe Kingdom as a Traditional Leadership Institution in the delivery of services to its people. Through the King Sandile Development Trust, the Rharhabe Kingdom

has demonstrated that the rural service void created by non utilisation of Great Places as other rural service centres closest to the local people can be addressed fully with the aid of many development initiatives as it has been done by the Kingdom. Presently, other Kingdoms have already engaged partnership and co-operation agreements with the Rharhabe Kingdom in order to forge integrated development, for example, the memorandum of co-operation recently signed by the Rharhabe and Western Tembuland Kingdoms.

3. GENERAL CONCLUSIONS

The Black Administration Act No. 38 of 1927 that followed, consolidated the powers vested in the Minister of Native Affairs whilst the Bantu Authorities Act of 1951 finally rendered Traditional leaders part of the state bureaucratic machinery. In 1961, the position of the Governor- General was assumed by the State President of the then Republic of South Africa. With the coming into being of the 1993 and 1996 constitutions, these powers have now been assigned to the Premiers of the various Provinces and who may, in turn, delegate daily administration of traditional leadership functions to Provincial MEC's, as is currently the situation in the Eastern Cape.

Traditional leadership and governance function in South Africa, to day, is falling under different State Authorities and organs. In some Provinces it falls under the Premier as a mother component of a Provincial Administration, the argument being that, traditional leadership and governance is not a line function responsibility, its functional operations cut across all government Departments. In other Provinces, Premiers, have delegated this function and responsibility to Provincial MEC's responsible for local government.

The placement of traditional leadership and governance function at different authority levels as reflected above may pose different problems and challenges. For an example, the current practice may not enhance and promote uniformity, cohesion and unity of purpose with regard to the roles, functions and responsibilities of Traditional Leadership Institutions as envisaged in the White Paper and current legislation.

The net effect of all laws passed before the existing and current political order in South Africa, was that Traditional Leadership Institutions and traditional leaders were utilized as important tools in the government's strategy of extending and exercising control over Africans without delivery of services to address their socio-economic needs. Thus, traditional leadership was transformed into some kind of local government whose main function was to serve as a source of, and a conduit for cheap labour for mines, farms and urban industries.

Measures like these, led to the creation of a separate administration for Africans as a key to sustaining the labour demands of the colonial economy. As a strategy for indirect rule, it centred around the notion of self sufficiency for traditional leadership areas, whilst increasing the pressure for rural peasants to leave the countryside in search of opportunities due to lack of development in the rural areas.

Control over rural local government was the sole preserve and domain of traditional leaders yet they were not equally provided with necessary resources, tools and capacity. Most Traditional leaders because of the political environment of the time, complied with such policies without questioning anything and some were used to enhance government policies of the time whilst underdevelopment or lack of development further reduced what became black African areas into labour reserves.

The inherent traditional role that the institution lost, division of Traditional leaders and their utilization to divide and rule people meant that this institution and its structures did not have, as its primary objective, the delivery of services to the people. Any role they played was an expression of the demands and wishes of colonial masters in that Traditional leaders did not have a say in any of the policies they had to implement.

Notwithstanding the fact that there has always been one Cape Province, the former colonial government, divided the Cape Province into different territories, namely, the Western Cape and Eastern Cape with the latter, further subdivided into Ciskei and Transkei self-governing territories and which later became nominal independent entities, the so-called, sovereign independent States or Countries within South Africa.

Transkei and Ciskei utilized similar legislation initially with regard to administration of traditional affairs. The state of affairs changed upon inception of self government in that the former colonial powers meant to further divide African Blacks in these two territories with the aid of policies that were pre- eminently advanced and marketed among Traditional leaders. Things further changed for worse when the same territories opted for an imposed type of independence by the former apartheid government. In both territories, mostly Traditional leaders were politicians and heads of government. The system of government of these nominally independent territories did not bring about any change in local government and no improvement took place in the people's lives. Traditional institutions did not improve and transform. They remained fragmented and different in many respects, for example, headmanship in the Transkei are grouped into two, namely:
Hereditary Traditional Headsmanship; and
Elected Traditional Headsmanship.

In terms of the above, whilst chiefs in the Ciskei serve as Heads of Traditional Authorities; some Headmen can become heads of Traditional Authorities in areas where there are no Chiefs. For example, there are such Administrative areas in the jurisdictional area of His Majesty, King Xolilizwe Sigcawu. In the Ciskei area of the Province, there are presently no Headmen. At the time when they were in place they were for a three year period, renewable at the pleasure of the former Chairman of the Ciskei Military Council, as head of Government.

