THE ROLE OF TRADITIONAL LEADERS IN ENHANCING SERVICE DELIVERY IN MBHASHE LOCAL MUNICIPALITY

by

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Declaration

I, Abel Zingisa Bokwe student number 210145943 hereby declare that this treatise/dissertation/thesis for student qualification to be awarded is my own work and that it has not previously been submitted for assessment or completion of any postgraduate qualification to another university or for another qualification.

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To my wife and kids whom I have sometimes neglected, your understanding made my studying worthwhile. This is for you.

To all the respondents, thank you for the support and willingness to answer my probing questions to the best of your abilities. To my colleagues at the Department of Local Government and Traditional Affairs this is for you. We study for various reasons but for this one the main reason was to indicate the value of utilising traditional leadership institutions for the enhancement of service delivery.

To those that I have angered along the way I sincerely apologise.

Abstract

This study investigates the role of traditional leaders in enhancing service delivery in Mbhashe Local Municipality. The aim is to examine the involvement of traditional leaders in the provision of services to traditional communities. To achieve this goal, it was necessary to review literature on traditional leadership to advance an argument that by utilising the existing channels of communication such as traditional councils, government programmes could be more efficiently advertised. A secondary objective was to examine the relationship between traditional leaders and democratically elected councillors in the delivery of services.

The problem in Mbhashe Local Municipality is that traditional leaders and the democratically elected leaders do not work together for service delivery. In order to address this problem, face-to-face interviews were conducted with the identified sample and conclusions drawn from their responses. The research revealed that if properly utilised and capacitated traditional leaders can indeed play a pivotal role in the enhancement of service delivery in Mbhashe Local Municipal area and in South Africa as whole.

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CHAPTER 1

GENERAL INTRODUCTION

1.1 INTRODUCTION

A general introduction to the study is made in this chapter; the role that could be played by traditional leaders in the enhancement of service delivery in their areas with special emphasis on the Mbhashe Local Municipality. In the post-apartheid period, the role of traditional leaders has been construed as an anomaly. This came about because the Constitution of the Republic of South Africa, 1996, makes little reference to traditional leaders other than to acknowledge their existence. Their presence in the body politic of the country cannot be wished away or denied.

The chapter presents the background and rationale to the study; the research problem; research questions; objectives and ends with a definition of the chapters involved.

1.2 BACKGROUND AND RATIONALE TO THE STUDY

The Eastern Cape is predominantly rural and has vast tracts of unutilized land. The former Transkei area where Mbhashe Local Municipality is situated is mostly underdeveloped as a result of the apartheid regime's policy to discourage development of formerly black areas. The majority of males was and is employed in the mines on the reef, only returning home during the December holidays. The majority of women and children who were and are left behind are mostly unemployed and depend on social and child grants and other social programmes provided by the government.

Mbhashe Municipality is named after the Mbhashe River which twists and meanders until it flows into the sea at Mbhashe Point, close to the Haven. Mbhashe Municipality is also home to the head office of the AmaXhosa kingdom at Nqadu Great Place. There

are almost 22 000ha of arable land, but agricultural production is hampered by a lack of infrastructure, including a lack of fencing. The farming of subtropical and deciduous fruit, and maize, could be increased. Potential exists for the cultivation of maize and beans, chicken farming for broilers and eggs, and tomatoes using hydroponics. The production of bio-fuels could also lead to job creation and poverty alleviation (www.statssa.gov.za).

The area is rural in nature and the majority of people are unemployed and development is slow if not, non-existent. This situation is unacceptable to the community of Mbhashe. The traditional communities in and around Mbhashe are the ones deeply affected by the lack of service delivery. The increase in service delivery protests encourages the youth of Mbhashe Local Municipal area to follow suit and demand better services from their elected councillors or traditional leaders if nothing is done to improve the situation (www.statssa.gov.za).

The change in the political landscape in South Africa brought many challenges that never existed prior to 1994. The apartheid regime encouraged communities to remain segregated along racial lines and the development patterns in South Africa were skewed along the same lines. These challenges included the settlement of communities along racial and cultural lines. This was successfully implemented by establishing self-governing territories like Venda, Bophuthatswana and homelands which included Ciskei and Transkei. This intensified the resistance to apartheid laws. Traditional leaders who fought against the oppression of the black population were either incarcerated or killed. For instance, King Maqoma was sent to Robben Island and King Sabatha Dalindyebo died in exile. As a result, the traditional leader form of governance was dismantled and illegitimate rulers replaced the traditional leaders. This led to a revolt against the rule of traditional leadership and their participation in advancing the interests of the people was minimised (White Paper on Traditional Leadership and Governance, 2003:10).

When the National Party came to power, further attempts by the government were made to extend their control over the traditional leader's authority and jurisdiction through the introduction of additional regulatory measures (Khan and Lootvoet, 2001:2). One such measure was the Black Authorities Act (No 68 of 1951). Under this Act, traditional leaders assumed the central position of leadership at not only a tribal level, but at a regional as well as territorial level. This enabled the apartheid government to combine these areas to create reserves that were either 'self-governed' or 'independent' homelands (Khan and Lootvoet, 2001:3). This homeland system, as it was referred to, had serious implications for chiefs. The age old system based on hereditary descent was abolished; under the new homeland system, new chiefs could only be appointed following the ratification of the appointment by the overarching homeland government (Khan and Lootvoet, 2001:3).

It has been and still is the vision of the government that the institution of traditional leadership is transformed and supported so that it plays a role in socio-economic development and nation building. With the transition to democracy in 1994, the institution of traditional leaders, now freed from the apartheid governments grasp, began focusing its energies on governance and service delivery related issues (Khan and Lootvoet, 2001:1). The institution of traditional leadership needed to become a fundamental actor in local service delivery and this attracted a great deal of interest at a National level. The new South African Government faced the difficult task of trying to incorporate the institution of traditional leadership into South Africa's constitutional democracy (Khan and Lootvoet, 2001:1; Tshehla, 2005:1). As the government grappled with different policy suggestions, uncertainty over the place of traditional leaders in South Africa grew and its role in service delivery became blurred (Tshehla, 2005:2).

Over the years, the institution of traditional leaders has been subjected to many changes not only in terms of their functions but particularly with regards to their role in service delivery. During the Apartheid era, traditional leader's authoritative powers were restricted and controlled to such an extent that their responsibilities did not include service delivery related matters. Emerging from the Apartheid era into the new

democratic South Africa, traditional leaders felt the need to not only emphasize their hegemony within tribal areas as well as to prevent themselves from being marginalized in the new dispensation (Day, undated).

Throughout history, traditional leaders have held the position as a type of governor whose all-encompassing authority extends over all and sundry from judicial functions to social welfare (Tshehla, 2005:1). The South African government recognized the importance of traditional leaders and set about making provisions to highlight the significance of the institution of traditional leaders within the new South African Constitution (Khan and Lootvoet, 2001:4).

The role of traditional leaders, certainly in terms of service delivery at a local level within the tribal areas remained ambivalent. (Day, undated). Further the introduction of pieces of legislations such as the Traditional Courts Bill that seeks to empower traditional leaders in the chairing of cases in their respective areas has not assisted in the clarification of those roles. Even with all these endeavours there are still challenges to the recognition of traditional leaders as stakeholders who have a role in the enhancement of service delivery in their areas. The Eastern Cape Department of Local Government has gone a step further by nominating traditional leaders to participate in municipal councils so as to enhance their role in the provision of service delivery in their traditional communities.

1.3   LITERATURE REVIEW

1.3.1   Tribal Leaders during the apartheid era

This research is based on a literature study of works written by other researchers on the topic .Under the apartheid government, the institution of traditional leadership forged alliances with various political forces. In the face of these alliances the institution was subjected to the manipulations of the Nationalist government and thus traditional

leaders had no choice but to follow the government's divide and rule approach (Khan and Lootvoet, 2001:1).

Moreover, traditional methods used to appoint tribal councillors were disregarded; very few councillors were elected as the chief appointed a large percentage of them. Tribal authorities were relieved of the pre-colonial regulatory measures and systems that were used to temper the tribal Chief's powers (Khan and Lootvoet, 2001:3). During the colonial era, chiefs were incorporated into the colonial government's administration. The fact that the chiefs were remunerated on the basis of their position as traditional leaders and the way in which the colonial government restricted and defined chief's roles and duties points to the fact that for all intents and purposes chiefs appeared to be employees of the colonial government (Palmary, 2004:12). Little changed in terms of the payment and definition of chiefs' responsibilities under the Apartheid government. Under both colonial and Apartheid administrations, traditional leaders in effect primarily answered to the government of the day as opposed to the communities over which these leaders presided (Palmary, 2004:12).

1.3.2 Tribal authorities under the apartheid era

In pre-colonial times, there were systems and channels in place that allowed communities to contest the chief's decisions and actions. Traditional authorities were therefore accountable to their communities. These systems were abolished under colonial and Apartheid rule (Palmary, 2004:12). During the Apartheid era, tribal authority power was significantly reduced, their only real power was to allocate and distribute land. The influx controls introduced during the Apartheid period, governed the areas in which the African population could reside. Africans could only settle and claim land within the areas designated as rural homelands (Khan and Lootvoet, 2001:3).

Tribal leaders, however, had the final say in terms of who owned land and who lived on the land. Tribal leaders were given authority to dismiss people from these areas (Khan

and Lootvoet, 2001:3). By effectively consigning traditional leaders to the limited position of state representatives, the Apartheid government minimized traditional leaders' responsibilities when it came to service delivery related decisions and policy (Khan and Lootvoet, 2001:3).

During this era the government further restricted traditional leader's powers so that they did not have the authority or the capacity to address development issues. As a result, traditional leaders sought other ways to pursue their interests, for example under the auspices of political parties, in order to gain recognition (Khan and Lootvoet, 2001:3). In the colonial and apartheid eras, the institution of traditional leadership was swept to the periphery of the white South African state where it remained in a state of under development. Traditional leaders were dispossessed of any form of role in the delivery of services (Khan and Lootvoet, 2001:4).

1.3.3 Traditional leadership after the first democratic elections in 1994

Following the transition to democracy, in 1994, and the passing of the Traditional Leadership and Governance Framework Act of 2003 (Act No 41 of 2003) a great deal of attention was paid to issues and questions surrounding traditional leader's roles and responsibilities. The wide scale deliberations, which ensued, achieved very little in terms of clarifying the role of traditional leaders when it came to the delivery of services in tribal areas (Khan and Lootvoet, 2001:4).

It seems that from 1994 to 2003, the role of traditional leader in terms of service delivery became increasingly blurred. The government's failure to provide comprehensive policies or legislature specifically outlining traditional leader's responsibilities with regards to rendering services at a local level prompted traditional leaders to devise their own strategies, generally adopting the role of interlocutor in municipal councils, in an attempt to ensure that they did not become marginalised (Tshehla, 2005:2).

Traditional leader's responsibilities in terms of development issues within local areas and issues pertaining to local community concerns were relegated to providing

suggestions on the distribution of land; resolution of land disputes; urging state departments to assist in the development of areas under their jurisdiction; encouraging traditional constituents to engage in areas of decision making pertaining to development as well ensuring that the constituency made financial contributions to ease the expenses incurred in the name of development; and lastly reviewing as well as suggesting proposals that dealt with trading licenses (Khan and Lootvoet, 2001:5).

Where there is duplication in terms of the traditional leader's roles and municipal functions, the municipality's supersedes the traditional leader's authority. It would thus appear that traditional authorities are obligated to work within the local government framework as opposed to operating as a separate entity (Khan and Lootvoet, 2001:5).

According to the Traditional Leadership and Governance Framework Act, 2003 (No 41 of 2003), the institution appears to be a multifaceted one that is concerned with governance issues at a local level. However, with regards to the traditional leader's role in service delivery, the Traditional Leadership and Governance Framework, 2003 (Act No 41 of 2003) provides a specific framework in which a traditional leader's relations and associations with elected authorities must be monitored and governed (Tshehla, 2005:2).

Moreover, ensuring that traditional leaders and other agencies cooperate and collaborate, the local authority must ensure that traditional leaders are accountable for their actions. The issue of preventing traditional leaders from employing service delivery issues as a control mechanism to compel communities to adhere to and comply with certain procedures, customs as well as practices is an example (Tshehla, 2005:3).

Despite the Traditional Leadership and Governance Framework Act, 2003 (Act No 41 of 2003) problems still exist with regards to the traditional leader's role in service delivery. These problems stem not only from the dissatisfaction of traditional leaders with government but also from issues related to differences in traditional leaders and local

government's priorities or focus. Traditional authority's role is to manage, observe and monitor not only social behaviour but also relationships in a community that falls within its jurisdiction, while local authorities are preoccupied with service delivery. It would thus appear that not all traditional leaders feel the need to focus on the issue of service delivery, as they feel they should rather be focusing on regulating social behaviour within their communities (Sindane, 2001:15).

In the absence of policy and legislation on the role of traditional leaders in service delivery, and the uneven levels of accessibility to services within the metropolitan municipality, traditional leaders established their own strategies to prevent themselves from being marginalised by establishing themselves as essential "interlocutors" in service delivery deliberations (Khan and Lootvoet, 2001:14).

1.4   LEGISLATIVE FRAMEWORK

The establishment of traditional leadership institutions was laid down in terms of Section 211 and 212 of the Constitution of the Republic of South Africa, 1996, the Traditional

Leadership and Governance Framework Act, 2003 (Act 43) and the Eastern Cape Traditional Leadership and Governance Act, 2005 (Act 4).

1.4.1 The Traditional Leadership and Governance Framework Act, 2003 (Act 43 of 2003)

Chapter 3 of the Traditional Leadership and Governance Framework Act, 2003

Establishes and recognises senior traditional communities. It regulates the establishment and recognises principal traditional councils, kings and queens, the establishment and recognition of traditional councils and principal traditional councils; regulates the election of members of local houses of traditional leaders; regulates the

roles of traditional leaders and provides for the reconstitution and operation of the Commission on Traditional Leadership Disputes and Claims.

1.4.2 The National House of Traditional Leaders Act, 1997 (Act No 10 of 1997)

Section 2 of the National House of Traditional Leaders Act, 1997 paves the way for the establishment of the National House of Traditional Leaders. The house will serve for five years and meet at least once every quarter.

Section 3 of this legislation sets out how the institution is to be structured. The law declares that at least one-third of the members must be women. Members are elected within each provincial house from the ranks of senior traditional leaders. Sections 5 and 6 of the Act also stipulate the criteria for membership and on what grounds a seat in the house becomes vacant.

The workings of the house will be overseen by a chairperson and deputy-chairperson. Section 9 clause 8 of the Act specifies on what grounds a chairperson must vacate the position.

The powers and duties of the house are also outlined in Section 11 of the same Act. It must promote, among other things, nation-building, stable communities, the preservation of culture and traditions, socio-economic development and service delivery. The house is also tasked with adapting customary law to comply with the provisions of the Constitution's Bill of Rights.

Parliament may also refer Bills to the house for consideration. The house can also advise and make recommendations to government on issues within its area of jurisdiction, and to advise Cabinet ministers on traditional matters. The house will be consulted on development projects that impact directly on rural communities.

Cooperative relations and partnerships with national government are to be established in the interests of development and service delivery in terms of Section 12 of the Act. Section 12 of the Act instructs government to adopt certain measures to help the house carry out its designated functions. Such support may include provision of infrastructure, finances and human resources. Staff may be seconded from the Department of Traditional Affairs to meet this obligation.

In terms of Section 17 of the Act, the National house is expected to submit a report to Parliament every year detailing its activities and programmes of action.

1.4.3 Eastern Cape House of Traditional Leaders Act, 1995 (Act 1 of 1995)

Pursuant to Section 183 of the Constitution of South Africa, and the National House of Traditional Leaders Act, the Eastern Cape established its own Provincial House of Traditional Leaders as per the House of Traditional Leaders Act, 1995 (Act No.1). The powers and functions of the House as encapsulated in Section 8 of this Act are as follows:

The House shall be entitled to advise and make proposals to the Provincial Legislature or Provincial Government in respect of any matter relating to traditional authorities, indigenous law of the traditions and customs of traditional communities in the province; any Provincial Bill pertaining to traditional authorities, indigenous law or such traditions and customs, or any other matters having a bearing thereon, shall be referred by the Speaker of the Provincial Legislature to the House for its comments before the Bill is passed by the said Legislature;

The House may exercise such other powers and shall perform such duties as are or may be conferred or imposed on it under any other law including the Constitution.

1.5   PROBLEM STATEMENT

Sections 211 and 212 of The Constitution of the Republic of South Africa, 1996 state that the institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution. While the Constitution of the Republic of South Africa, 1996, recognises the importance of traditional leaders and their role in South Africa, it is of greater significance because it commits government not only to protect but to encourage traditional leaders by stating that "the state must respect, protect and promote the institution of traditional leadership in accordance with the dictates of democracy in South Africa" (Tshehla, 2005:2).

Despite the passing of the Traditional Leadership and Governance Framework Act, 2003 (Act 43 of 2003), there continues to be a great deal of criticism surrounding government's treatment of traditional leaders by the likes of Mangosuthu Buthelezi. Buthelezi, current chairperson of the House of Traditional Leaders of KwaZulu-Natal, raised concerns that government has been disregarding agreements and commitments that it has entered into with traditional leaders (SABC News, 2007). He argued that there were insufficient discussions and consultations between government and traditional leaders in the drafting of the KwaZulu-Natal Traditional Leadership and Governance Act of 2005.

A reoccurring theme, which surfaces in traditional leaders' deliberations and debates, is their disappointment and frustration with elected, local level councillors. Councillors on the other hand argue that traditional leaders impede and hinder service delivery (Tshehla, 2005:3). Tension between these two groups can often be attributed to the overlapping of the roles of councillors and traditional leaders where there is no set framework for the governing of relations between the two sides (Tshehla, 2005:3).

The danger of unclear and ambiguous legislation and policies that govern the traditional leadership institutions can lead to many problems and challenges. The role of the ward councillor for an example may impede the functioning of the traditional councils. This causes unnecessary conflict between the two parties. The question is: How can the role

of traditional leaders be enhanced in order to improve the provision of goods and services in traditional communities?

1.6 RESEARCH QUESTIONS

The questions used to guide the study are:

1. What is the relationship between traditional leaders and councillors?
2. What are the constraints in rendering services to traditional communities?
3. What programmes have municipalities to enhance service delivery modes in traditional communities?
4. The overarching question of this study is: What roles and responsibilities will traditional leaders play in enhancing service delivery in traditional communities?

1.7 RESEARCH OBJECTIVES

The objectives of the research are:

1. To examine the role and responsibilities of traditional leaders in enhancing service delivery in their traditional communities.
2. To investigate problems facing service delivery in traditional communities.
3. To examine ways to better the relationship between the traditional leadership structures and the democratically elected structures.
4. To make recommendations to the Department of Local Government and Traditional Affairs, the Provincial House of Traditional Leaders and the affected municipalities about the role of traditional leaders in service delivery initiatives of their traditional communities.

1.8   DEMARCATION OF THE TERRAIN OF THE STUDY

This research topic as indicated in the title covers the role that traditional leaders can play in the enhancement of service delivery in their areas of operation (that is traditional communities). Due to the far flung nature of traditional communities in the Eastern Cape, Mbhashe Local Municipality is being used as a case study. The reason Mbhashe Local Municipality was chosen was because some traditional leaders participated in the municipal council as a test case to enhance their ability to better serve the communities in and around the Mbhashe Local Municipality.