Government still has to demonstrate its commitment to rural development in order to address underdevelopment in rural areas through poverty alleviation initiatives and other programmes. In line with the above viewpoint, the institution can with the aid of the Houses of Traditional Leaders:

- Advise government in developing policy impacting on rural communities;
- Advise government in the development of legislation that impacts on rural communities;
- Participate in international and national programmes geared towards the development of rural communities; and

- Participate in National and Provincial initiatives meant to monitor, review and evaluate government programmes in rural communities.

The White Paper recommends that government should put in place mechanisms to ensure an integrated, structured and co-ordinated involvement of the House of Traditional Leaders in various policy development processes and programmes. It is recognised and acknowledged that Traditional Leadership Institutions, in the same way like existing local government bodies, lack the necessary capacity that is urgently needed to enable them to meaningfully play their community development responsibilities as tabulated in the White Paper on Traditional Leadership and Governance and subsequent enabling legislation that was passed.

Traditional Leadership Institutions, by working co-operatively with other structures of government including municipalities, stand a better chance of learning from one another. The integrated development planning approach, as a government's approach to sustainable development, requires partnership action between all structures of government in order to enable local government bodies to forge more transparently with local economic development efforts delegated to them by Government. Traditional Leadership Institutions should be widely and openly exposed to the integrated development planning processes and be trained appropriately. When adequately capacitated, they will be in a better position to pursue other pro-active and innovative steps to assist government in addressing local economic and social development initiatives. Presently, this is what the Rharhabe Kingdom has been able to achieve, in a much more unprecedented manner in the Eastern Cape.

4. CHALLENGES FACING TRADITIONAL LEADERSHIP INSTITUTIONS

Traditional Leadership Institutions have an increasingly important role to play in the development of their communities. However, they cannot alone succeed in this challenge. They need to work with other partners in their local areas, for example, local and district municipalities, state entities and other agencies like non-governmental organisations, community based organisations, voluntary associations and groups, churches, the entire private sector and government.

As creatures of statutes, they need to understand the policy and legislative environment. They must be in a position to serve as essential links between themselves, their subjects or local people in their areas and government. Traditional leaders have always been concerned with the plight of their people. In this regard, they have taken many steps in advising government on the needs of the local citizens. It is therefore imperative that they understand all government policies and programmes. They must assist government in the interpretation of these policies. They must not confine themselves to a particular policy issue. They must consider all issues broadly and advise government accordingly.

They have an important role to play in restoring their lost dignity, image and integrity. They must work harmoniously with people, unite them and represent the interests of government and communities without any party political considerations. The various Kingdom Great Places must be transformed and repositioned into people's common homes where they meet and interact on issues of culture, our heritage, development and food production.

Traditional Leadership Institutions have development roles and responsibilities and to succeed, they must work integratively with other structures of government. They must be properly trained in local government aspects and other areas of training in order to equip them fully for the current challenges facing them in present day South Africa.

They have an important role to play in African Renaissance, the New Partnership for Africa's development and bringing together African traditional leadership into the spotlight. They can initiate several innovations based on the current policies towards repositioning of Africa in the current millenniums.

Rural development is at the heart of community development. Traditional leaders should assist government in the prioritisation of community development projects. Eastern Cape Traditional leaders, in essence, have a responsibility to lead by showing what they can do as Traditional leaders in the area of rural development. Therefore, the various Kingdoms could become rural service centres and should be given enough leverage within the law and policy ambit, to initiate rural development projects that

will be government and community led jointly through appropriate structural arrangements.

Traditional leaders require appropriate skill and capacity to assist government in other institutions for development, to implement National, Provincial and Local development priorities.

It must be remembered that government cannot succeed in service delivery efforts by concentrating everything in the hands of a few structures. Government should diversify its efforts by broadening its base such that other institutions like traditional institutions, are repositioned properly to play their role. The current policy and legislation on traditional leadership and governance, to a very large extent, has succeeded in laying the foundation for the repositioning of the Institution of Traditional Leadership.