1.9   CLARIFICATION OF TERMINOLOGY

The following terms are used in this research:

- "**Customary institution or structure**" = those institutions or structures established in terms of customary law.
- **"headman/ headwoman"** = a traditional leader who:-
  Is under the authority of or exercises authority within an area of jurisdiction of a senior traditional leader in accordance with customary law and is recognised as such in terms of Act 41 of 2003

- "**IKumkani**" = the King as defined in Section 1 of the Framework Act.
- INkosana = a headman or headwoman of a traditional community as defined in Section of the Framework Act.
- "**Traditional Community**" = a traditional community recognised as such in terms of Section 5.
- "**Traditional Council**" = a council established in terms of Section 6.
- "**Traditional Leader**" = any person, who in terms of customary law of a traditional community concerned, holds a traditional leadership position as iKumkani, iNkosi or iNkosana and is recognised in terms of this Act.
- "**Traditional Leadership**" = the customary institutions or structures, or customary systems or procedures of governance, recognised, utilized or practiced by traditional communities.

1.10   RESEARCH METHODOLOGY

Goddard and Melville (2001:1) define research as not just a process of gathering information, as is sometimes suggested but rather about answering unanswered questions or creating that which does not currently exist. Further they state that research can be seen as a process of expanding boundaries of our learning. Leedy and Ormrod (1985: 3) define research as the systematic process of collecting and analysing data to increase our understanding of the phenomenon about which we are concerned or interested. According to Dawson (2002:2) inappropriate research methodology refers to a method or procedure the researcher utilised whilst knowing quite well that he/she has selected a highly biased sample or used an invalid instrument or drew wrong conclusions. As can be seen from the definition given above research is about collecting information and analysing same to come to a conclusion about a matter.

Research methods can be divided into two categories, namely: quantitative and qualitative. These will be looked at in the following paragraphs.

1.10.1 Quantitative research

This research method is concerned with the collection and analysis of data in numeric form. It needs to emphasize relatively large scale and representative sets of data, and is often presented and perceived as the gathering of facts. Quantitative research consists of those studies in which the data concerned can be analysed in terms of numbers. It is based on its original plans and its results are more readily analysed and interpreted (Hughes 2006:2).

Further, Henning (2004:3) asserts that in quantitative studies, the focus is on control of all the components in the actions and representations of the participants, the variables will be controlled and the study will be guided with an acute focus on how variables are related. The researcher plans and executes this control in the way the study and its

instruments are designed. Respondents or research subjects are not free to express data that cannot be captured by the predetermined instruments.

1.10.2 Qualitative research

On the other hand qualitative research method is concerned with the description of events, and persons scientifically without the use of numerical data. It is more open and responsive to its subjects. Qualitative research is more focused on collecting and analysing data in as many forms, chiefly non-numeric, as possible. It tends to focus on exploring in as much detail as possible, smaller numbers of instances or examples which are seen as being interesting or illuminating, and aims to achieve depth rather than breadth (Hughes 2006: 3).

The research method that will be employed in this research is qualitative. The main reason for choosing this research method according to Hughes (2006: 4) is the key characteristics of qualitative research are that events can be understood adequately only if they are seen in context. When the researcher starts conducting the research he/she must be part of the subjects being researched and therefore numbers cannot assist in understanding the problem that is being researched. Hughes further asserts that qualitative researchers want those who are being studied to speak for themselves, to provide their perspectives in words and other actions. This will enable the researcher to ask more probing questions as and when the need arises instead of coming back for more explanations on issues raised. This exercise will also introduce new views regarding the subject and not just legitimise pre-conceived attitudes (Hughes 2006: 7).

1.11   RESEARCH DESIGN

For purposes of this study, the research design that will be followed is a case study because Henning, Van Rensburg and Smit (2004:41) contend that a case study is characterised by the focus on a phenomenon that has identifiable boundaries. Also, data that is not applicable to the case is not utilised unless it indirectly reflects the

nature of the case. Leedy and Ormord (2001:149) argue that in a case study a particular individual, programme or event is studied in depth. Similarly, Fox and Bayat (2007:69) say that an individual, a group or institution is studied intensively.

1.12   POPULATION AND SAMPLING

In this study, purposive sampling will be used. Purposive sampling is also known as judgmental, selective or subjective sampling and is a type of non-probability sampling technique. Non-probability sampling focuses on sampling techniques where the units that are investigated are based on the judgment of the researcher. As can be found from the definition of purposive sampling, it relies on the judgment of the researcher when it comes to selecting the units that are going to be studied. Usually the sample being studied or investigated is quite small especially when compared with probability sampling techniques. The utilisation of this type of sampling is not to randomly select units from a population to create a sample with the intention of making generalisations from that sample but to focus on particular characteristics of a population that are of interest, which will best enable the researcher to answer the research questions (http://dissertation.laerd.com).There are different types of purposive sampling, for example

- **Maximum variation sampling**

This is a purposive sampling technique used to capture a wide range of perspectives relating to the phenomenon that the researcher is interested in studying. Maximum variation sampling is a search for variation in perspectives, ranging from conditions that are viewed to be typical through to those that are more extreme in nature. These units may exhibit a wide range of attributes, behaviours, experiences, incidents, qualities and situations, (http://dissertation.laerd.com).

- **Homogenous Sampling**

Homogenous Sampling aims to achieve a sample whose units share the same or very similar characteristics or traits. A homogenous sample is chosen when the research

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question that is being addressed is specific to the characteristics of the particular group of interests, which is subsequently examined in detail (http://dissertation.laerd.com).

- **Expert Sampling**

This is a technique that is used when the researcher needs to glean knowledge from individuals who have a particular expertise. This expertise may be required during the exploratory phase of qualitative research, highlighting potential new areas of interest or opening up new doors to other participants. Alternatively the particular expertise that is being investigated may form the basis of the research, requiring a focus only on individuals with such specific expertise. Expert sampling is useful where there is a lack of empirical evidence in an area and high levels of uncertainty, as well as a situation where it may take a long period of time before the findings from the research can be uncovered (http://dissertation.laerd.com).

The sample for this study will consist of sixteen (16) participants. These will consist of thirteen (13) traditional leaders who participated in the Mbhashe Local Municipality as a test case for the enhancement of service delivery, the Mayor and Speaker of Mbhashe Local Municipality as municipal authorities to whom traditional leaders report as well as the Chairperson of the Provincial House of Traditional Leaders as the custodian of the legislation governing traditional leadership institutions in the Province.

The study units have been carefully selected since Traditional leaders are a homogenous group with the same or similar characteristics. This means being from the same area and sharing similar experiences, backgrounds and occupation. Again the study unit to be studied has expert knowledge about what the role of traditional leaders was before colonialisation, apartheid and later in the democratic dispensation. The sample can best articulate what the researcher wants to achieve in this research.

1.13   DATA COLLECTION INSTRUMENTS

With the commencement of the research, information from the participants was collected. There are basically three methods that the researcher can use to elicit information and these are the personal interview, the mail questionnaire and the telephone survey. For the purposes of this study qualitative interviews were employed.

Personal interviews can be regarded as face-to-face interpersonal situations in which an interviewer asks respondents questions designed to obtain answers pertinent to the research hypothesis. The questions, their wording and sequence define the extent to which the interview is structured (Nachmias and Nachmias 1981: 188). There are two types of personal interview that will be discussed hereunder the first being the schedule-structured interview and thereafter the nonscheduled-structured interview.

1.13.1 The Schedule-Structured Interview

According to Nachmias and Nachmias (1981: 189), the most structured form is the schedule-structured interview in which the questions, wording and sequence are fixed and are identical for every respondent. This is done to make sure that when variations appear between respondents they can be attributed to the actual differences between the respondents and not to variations in the interview. The researcher attempts to reduce the risk that changes in the wording of the questions might elicit differences in responses.

Nachmias and Nachmias (1981: 189) cite three critical assumptions on which the above is based and these are:

- That for any research objective the respondents have a sufficiently common vocabulary so that it is possible to formulate questions which have the same meaning for each of them.
- That it is possible to phrase all questions in a form that is equally meaningful to each respondent.

- That if the meaning of each question is to be identical for each respondent, its context must be identical and since all preceding questions constitute part of the context, the sequence of questions must be identical.

1.13.2 Non-structured Interview

In the non-structured interview there are no specific questions and the questions are not asked in a specific order. Furthermore, no schedule is used. With little or no direction from the interviewer, respondents are encouraged to relate their experiences, to describe whatever events seem significant to them, to provide their own definitions of their situations and to reveal their opinions and attitudes as they see fit. The interviewer has a great deal of freedom to probe various areas and to raise specific queries during the course of the interview (Nachmias and Nachmias 1981: 189-191).

The advantages of this method of data collection are first, there is greater flexibility in the questioning process. It allows the interviewer to determine the wording of the questions, to clarify terms that are unclear, to control the order in which the questions are presented and to probe for additional information. Secondly, there is control over the interview situation. The interviewer can ensure that the respondents answer the questions in appropriate sequence or that they answer certain questions before they are asked subsequent questions. Moreover in an interview situation it is possible to standardize the environment in order to ensure that the interview is conducted in private, thus respondents would not have the opportunity to consult one another before giving answers. Thirdly, there is the advantage of a higher response rate than from the mail questionnaire. Respondents who would normally not respond to mail questionnaires can easily be reached and interviewed. This includes persons with difficulties in reading or writing or those who do not fully understand the language or simply those not willing to take the time to write out their answers and mail the questionnaire. Lastly, an interview can collect supplementary information about the respondent. This may include background information about the respondent's

characteristics and their environment that can aid the researcher in the interpretation of the results (Nachmias and Nachmias 1981: 192-193).

For any advantage there is a corresponding disadvantage the same can be said about the personal interview method. First, there is the disadvantage of the higher cost involved. There are costs involved in selecting, training and supervising interviewers, in paying them, and in the travel time required to conduct interviews. In addition when following a non-structured schedule, the cost of recording and processing the information is very high. Secondly, interviewer bias since the interview allows for greater flexibility; this leaves room for personal influence and bias of the interviewer. The lack of standardisation in the data collection process makes interviewing highly vulnerable to the bias of the interviewer. Lastly there is the lack of anonymity that the mail questionnaire provides. The interviewer knows all or many of the respondents their names, telephone numbers and addresses. Thus the respondents may feel threatened or intimidated by the interviewer, especially when the topic or some questions are of a sensitive nature (Nachmias and Nachmias 1981: 193).

The researcher will employ both schedule-structured and non-schedule-structured interviews. The reason for the mixture of the two is that there will be common questions for some areas of research that will be put to all the respondents such questions that deal with general understanding of the research topic that will be covered. There are also specific questions for specific respondents that will deal with expert areas of the field thus requiring that a schedule structured interview method be employed strictly.

1.14 DATA ANALYSIS

After the interviews, the data was analysed to summarise the outcome of the interviews in a manner that will answer the research question. A qualitative content analysis was used. The first phase of data analysis was the editing of the information. This process involved the examination of the collected raw data to detect errors that may have occurred during the interview process and to correct those where possible. The second

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step of data analysis was the classification of the information or data. Classification was done according to attributes. This means classifying information on the basis of common characteristics. Depending on the kinds of questions asked these will be classified accordingly. The third step was to assign codes to the main themes. This step involved going through the responses given by the respondents in order to understand the meaning each communicated and the researcher develops broad themes out of these responses. The last step was to integrate the themes and responses into the text of the report. All the above mentioned steps were followed in the analysis of the data collected during the interview phase (Babbie and Mouton 1988: 50).

1.15   ETHICAL CONSIDERATIONS

In any research that is being undertaken ethical consideration needs to be taken in order for the research to be ethically accepted. Bak (2004:28) states that any research that involves people must show an awareness of the ethical considerations and an agreement to conduct the research in accordance with ethical procedures. Ethical guidelines serve as standards and as a basis on which the researcher ought to evaluate his/her own conduct.

In this study, ethical issues such as confidentiality were adhered to. The sharing of information about a respondent with others for purposes other than research is unethical. The information supplied by the respondents must be kept confidential. Secondly the consent of the respondents was obtained before embarking on the research project. As in any research the collection of information without the consent of the participant and their expressed willingness is considered unethical. The provision of incentives or the promise of same before the collection of data is considered unethical as the participants may give incorrect information on the basis of the incentive they have been given. Voluntary participation will be strictly observed and adhered to, for the purpose of avoiding harm to the respondents (Bak 2004:29).

Permission was sought from the Speaker and Municipal Manager before the interviews were conducted. Also the Department of Local Government and Traditional Government Superintendent-General's permission was sought since some of the respondents will be responding on issues directly affecting the area of operation of the department. All respondents were assured that whatever information was collected from the interview will be used for academic purposes only. Researcher bias will be avoided at all times. Incorrect reporting of the information supplied by the respondents to satisfy the interests of the researcher will also be avoided as this will constitute unethical behaviour on the part of the researcher.

1.16   LIMITATIONS OF THE STUDY

Like any research project this study had its limitations too. The first limitation that the researcher met with was political instability in the Mbhashe Local Municipality that led to the removal of the Speaker, Mayor and Municipal Manager. As indicated in the sampling, the Mayor and Speaker were to be interviewed but due to this unforeseen occurrence could not. The second limitation of the study was the unavailability of the Chairperson of the Provincial House of Traditional Leaders. During the time of the interviews the chairperson was not available due to family engagements. This led to valuable information from the cited respondents being unavailable for inclusion in the study.

1.17 CHAPTER OUTLINE

CHAPTER 1

GENERAL INTRODUCTION

Here the topic to be researched was introduced together with the methodology to be employed.

CHAPTER 2

LEGISLATIVE FRAMEWORK, GOVERNANCE AND HISTORICAL BACKGROUND OF TRADITIONAL LEADERSHIP

This chapter will deal with the historical evolution of traditional leadership in local governance. The first section will look at local governance as a context of the problem. The second will deal with the experiences from other African Countries with the main aim of comparing the experiences under colonial rule and apartheid in the identified countries (with special emphasis to Namibia and South Africa since these countries share the apartheid experience). The last part of the chapter will provide the legislative framework for traditional leadership and the steps taken by the current government from 1994 until today in trying to embrace traditional leadership in governance in South Africa.

CHAPTER 3
RESEARCH METHODOLOGY

Here the focus is on the research methodology of the study. The data collection instruments and data collection procedure to be followed.

CHAPTER 4

INTERPRETATION AND DATA ANALYSIS

This chapter will deal with the analysis of data as gathered during the interviews with the sampled group of respondents.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

This chapter provides the conclusion and recommendations of the study.

1.18   CONCLUSION

As can be seen from the above, this chapter dealt with the introduction to the study. This was followed by the reason for the study as encapsulated in the objectives. The context of the research was discussed and the methodology covered. Lastly, ethical considerations and limitations to the study were discussed in detail.

CHAPTER 2

LEGISLATIVE FRAMEWORK, GOVERNANCE AND HISTORICAL BACKGROUND OF TRADITIONAL LEADERSHIP

2.1   INTRODUCTION

The institution of traditional leadership has been part of the culture of the African indigenous people for a very long time and is not unique to South Africa. Almost every country in the world has had various forms of hereditary leadership or absolute monarchies. The subsequent colonisation of different African states by European powers achieved results which were in accordance with the dictates and needs of those powers. Whereas other European states saw the institutions as uncivilised and necessitating assimilation, others drew them into the colonial administrative framework albeit with a diminished status and role. African societies were traumatised by the impact of European policies and practices (White Paper on traditional Leadership and Governance, 2003, Government Gazette 25438: 16). With the changing times, the institution of traditional leadership has also evolved. In order for the institution to survive some traditional leaders (as alleged) sold out and some stood their ground. Those who stood their ground ended up being killed or incarcerated. The changes introduced by the colonial powers affected the role and functions of traditional leaders who, in many cases, became puppets appointed to further the views and aspirations of the colonisers and the apartheid regime. This stigma (that traditional leaders were apartheid stooges) has remained and will continue to plague them until their image is changed by the government.

In this chapter, the legislative framework, historical background to traditional leadership and way of governance in four different epochs is discussed, namely the pre-colonial era; colonial era; era under apartheid; and the independence period of the former homelands of Ciskei and Transkei.

2.2   LEGISLATIVE FRAMEWORK FOR TRADITIONAL LEADERS

In order to manage the traditional leadership institutions in South Africa, government promulgated certain pieces of legislations among them the following:

2.2.1 Constitution of the Republic of South Africa, 1996

Section 211(1) of the Constitution of the Republic of South Africa, 1996 provides that the institution, status and role of traditional leadership, is according to customary law, recognised, subject to the Constitution. Section 212(1) states that, National legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities.

2.2.2 The White Paper on Traditional Leadership and Governance, 2003

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

2.2.2.1 Objectives of the White Paper

The key objectives of the policy, was 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.

According to the White Paper on Traditional Leadership (2003:26) the transformation of the Institution of Traditional Leadership must among others ensure the following:

- it must mobilise rural people to participate in rural local governance to achieve the Reconstruction and Development Programme (RDP) goals and Local Economic Development (LED) initiatives and explore the human potential of people living in rural areas;
- it must manage an efficient, effective and fair dispute resolution system through customary law courts for traditional local communities, and
- it must act in partnership with municipalities to contribute to, and create cooperative and supportive relationships in service delivery and secure and safe rural areas.

The White Paper on Traditional Leadership and Governance, (2003:32) recognises among others the following functions that can be performed by Traditional Leadership Institutions to:

- Promote socio-economic development;
- Promote service delivery;
- Contribute to nation building;
- Promote peace and stability amongst the community members;
- Promote social cohesion of communities;
- Promote the preservation of the moral fibre and regeneration of society;
- Promote and preserve the culture and tradition of communities; and
- Promote the social well-being and welfare of communities.

2.2.3. Traditional Leadership Governance and Framework Act, 2003 (Act No.43 of 2003)

In terms of the Traditional Leadership Governance and Framework, 2003 (Act No. 43 of 2003) the objectives are:

- to set out a national framework and norms and standards that will define the place and role of traditional leadership within the new system of democratic governance;
- to transform the institution in line with constitutional imperatives; and
- to restore the integrity and legitimacy of the institution of traditional leadership in line with customary law and practices.

2.2.4 National House of Traditional Leaders Act, 1999 (Act No. 22 of 1999)

According to Section 11(1) of the Act the powers and functions of the House are to:

- To cooperate with provincial houses of traditional leaders, to promote
- the role of traditional leadership within a democratic constitutional dispensation;
- nation building;
- peace, stability and cohesiveness of communities;
- the preservation of the moral fibre and regeneration of society;
- the preservation of the culture and traditions of communities;
- socio-economic development and service delivery;
- the social well-being and welfare of communities; and
- the transformation and adaptation of customary law and custom so as to comply with the provisions of the Bill of Rights in the Constitution, in particular by-
  - preventing unfair discrimination;
  - promoting equality; and

- seeking to progressively advance gender representation in the succession to traditional leadership positions; and

- To enhance co-operation between the House and the various provincial houses with a view to addressing matters of common interest.

2.2.5 Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998)

Section 81(1) of the Act stipulates that traditional authorities that observe a system of customary law in the area of a municipality may participate through their leaders, identified in terms of subsection (2), in the proceedings of the council of that municipality, and those traditional leaders must be allowed to attend and participate in any meeting of the council.

Section 81(2) (a) and (b) further stipulates that: the MEC for local government in a province in accordance with Schedule 6 and by notice in the Provincial Gazette must identify the traditional leaders who in terms of subsection (1) may participate in the proceedings of a municipal council. The number of traditional leaders that may participate in the proceedings of a municipal council may not exceed 10 per cent of the total number of councillors in that council, but if the council has fewer than 10 councillors, only one traditional leader may so participate.

Section 81(3) states that before a municipal council take a decision on any matter directly affecting the area of a traditional authority, the council must give the leader of that authority the opportunity to express a view on that matter.