Traditional Leadership Institutions are located in the deep rural areas, therefore, they should be transformed as other service delivery arms of government that can assist local government bodies in the delivery of services. Rural people require services at their door steps. They are located in the midst of the greatest concentration of poverty and unemployment. When Traditional Leadership Institutions commence to play their community development role openly, they will then be accepted as important structures necessary for the delivery of services. For example, the Rharhabe Kingdom initiatives have brought about needed vibrancy in a completely and densely populated rural set up. As a result, people's attitude towards Traditional Leadership Institutions is now changing. People are able to see and witness positive and sustainable development taking place in their midst.

5. RECOMMENDATIONS

It must be evidently clear now that Traditional Leadership and Institutions are in terms of the law expected to perform certain duties and functions. Therefore they should be held accountable for their actions. However Traditional Leadership and Institutions cannot succeed in doing so without the necessary and relevant capacity. If government expects Traditional Leadership and Institutions to discharge certain

delegated duties and functions, it is imperative that appropriate capacity building programmes and support be put in place and implemented.

In the spirit of co-operative governance, it is reasonably expected that Traditional Leadership and Institutions will not be left alone to discharge these duties and functions. As other state structures at the community level, they should co-operate and work together with Local and District Municipalities in their quest for delivery of services to their subjects. The same kind of training provided to councillors should equally be extended to include Traditional leaders. This must be understood in a contextual framework because there are certain initiatives that Traditional Leadership and Institutions should take. For them to succeed in this regard, they need appropriate training and skills development in various areas. Traditional leaders have to function and discharge their responsibilities at the local level side by side with councillors. Therefore, they have to work in a mutually reinforcing and beneficial manner in the interest of delivery of services to their respective communities. Their capacity building should be a combination of transversal, generic and targeted training intervention.

Traditional Leadership Institutions are creatures of statutes. They are in place for a good cause, that is, to perform certain duties and functions assigned and delegated to them in terms of the law. For that reason, they have an inescapable duty and responsibility to account openly for their actions. They must equally be trained and supported, in that, Government will not fully succeed in its mandate delegated to them in terms of the law, if they have no requisite capacity. Traditional Leaders and other local government structures should work together co-operatively.

1. The Eastern Cape Provincial Government should through the relevant department, that is, Housing, Local Government and Traditional Affairs, and based on the lessons from the Rharhabe Kingdom, draw up a concept document on the need and desirability of a development trust, positioning the trust in such strategic document, as a development planning and implementation tool to be adopted by the various Kingdoms;

2. There should be convened a joint session of all Kingdoms where Government will expose delegates from all Kingdoms in the modalities of a development trust in one session to ensure joint and mutual understanding and ensure a common vision with regard to the development role and responsibility of Traditional Leadership Institutions;

3. There must be conducted a training needs analysis and assessment in order to determine areas needing training based on the broad duties and functions of Traditional leaders broadly including their development roles.

4. Conduct targeted training and skills development for Traditional leaders and other transversal training interventions.

5. Train Traditional leaders in community development, project management, local government, service delivery, project monitoring and implementation.

6. Educate Traditional leaders on their roles and responsibilities.

7. Draw up a code of conduct and good practices for Traditional leaders to guide their conduct and behaviour.

8. Practically expose and ensure that Traditional leaders actively participate in integrated development planning efforts and ensure that their areas are included for development in the Council's development agenda starting from budgetary arrangements.

9. Appropriately resourcing Traditional Leadership Institutions adequately through relevant infrastructure like suitable offices that can accommodate the diverse needs and services that these institutions should deliver and provide as government may decide to delegate and devolve some functions.

10. Government with the aid of the social cluster departments should facilitate establishment of poverty alleviation projects by Traditional Leadership Institutions.

11. Encourage Traditional leaders to effectively participate in the implementation of integrated sustainable rural development strategies through establishment of joint projects and ventures for rural economic development.

12. Establish and declare the various Kingdoms in the Eastern Cape as other rural development nodes and centres around which these should emerge, planned orderly development of projects and other service facilities for example Government should as a matter of extreme importance, make such necessary facilities like the post office, clinic, police station, community multi-purpose centre and other shopping facilities as one of the key and current development practices in these areas. This must include sport facilities, proper schools for all levels and small business and industry facilities and stalls for hawkers. This can revitalise local economies and provide more job opportunities through local self help employment.