As can be found from the principles of this Act, traditional leaders must be given an opportunity to participate in municipal councils. This means that the role to be played by traditional leaders must be clarified so that they are able to input to any service delivery enhancement processes of the municipality. As indicated in clause 3 any council before taking any decision affecting traditional communities must consult with the traditional

leader concerned to get the feelings and views of the communities that will be affected by the decision to be taken.

2.2.6 Eastern Cape House of Traditional Leaders Act, 1995 (Act 1 of 1995)

Pursuant to Section 183 of the Constitution of South Africa, and the National House of Traditional Leaders Act, the Eastern Cape established its own Provincial House of Traditional Leaders as per the House of Traditional Leaders Act (Act 1 of 1995). The powers and functions of the House as encapsulated in Section 8 of this Act are to advise and make proposals to the Provincial Legislature or Provincial Government in respect of any matter relating to traditional authorities, indigenous law of the traditions and customs of traditional communities in the province.

2.3   THE PRE-COLONIAL ERA

The history of traditional leadership dates back to pre-colonial times. The institution of traditional leadership during the pre-colonial era already occupied an important place in African life and in the body politic of South Africa. It embodied the preservation of the culture, traditions, customs and values of the African people. It represented early forms of societal organisation and governance (White Paper on Local Government, 1998 Government Gazette 25438: 20)

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 relating to their communities. A King or Chief was regarded as the father figure or head of the community or tribe. The Chief was responsible for the welfare of his people including peace and harmonious co-existence, dispute resolution, promotion of agriculture and indigenous knowledge systems (Mahlangeni 2005: 16).

2.3.1   The responsibilities of the King or Chief

The King or Chief was responsible for the allocation of land to cater for some individual needs because everything was predominantly communal with people sharing food and other natural resources. Members of the community looked to the King or Chief for any community welfare and developmental issues. Traditionally, as leaders of the tribe they focused on religious, political, economic, military and judicial services. In religious matters the high priest of the tribe (King or Chief) led the initiation ceremonies and played an important role at weddings. In economic matters, the King or Chief was the holder of the land responsible for the allocation of land to his subjects and the impositions of taxes and levies (Hartman 1993:3).

The King or Chief assumed responsibility for the prevention, detection and punishment of crime, efficient use of labour resources, eradication of noxious weeds, preservation of flora and fauna, utilisation of water resources and supplies, protection of public property, monuments and other historical objects, rehabilitation of land, prevention of soil erosion and overstocking (Hartman 1993: 23).

Hartman (1993: 24-26) further states that traditional leaders reported the occurrence of contagious or infectious diseases among people or livestock, unnatural deaths of people and crime; unauthorised presence of foreigners; unauthorised occupation of land; the presence of fugitive trespassers; illicit possession of arms, ammunition, liquor, dangerous or habit forming drugs, publications and pamphlets; the unauthorised collection of pensions, levies or other benefits.

2.3.2   The establishment of the Traditional Leadership Institution

Botha and Tandy (1992:12) state that during the pre-colonial period the Traditional Leadership Institution was a predominant force in terms of governance and rulership with all powers vested in the King or Chief. The institution was intact and coherent. In its original African tradition, leadership is hereditary; it is not subject to the electoral

process. Although this seems to remove any semblance of democracy, power was traditionally exercised only through council, thus negating absolutism.

Bekker (1989:237) states that, structurally councillors were drawn from the ranks of headman, sub-headman and prominent elders in the community acknowledged for their skills and leadership qualities. Significantly, the hereditary process is fundamentally primogeniture and by nature excludes women.

Ayittey (1991:43) asserts that the first man to settle on any unoccupied land with his followers was the chief and ultimately the primary ancestor of the group. Although the situation above (that of first man to settle was the chief) was generally applied, it was not automatic. The chief's eldest son could be blocked from succession if he were found to be unfit or mentally incompetent to govern. Other considerations included his mannerisms, his capacity to lead, his valour, and his popularity. He had to have insight and selfless commitment to the ideals of the community

2.3.3   The composition of the Traditional Leadership Institution

The King or Chief was not alone in terms of leadership. He was always assisted by a team called Councillors who performed advisory functions 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 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 or chieftainship prevailed (Mahlangeni 2005:16).

Thornhill (1993: 30) states that a number of councils assisted the tribal leader in his duties. The local affairs of sub-regions were administered by a small local council or committee. These local political units had to report to the tribal leaders about activities in their regions. The governing of the tribe was the responsibility of the tribal leader, while social and other affairs, powers and functions were delegated to lower political units

2.4 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 the Dutch settlers arrived, the African people were living peacefully and harmoniously under the rule of their Kings (Mahlangeni 2005: 17).

2.4.1 Governance and leadership role of the Traditional Leadership Institution

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 because, with the defeat of many African leaders and Kings, the Institution of Traditional Leadership was never the same again.

2.4.2 The introduction of civil administration

In 1834, the colonial administration realised the ineffectiveness of the wars and created a civil administration to govern the frontier (De Kiewiet 1941:23-24). Traditional leaders resisted these moves in the Cape and this led to restoration of the Province of Queen Adelaide to the Chiefs (Carter 1967: 84).

The British Government expected to achieve much by entering into treaties with the Xhosas who were regarded as sovereign and independent. At the same time, they wanted to break the power and authority of the Chiefs by limiting their responsibility to maintaining order and discipline among their own people. This did not happen and the outcome was the War of the Axe in 1847 which forced the British government to accept responsibility for the way in which they undermined the traditional leaders. The eventual defeat of the Chiefs and their people led to the establishment of administrative policies and measures further intended to weaken them (Brookes 1950:86).

Set out below are some of the control measures introduced in 1848 as enumerated by Brookes (1950:87):

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

Hammond–Tooke (1975:77-83) states that the period from 1848 to1894 is regarded as that of direct rule and from a tribal point of view; this administrative policy was most disruptive. The reason for the introduction of administrative policies was to secure law and order, replace traditional customs with White laws and to introduce civilising institutions among the tribes. It was realised that these measures could only be enforced if tribal rulers were deprived of their traditional authority. Thus, the Chief was stripped of executive, legislative and judiciary powers over the tribes. These powers were vested in white Administrative Officers who were appointed by the British government.

In depriving the Chief of his traditional status weakened the structure of Black society because 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 (Hammond-Tooke 1975:78).

In all matters to be decided the Chief consulted his Councillors before taking any action. The Councillors safeguarded the tribe and its laws and customs from abuse by the Chief as the laws and customs of the tribe were regarded as sacred (Hammond- Tooke,

1975:80). The Chief was replaced by junior members of the tribe who were as headmen of administrative areas. As time passed, the headman came to be recognised by the tribe as a ruler the reason being that; the tribes preferred their own system of traditional government. The office of the headman had come to be regarded as hereditary (Hammond-Tooke1975:80).

European colonial expansion altered the social organisation of traditional communities by virtue of almost complete 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 (Hendricks and Ntsebeza 1999: 104).

2.4.3 Powers of the traditional leaders during the colonial period

It is without doubt, that the arrival of colonialists in Africa impacted negatively on the institution of African Traditional Leadership and its authority. The economic, political, social and religious systems of the colonialists undoubtedly shook the foundations and pillars of the institution of African Traditional Leadership, and left it at the mercy of the colonists to stay afloat (Mahlangeni 2005: 26).

Most African tribes of South Africa lost their independence during the colonial era. The colonial powers also reduced the powers of traditional leaders along the border areas of the Eastern Cape. There were 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 (Stadler 1987:129-130).

The successive colonial governments of South Africa enacted a considerable number of legislative measures to change the pre-colonial structures, roles and powers of the traditional leaders. For example, the Black Administration Act 38 of 1927 was enacted to give limited powers and roles to traditional leaders. The Governor-General was the

supreme chief in the Union of South Africa. The colonial and post-colonial governments recognised the institution of traditional leadership as an important political instrument (Khunou 2011:84). 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).

The Chief Native Commissioners were appointed to administer to all Africans in the Union. The Commissioners were given the power to recognise, appoint and depose Chiefs; and 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).

2.5 THE PERIOD UNDER APARTHEID RULE

When the National Party came to power in 1948, it entrenched a policy of apartheid and separate development. In both Transkei and Ciskei, a territorial authority was established to provide a form of Bantu local government. Different localities were divided into kraals, wards and districts. Each kraal consisted of several families who were subject to a headman who was accountable to the Chief. The kraal headman was assisted by a council of advisors chosen from different family heads (Mahlangeni 2005: 20).

At some point the Nationalist Party withheld support for a particular traditional leader by appointing another in his place. They would also remove certain rights such as control over the distribution and administration of land. This resulted in a radical change in the leadership roles of the traditional leaders. What occurred in Transkei, Bophuthatswana, Venda and Ciskei provides a good example of change in the leadership roles of the traditional leaders (Khunou 2009:84).

2.5.1 Establishment of homelands and self-governing territories

A Bantustan also termed a black African homeland was a territory set aside for black inhabitants of South Africa and South West Africa (now Namibia), as part of the apartheid policy. Ten Bantustans were established in South Africa, and ten in neighbouring South-West Africa (then under South African administration), for the purpose of separating different ethnic groups and allocating each group a separate area, thus making each of those territories ethnically homogeneous as the basis for creating "autonomous" nation states for South Africa's different black ethnic groups (http://wikipedia.org).

The term Bantustan was first used in the late 1940s, and was coined from Bantu (meaning "people" in some of the Bantu languages) and -stan (a suffix meaning "land" in the Sanskrit and Persian language). It was regarded as a disparaging term by some critics of the apartheid-era government's "homelands". Some of the Bantustans received independence. In South Africa, Transkei, Bophuthatswana, Venda, and Ciskei (the so-called "TBVC States") were declared independent, while others (like KwaZulu, Lebowa, and QwaQwa), received partial autonomy, but were never granted independence. In South-West Africa, Ovamboland, Kavangoland, and East Caprivi were granted self-determination. The independence was not officially recognised outside of South Africa (http://wikipedia.org). 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.