13. Encourage and educate Traditional leaders on the importance of participating actively in local government and development;
14. Complementing the development role of municipalities by utilising Traditional Leadership Institutions in the delivery of services especially rural development initiatives;
15. Adopt Great Places of the various Kingdoms as other one stop multi-purpose service centres, serving as other essential links between government, Local and District Municipalities;
16. Take practical action steps in infrastructure development and investment in all these various Kingdoms;
17. Conduct joint integrated development planning sessions and workshops with Traditional leadership in order to expose them in development planning, priority determination and local needs assessment as local level leaders;
18. Provincial legislation should define the place and role of the Institution of Traditional Leadership within the new system of local government and democratic governance;
19. Practically transform the institution in all its facets and in line with the constitutional and policy imperatives;

20. Practically restore the integrity and legitimacy of the Institution of Traditional Leadership by coming up with a transformation agenda in line with government's vision for the institution;
21. Government should undertake practical action steps to promote and facilitate a strong relationship between the institution and the different spheres of government, especially local governing bodies;
22. Mobilise all various Kingdoms to participate in rural local government and development to achieve reconstruction and development programme goals and local economic development initiatives;
23. Set up appropriate institutional arrangements in order to enable Traditional Leadership Institutions to function and discharge their delegated and assigned responsibilities;
24. Government must develop the remaining four Regional Authorities without Kings so that each of them has its own Great Place for purposes of development. Presently, these four areas only have offices in towns and that is not in keeping with the norms and standards on Traditional leadership and governance;
25. Government should embark on establishing a performance management system and tool for the Institution of Traditional Leadership, set up appropriate mechanism and standards to monitor their performance and hold them accountable;
26. Revisit organisational structure with regard to the need for proper institutional arrangements such that each Great Place as a service Centre is headed by a Centre Manager;
27. Initiate and implement training of Traditional leaders in line with the development and advisory responsibilities specified in the policy framework and legislation. This will enable Traditional Leadership Institutions to engage local government bodies and other state departments properly and to perform their envisaged functions without failure;
28. Encourage other Kingdoms and Regional authorities to establish their own development trusts as a community development arm;
29. Clarity needs to be given with regard to the role of government with regard to regulation, management, administration, control and monitoring of the activities of the Trust. This is a policy aspect that requires urgent attention. Government

needs to intervene whenever necessary and this matter should be pro-acted immediately to avoid inertia and conflict of roles and responsibilities;

30. Government should produce a strategic management plan for implementation, operationalisation, maintenance and management of the Kings Chambers as multi-purpose service centres catering for the needs of rural communities under the King;
31. Government should by means of budget, allocate funds for the development of the remaining King's Chambers including the four Regional Authority areas without Kings which also require a Chamber as a traditional home and service centre of its people besides other local government service facilities;
32. Inclusion of the Regional Authorities in the organizational structure of the Department of Housing, Local Government and Traditional Affairs each headed by a Centre Manager;
33. Managing policy on Traditional leadership and governance, implementation setting short, medium and long term goals setting organisational and institutional infrastructure, co-ordination among line departments policy analysis, monitoring and evaluation;
34. Conduct cost benefit analysis and study of all King Chambers as instruments to enhance rural development in order to lay the foundation and basis for utilisation of these entities in community development strategies;
35. Conduct social impact assessment investigation in order to ensure acceptability and legitimacy of these entities in rural development and as traditional rural service centres where other government services could be accessed;
36. Utilisation of these institutions as tourism information and development centres (rural and cultural tourism centres);
37. Draw and provide a development guide plan for Traditional institutions and provide relevant infrastructure in all these areas (Chambers) and provide for land development objectives with regard to land around these Kingdoms and consult with the Kings;
38. Encourage, facilitate and establish locally based industries and projects around these Kingdoms including small and medium enterprises;
39. Defining the role and relationship of Traditional leaders with local government within the context of the National development goals and agenda plus Provincial Growth and Development Plans;

40. Identify opportunities for growth and development around the various Kingdoms as Traditional Rural Service Centres in line with integrated development planning – project planning and programming and budgeting;
41. Establish strategic partnerships and integration of development initiatives and make sure through actions that both Traditional leaders, their subjects and councillors understand the government's vision or Traditional leadership and governance including envisaged role of Traditional Leadership Institutions in development;
42. Resocialising Traditional Leaders and Councillors to ensure functional co-ordination on local economic development projects in terms of the IDP thereby building a system of responsible local government that is able to appropriately and positively respond to the ever growing demands and needs of the local citizens pro-actively.

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