The introduction of apartheid legalised and institutionalised racial discrimination. As a result, the apartheid government created Bantustans based on the language and culture of a particular ethnic group. The traditional authorities in the Bantustans of Transkei, Bophuthatswana, Venda and Ciskei seemed to be used by the apartheid regime and were no longer accountable to their communities but to the apartheid regime. The Bantustans' governments passed various pieces of legislation to control the institution of

traditional leadership, exercised control over traditional leaders and allowed them minimal independence in their traditional role. The pattern of the disintegration of traditional leadership seemed to differ in Transkei, Bophuthatswana, Venda and Ciskei. The governments of these Bantustans used different political, constitutional and legal practices and methods to achieve this disintegration. The gradual disintegration and dislocation of the institution of traditional leadership in these four Bantustans led to the loss of valuable knowledge of the essence and relevance of the institution of traditional leadership. One of the reasons for this anomaly emanated from the fact that undemocratic structures of government were established, commonly known as traditional authorities. More often than not these traditional institutions were mere puppet institutions operating on behalf of the Bantustan regime, granted token or limited authority within the Bantustan in order to extend the control of the Bantustan government and to curb possible anti-apartheid and anti-Bantustan-system revolutionary activity within traditional areas (Khunou 2009:91). The *Status of Transkei Act* endorsed the status, roles and functions of traditional leaders in the Legislative Assembly of the Transkei as constituted in terms of the *Transkei Constitution Act*. In other words, this Act indirectly recognised the legislative role of traditional leaders in Transkei. The majority of seats in the legislature were reserved for traditional leaders because the homeland leaders continuously enjoyed their support. These traditional leaders were given seats in the legislature to give the homeland system the flavour of a democratic mandate. The *Transkei Authorities Act* was promulgated to regulate the institution of traditional leaders. Traditional leaders in Transkei were used as 'puppets' to legitimise the notion of separate development. In this regard, it is important to note that the creators of the homeland of Transkei used traditional leaders to validate the so-called 'independence' of Transkei (Khunou 2011:91)

The white authorities employed traditional leaders who participated in the Transkei government. The majority of those traditional leaders who collaborated with the white regime as early as the introduction of the *Black Authorities Act* were minor traditional leaders. For instance, the leading traditional leader of Transkei, Chief Matanzima, who later became its President, was a minor traditional leader under the authority of the

Paramount Chief of the Thembu. Chief Matanzima was declared a Paramount Chief by the South African government when conflict arose in the 1960s between Chief Matanzima and the Paramount Chief of the Thembu. Chidester noted that in 1979, when Chief Matanzima was in power in the homeland, he stripped the Paramount Chief of the Thembu of his traditional authority and had him arrested because of his anti-independence stance. Chief Matanzima undoubtedly supported the idea of separate development (Khunou 2011:91).

Although the *Status of Bophuthatswana Act* did not directly articulate and define the roles, functions and powers of traditional leaders, it did so tacitly when it recognised the Legislative Assembly of Bophuthatswana as constituted in terms of the *Self-Governing Territories Constitution Act*, which gave direct recognition to the authority of traditional leaders in the Legislative Assembly. Bophuthatswana consisted of tribal land, initially administered as a black reserve under the authority of the traditional leaders (Khunou 2011:94).

Khunou (2011: 95) points out that Chief Mangope, who was its President until March 1994, emphasised the ethnic origin of the Tswana nation and his own position as an important and powerful traditional leader within this ethno-national entity. Chief Mangope claimed to be a significant paramount traditional leader of *Ba hurutshe* and the main architect of Bophuthatswana and its transition to modernity. It was in this sense that Chief Mangope justified his control over the Bantustan structures on the basis of his status as a traditional leader of significant status. However, Khunou (2011: 94) explained that Chief Mangope's claim to paramount status even over *Ba hurutshe* lacked both validity and legitimacy (Khunou 2011:91).

Bophuthatswana introduced the *Bophuthatswana Traditional Authorities Act* to regulate the institution of traditional leadership. The Act prescribed the powers, functions and roles of the traditional authorities. In terms of this Act, traditional leaders were also made ex-officio members of the Bophuthatswana parliament. As members of parliament, they were paid salaries or stipends. In this regard, the Bophuthatswana

government placed all traditional leaders in the centre of the political bureaucratic arena. It was through this legislative measure that the independence and authority of traditional leaders were eroded and curtailed in Bophuthatswana. This assertion is proved because those traditional leaders who would not toe the line were deposed and replaced by appointed traditional leaders (Khunou 2011:95)

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 (Mahlangeni 2005: 26).

2.5.1.1 Traditional leadership in the Ciskei

Whilst the Black Authorities Act No 68 of 1951 remained in force in Ciskei, Regulations prescribing the Duties, Powers, Privileges 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. In the area formerly known as Ciskei, the situation of traditional leadership remained the same as in the Transkei during the period from 1981 until 1993. Traditional leaders were however supervised, managed and controlled by 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 (Mahlangeni 2005: 22).

2.5.1.2 Traditional leadership in the Transkei

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).

The Black Authority system was used by the Nationalist government to establish a basis for the apartheid system. One of the main objectives of the Black Authority system was to ensure that Blacks administer their homelands according to traditional lines. The apartheid system 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 was evident in the Transkei when 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 the Transkei, no real changes 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 (Mahlangeni 2005: 22).

The Traditional Leadership and Governance function was handled at three different levels of authority, namely:

- Headman (Isibonda) - Head of Administrative Area

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- Chief (Inkosi) - Head of Tribal Authority

- Paramount Chief (Kumkani) - Head of Regional Authority

The three structures (headman, chief and Paramount Chief) were under the supervision and control of the President's Office and the District Magistrates under the Justice Department which was performing agency functions on behalf of the Premier's Office. The situation prevailed until the introduction of the new democratic order in 1994 when South Africa attained freedom from all forms of colonial and apartheid rule. In both Transkei and Ciskei, there was 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 the Apartheid South African State (Mahlangeni 2005: 22).

2.5.1.3 The overthrow of the Ciskei and Transkei homelands

With the seizure of political power by the military, Traditional Leadership and Governance functions fell under a military dictatorship. The same applied to Transkei under the military regime. This new arrangement resulted in many changes in the Ciskei, for example, traditional leaders were harassed and oppressed. Traditional leaders were forced to join the Mass Democratic Movement and those who opposed were either brutalised or removed from office. Some could not even operate properly being accused of subversive activities. The military regime repealed legislation relating to Traditional Leadership and Governance and was replaced by the promulgation of the Ciskei Administrative Authorities Act, 1984 (Act No. 37 of 1984). This Act provided that the headman should be in office for a three year term renewable by the head of the Ciskei Military Council and Government of Ciskei. The 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. This state of affairs led to the collapse of the position of headman. In the Transkei, under the military regime there were no changes in the structure of the traditional leadership institutions.

Since General Holomisa was seen as more sympathetic to the African National Congress. (Mahlangeni 2005: 22).

In both Transkei and Ciskei, the Institution of Traditional Leadership performed their duties and functions through tribal and regional authorities. There were also local government bureaux. These changed many times during the different phases of political change in South Africa for different reasons whilst at the same time being allowed to perform their traditional customary and indigenous role. Such roles, whether indigenous, traditional or customary, were performed at different structural levels as shown hereunder (Mahlangeni 2005: 22).

2.5.1.4. Institutions which supported the apartheid government

In order for any system to succeed there must be structures to assist in making sure that it functions. This was the case for the apartheid government. To succeed it had to make sure that it penetrated all structures that African people believed in such as traditional leadership institutions.

2.5.1.4.1 Tribal Authorities

The members of the tribal authority were the Chiefs and Headmen residing within the area. There were 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. According to Vosloo, Kotze and Jepper (1967:196) the duties, functions and powers of tribal authorities were:

- 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 the 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 sources of income 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 (Vosloo, et al. 1967:13).

The Chief Officer of a tribal authority is a tribal secretary who was appointed by the authority itself, in some cases the government appointed an official as the tribal secretary.

2.5.1.4.2 Regional Authority

The members of the Regional Authority consisted 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 (Mahlangeni 2005:25).

The functions of the Regional Authority were 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 disease 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 roads, 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 (Mahlangeni 2005:25).

2.5.1.4.3 Local Government Bureaux

The Magistrate supervised the affairs of every local government bureau. The bureau's 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 accounts or treasury of any Tribal and Regional Authority, and finally, to promote the application and administration of legislation on traditional leadership and governance (Mahlangeni 2005:25).

2.6   PROGRESSIVE STEPS TAKEN BY GOVERNMENT AFTER 1994

The progressive democratic government in keeping with the spirit of the Constitution of the Republic of South Africa, 1996 recognised traditional leadership institutions in order to perform certain functions as stipulated in the White Paper on Traditional Leadership Governance and subsequent pieces of legislation.   In order to show the government's commitment to this matter, many intervention programs were entered into to make sure that traditional leaders were aware of what the expectations are in so far as their roles and responsibilities are.

The Institution of Traditional Leadership has, over the years, performed various governance functions. However the manner in which these entities performed these functions differed from one territory to another, as, during that 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. Traditional Leadership Institutions could 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. 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 (Mahlangeni 2005:34).

2.7   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-enforcing way.

The White Paper recommends that government should put in place mechanisms to ensure an integrated, structured and coordinated 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 (White Paper on Local Governance 2008:31).

2.8 THE FUNCTIONS OF TRADITIONAL LEADERSHIP AND INSTITUTIONS

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

Carry out various functions in support of government

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

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

- **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.

- **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.

- **Economic development**

  - Support local economic development initiatives

- **Environment and Tourism**

  - Promote environmental management

  - Promote sustainable use of cultural resources within communities; and

  - Involvement in management/ protection of world heritage sites.

- **National Resources Management**

  - Identification of development needs and participation in decision making; and

  - Promote sustainable traditional approaches to water resource management.

2.9   OTHER FUNCTIONS DELEGATED TO TRADITIONAL LEADERS

The White Paper on Local Traditional Leadership and Governance (2003:31), 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 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 (White Paper on Traditional Leadership and Governance 2003:31).

Cele (2011:11-12) states that before granting traditional leaders powers and functions one needs to understand what are the areas of conflict between traditional leaders and elected councillors. Cele cites, among others:

- The perception that the fundamental cultural rights and roles of traditional leaders within rural communities are fairly compromised by the democratic laws and the Constitution.

- The question of whether traditional leaders must have a political voice and be included in the participatory structures of government.

- Whether land administration should be left in the hands of traditional leaders or be a government function.

- The principle of gender equality (in particular the role of women in a traditional leadership system) and

- The question of accountability as a democratic principle (whereas in a democracy power lies with the people, democratically elected leaders would

therefore be expected to account to the people; when it comes to traditional leadership, the question of accountability is not very clear).

- The perception that traditional leadership undermines the commitment towards achieving an accountable and efficient form of democratic governance in South Africa.

Cele (2011) argues that when all these areas of conflict are dealt with, cooperation between traditional leaders and municipal councillors will be natural. South Africa has many ethnic communities which subscribe to the values and customs of traditional leadership and which are thus not adequately represented by the contemporary system of democracy.

2.10 STEPS UNDERTAKEN BY THE GOVERNMENT OF THE EASTERN CAPE TO ENHANCE TRADITIONAL LEADERSHIP INSTITUTIONS

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. 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 (Mahlangeni 2005:34.

2.11 PROVINCIAL POLICY DEVELOPMENT INITIATIVES ON TRADITIONAL LEADERSHIP AND GOVERNANCE

As stated earlier, 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 ought to be a local government institution that plays 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. Cognisance was given 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 actors in local government to cooperate with each other gave impetus to the new policy initiatives (Mahlangeni 2005:37).

2.12 THE TRADITIONAL LEADERSHIP EXPERIENCE OF AFRICAN COUNTRIES

As already stated, traditional leadership is not a South African phenomenon it exists in other African countries too. The same challenges that the institutions in South Africa have faced are similar to other African countries such as Namibia, Zimbabwe, Botswana, and Ghana. A summary of the similarities is given below.

2.12.1 Traditional Leadership Experience in Zimbabwe

In Zimbabwe the two main political entities before the arrival of the Europeans were the Matebele (Ndebele) and Shona Kingdoms. The Shona nation comprised the Hera, Rozwi, Njanja, Dzete and Nobvu tribes. Patrilineal ancestry was the basis of the political, administrative, religious and social systems of these people. Each clan had a common ancestor who united its members, and from whose name the hereditary title of

the Chief was derived (Garbett 1976:142). The Shona people were politically organised in relatively autonomous Chiefdoms. These were usually subdivided into wards made up of several scattered villages and controlled by a headman. Shona Chiefs were entitled to tributes, which included leopard skins, the hearts of all lions killed, women and youths captured as slaves during raids, and labour. They ruled with the help of advisors and councillors, and received further advice from ward and village headmen and senior family members. Ward headmen, who were responsible for a number of villages making up a ward, heard important cases referred to them by village headmen. Serious allegations of murder, arson, witchcraft and offences against the Chief were generally heard by the Chief himself. The Chief's court was open to outsiders, and his role was that of adjudicator rather than punisher (Garbett 1976: 144).

Unlike the loose system of independent Chiefdoms found among the Shona, the Ndebele were organised into a strongly centralised Kingdom. Within it, the King had great power and full control of land and cattle. He was also the commander of a powerful and well-trained army and supreme judge. As a ruler he was assisted by three "great councillors" and two councils. One council consisted of the headmen and represented the interests of the commoners, and the other consisted of important kinsmen of the King and represented the interests of the royalty (Keulder 1998: 145). The Ndebele kingdom was geared to military conquest. Raids for cattle, grain and slaves were frequent. Various non-Ndebele groups were conquered and incorporated into the Ndebele kingdom. The Ndebele raids disrupted the Shona political system, which was much more loosely organised and less prepared for military conquest and self-defence (Garbett 1976: 115).

2.12.1.1   The colonial period in Zimbabwe

The colonial rule in Zimbabwe, as elsewhere on the continent, destroyed large parts of the pre-colonial system of governance, through war and by imposing a repressive modern administration on the indigenous population. The number of traditional leaders

was reduced; they lost their status and power, and the traditional mode of life was severely disrupted. (Keulder 1998: 154-155).

2.12.1.2 The post- independence period in Zimbabwe

After independence, traditional leaders lost almost all the powers they had received from the colonial rulers. As the new democratic state embarked on a strategy to monopolise social control, traditional leaders were replaced either by popularly elected officials or by government-appointed leaders. This was in line with the government's avowed socialist principles (Holomisa 2004: 13). The modern state took control of the administrative and legal structures, thereby achieving victory over the traditional forms of government. However, the state was weak at the local level, and struggled to remain the sole supplier of survival strategies to the peasants. To compensate for this, it had to fall back on traditional leaders to enhance its ability to provide efficient legal services (Keulder 1998: 202). The popular election of traditional leaders to village courts suggests that in certain areas they had the support of the local rural population. The government of Zimbabwe has since fully restored the powers of traditional leaders in local government and land administration, allocation and redistribution.

Traditional leaders also play a leading role in land allocation committees, as well as identifying families who deserve land (Holomisa 2004: 13).

2.12.2 Traditional Leadership Experience in Namibia

In Namibia, prior to colonial occupation, most communities were governed by Kings with the assistance of Chiefs. The authority of Kings was hereditary, and almost all political, economic and social power was vested in him. In most parts of Namibia the Kings were assisted by Chiefs, who were then assisted by senior headmen, who were in charge of districts and, together with the Chiefs, formed the government. In most areas headmen were selected by their subjects or appointed by the Chief to represent their interests. A further level of authority known as sub-headmen was created, and the sub-headmen

were in charge of wards. Their main function was to advise the senior headmen. (Keulder 1998: 34)

As the legislators and policy makers of their communities, the Chiefs and their subordinate headmen were responsible for the following functions: allocation of land, defence, peace and order, co-ordination of agricultural activities, and the general progress of the group, including looking after the poor. In most cases their authority was absolute, and the use of their powers was not always selfless. They constituted the political and economic elite, and their political status and material well-being rather than the well-being of the group was often the driving force behind their decision making (Fife 1998: 35).

Beall, Mkhize and Vawda (2005: 36) explain that colonialism and other forces of modernity did not only disrupt and destroy most of the moral economy, but they undermined the social and political authority of traditional leaders. They changed the role of many leaders from guardian of the well-being of their society to colonial bureaucrat. The following section deals with the development of colonial administrative structures and the relationship between them and traditional authorities.

2.12.2.1   The colonial period in Namibia

Namibia was colonised and governed by Germany from 1884 until 1914, thereafter South Africa was mandated to govern from 1915 to 1989. The German control in Namibia was mainly concentrated in the areas south of the Police Zone, which is where the German administrative structures were established. The areas north of the Police Zone were left in the hands of existing traditional authorities (Keulder 1998: 35).

The first level of Administration was the municipal councils, responsible for the normal municipal functions; the second level was the district councils, with functions similar to those of the municipal councils, but for areas outside of their boundaries; and the third

level was the territorial council. The territorial council was an advisory body for the governor, with some legal status to change and modify his decisions (Du Pisani 1986: 24). In 1914 the functions of this body were expanded to include public health, agriculture, roads, irrigation, wildlife and black labour. The overall aim of the administrative structures was to reinforce and secure the supremacy of German interests; as a result, the relationship between the German rulers and the traditional authorities was at best conflictual and designed to undermine the authority of traditional authorities (Keulder 1998: 37-38). The German administration intervened in the affairs of the indigenous population using the so-called "protection treaties" (Keulder 1998: 38). These treaties were often used to play traditional leaders off against one another in a classic colonial policy of divide-and-rule. One other mechanism used for direct interference in the traditional power configurations was the land policy formulated in 1892 (Du Pisani 1986: 25)

2.12.2.2 The post- independence period in Namibia

The build-up to Namibia's independence was relatively short. The Namibian Constitution Act, 1998 (Act 34 of 1998) was drafted and there was little consultation with groups outside the political parties. Indigenous interest groups such as traditional leaders were not consulted. (Hammond-Tooke 1975:80).

After independence, the traditional courts lost their former criminal jurisdiction, but retained jurisdiction over civil cases. Traditional courts were not part of the legal system of Namibia (Du Pisani 1986: 50). The tribal police were also disbanded, and traditional leaders lost their powers of detention. Traditional authorities could become part of the political configuration if they were constituted as a form of local authority. However, traditional leaders were excluded from political office, thereby reducing their traditional and colonial status from that of political leaders to that of cultural agents (Mahlangeni 2005: 65).

2.12.3 Traditional Leadership Experience in Botswana

The traditional leaders (Chiefs) enjoyed unlimited and undefined powers over the tribe during the pre-colonial period. The chief was custodian of tribal land and allocated it to tribesmen for ploughing or residential purposes. The villages were divided in to several wards, each subject to a headman. The chief settled disputes, pronounced on tribal customs and traditions, and ruled on matters concerning the tribe in consultation with its members (Sharma 2003:2).

In 1934, the Native Proclamation Act was issued which formally recognised the tribal chiefs and their authority. The proclamation did not materially alter the traditional institution but simply formalized it. The chiefs opposed it, as an attempt to codify their authority was perceived by them as a limitation of their erstwhile sovereignty and unlimited authority. In the same year, the tribal court system and its jurisdiction were formally recognised. This was also met with opposition from the chiefs. In 1943, the Kgotla (village assembly) was acknowledged as the advisory council of the chief. In 1956, Tribal Councils and District Councils were introduced. The chiefs headed these councils and the membership consisted of some members nominated by the chairmen and some elected by Kgotla. These councils headed by chiefs performed limited local government functions until independence in 1966, when a new system of elected local government following the principle of universal adult franchise was introduced (Sharma 2003:2).

2.12.4 Traditional Leadership Experience in Ghana

In Ghana, the Constitution provided for the establishment of the National House of Chiefs and Regional Houses of Chiefs and traditional councils who have functions more or less similar to the National and Provincial Houses of Traditional Leaders in South Africa. The Constitution recognises customary law and traditional courts as part of the country's judicial system. Each Regional House elects five paramount Chiefs to represent the Regional House in the National House of Chiefs (Mijiga 1998: 13).

During the Colonial period, Chiefs were elected by their own people to serve in either one of the houses or the traditional council. However, the British government introduced the first legislative council in Ghana; they appointed three Chiefs and three ordinary people to the council (Mijiga 1998:13).

The number of Chiefs represented in the Regional Houses and their functions and role are determined by an Act of Parliament. The different structures within the Ghanaian traditional hierarchy have the constitutional mandate of advising the executive and the legislature on all matters affecting the country's traditional institutions and customary law (Mijiga 1998:14).

2.13   CONCLUSION

This chapter provided the legislative framework as well as governance of the matters of traditional leadership. The changes that took place during the colonial era, post-colonial era apartheid and post-apartheid era had an enormous impact on the functioning of the traditional leadership institutions in both South Africa and other African countries. Most traditional leaders abandoned their traditional and indigenous roles in favour of politics. This led to the dignity of traditional leaders being eroded and a stigma still remains attached to traditional leaders today. In the next chapter, the methodology and the research methods used in this study will be discussed.

CHAPTER 3

RESEARCH METHODOLOGY

3.1   INTRODUCTION

In this chapter the methods and methodology applied in this work will be discussed. The methodology that was chose for this research work was the qualitative research method. Respondents were purposely selected since they were the ones who knew well the environment that traditional leaders operated under in the Mbhashe Local Municipality. Structured and semi-structured Interviews were conducted with the selected respondents and cross examination of responses give was done. Ethical consideration in terms of the confidentiality of the names of the respondents and the request for their approval to interview them was sought from the Mbhashe Local Municipality .Conclusions were drawn from the interviews conducted.

3.2   RESEARCH METHODOLOGY

Goddard and Melville (2001:1) define research as not just a process of gathering information, as is sometimes suggested but rather about answering unanswered questions or creating that which does not currently exist. Further they state that research can be seen as a process of expanding the boundaries of our learning. Leedy and Ormrod (1985: 3) define research as the systematic process of collecting and analysing data to increase our understanding of the phenomenon about which we are concerned or interested.

In the social sciences, two basic types of research are mainly used namely the quantitative and the qualitative research methods. Welman, Kruger and Mitchell (2005: 8) give the contrast between these two methods as first, that quantitative research is to evaluate objective data consisting of numbers while qualitative research deals with subjective data is produced by the minds of respondents or interviewees (i.e. human beings). Qualitative data is presented in language instead of numbers. Secondly, as a

result of dealing with numbers, quantitative researchers use a process of analysis that is based on complex structured methods to confirm or disprove a hypothesis. Flexibility is limited to prevent any form of bias in presenting the results. On the other hand, qualitative research is based on flexible and exploratory methods because it enables the researcher to change the data progressively so that deeper understanding of what is being investigated can be achieved. Thirdly, the purpose of quantitative research is not to deal directly with everyday life, but rather with an abstraction of reality. In contrast qualitative researchers investigate only the constraints of day-to-day events and base their results on the daily events and behaviour of people. Fourthly, quantitative researchers try to keep the research process as stable as possible. They focus on the causal aspects of behaviour and the collection of facts that won't change easily. In contrast qualitative researchers work with the dynamic and changeable nature of reality.

The quantitative and qualitative research methods will be looked at in the following paragraphs.

3.2.1 Quantitative research

These research methods are concerned with the collection of and analysis of data in numeric form. It needs to emphasize relatively large scale and representative sets of data, and is often presented and perceived as being about the gathering of facts. Quantitative research consists of those studies in which the data concerned can be analysed in terms of numbers. It is based more on its original plans and its results are more readily analysed and interpreted (Hughes 2006:2).

Further, Henning (2004:3) asserts that in quantitative studies, the focus is on control of all the components in the actions and representations of the participants, the variables will be controlled and the study will be guided with an acute focus on how variables are related. The researcher planned and executed this control in the way the study and its instruments were designed. Respondents or research subjects are not free to express

data that cannot be captured by the predetermined instruments. The Objective / purpose of quantitative research methods are:

- To quantify data and generalize results from a sample to the population of interest
- To measure the incidence of various views and opinions in a chosen sample
- Sometimes followed by qualitative research which is used to explore some findings further.

Huff (2009:184) stresses that the typical goals of quantitative research methods are:

- Inference from sample to population.
- Prediction (past to present)
- Description(pattern in large data set
- Hypothesis
- Testing (increasing confidence in a theoretic explanation)
- Generalisation (expanding the range of a theoretic explanation

The critique of quantitative research methods is that it oversimplifies issues and that there is unacknowledged subjectivity of definitions and procedures (Huff 2009: 185).

3.2.2 Qualitative research

On the other hand the qualitative research method is concerned with the description of events, and persons scientifically without the use of numerical data. It is more open and responsive to its subjects. It research is more focused on collecting and analysing data in as many forms, chiefly non-numeric, as possible. It tends to focus on exploring in as much detail as possible, smaller numbers of instances or examples which are seen as being interesting or illuminating, and aims to achieve depth rather than breadth (Hughes 2006: 3). Further Denzin and Lincoln (1998: 4) define the word qualitative as implying an emphasis on processes and meanings that are not rigorously examined or measured

in terms of quantity, amount, intensity or frequency. Therefore the aim of qualitative research is to establish the socially constructed nature of reality, to stress the relationship between the researcher and the object of study as well as to emphasise the value laden nature of the inquiry.

The research method employed in this research is qualitative. The main reason for choosing qualitative research according to Hughes (2006: 4) is the key characteristics of qualitative research are that events can be understood adequately only if they are seen in context. When the researcher start conducting the research he/she must be part of the subjects being researched and therefore numbers cannot assist in understanding the problem that is being researched. Hughes (2006:7) further asserts that qualitative researchers want those who are being studied to speak for themselves, to provide their perspectives in words and other actions. This will enable the researcher to ask more probing questions as and when the need arises instead of coming back for more explanations on issues raised. This exercise will also introduce new views regarding the subject and not just legitimise pre-conceived attitudes.

Denzin and Lincoln (1998:38) state that qualitative ethnographic social research entails an attitude of detachment toward society that permits the sociologist to observe the conduct of self and others, to understand the mechanisms of social processes and to comprehend and explain why both actors and processes are as they are.

To qualify the abovementioned statement Hakim (1987:26) agrees with other authors that qualitative research is concerned with individual's own accounts of their attitudes, motivations and behaviour. It offers richly descriptive reports of individuals perceptions, attitudes, beliefs, views and feelings, the meanings and interpretations given to events and things as well as their behaviour; displays how these are put together more or less coherently and consciously into frameworks which make sense of their experiences and illuminates the motivations which connect attitudes and behaviour. Thus qualitative research is used for exploratory studies leading to more structured or quantitative studies as an alternative to opinion polls. Hakim further stresses the strength of qualitative research method as the validity of the data obtained: individuals are

interviewed in sufficient detail for the results to be taken as true, correct, complete and believable reports of views and experiences (Hakim (1987:27).

Welman, Kruger and Mitchell (2005:8) indicate that qualitative research deals with subjective data produced in the mind of the respondents, the research is all about what the respondents perceive in their minds as the solutions to the problems faced by the traditional institutions in the Mbhashe Local Municipality. It was then easy for the researcher to be able to interact with the respondents and instead of dealing with rigid calculations dealt with flexible questionnaires that allowed the respondents to freely answer questions. Lastly, the researcher chose the qualitative research method as it made it possible for him to be able to validate the information supplied by the respondents by visiting the traditional councils and cited service delivery areas and people mentioned by the respondents. The sampling frame that was identified by the researcher also made it possible to finalise the research on time

3.3   RESEARCH DESIGN

For purposes of this study, the research design that was followed was a case study because Henning, Van Rensburg and Smit (2004:41) contend that a case study is characterised by the focus on a phenomenon that has identifiable boundaries. Also, data that is not applicable to the case is not utilised unless it indirectly reflects the nature of the case. Leedy and Ormrod (2001:149) argue that in a case study a particular individual, programme or event is studied in depth. Similarly, Fox and Bayat (2007:69) say that an individual, a group or institution are studied intensively.

3.4   POPULATION AND SAMPLING

In this study, purposive sampling was used. Purposive sampling is also known as judgmental, selective or subjective sampling. It is a type of non-probability sampling technique. Non-probability sampling focuses on sampling techniques where the units that are investigated are based on the judgment of the researcher. As can be found from the definition of purposive sampling, it relies on the judgment of the researcher

when it comes to selecting the units that are going to be studied. Usually the sample being studied or investigated is quite small especially when compared with probability sampling techniques. The utilisation of this type of sampling is not to randomly select units from a population to create a sample with the intention of making generalisations from that sample but to focus on particular characteristics of a population that are of interest, which will best enable the researcher to answer the research questions (http://dissertation.laerd.com).The sample is usually a large number of cases representing the population of interest. The sample consists of randomly selected respondents (Henning 2004:3). There are different types of purposive sampling, for example

- **Maximum variation sampling**

Maximum variation sampling is a purposive sampling technique used to capture a wide range of perspectives relating to the phenomenon that the researcher is interested in studying. That means it is a search for variation in perspectives, ranging from conditions that are viewed to be typical through those that are more extreme in nature. These units may exhibit a wide range of attributes, behaviours, experiences, incidents, qualities and situations, (http://dissertation.laerd.com).

- **Homogenous Sampling**:

Homogenous sampling is purposive sampling that aims to achieve a sample whose units share the same or very similar characteristics or traits. A homogenous sample is chosen when the research question that is being addressed is specific to the characteristics of the particular group of interests, which is subsequently examined in detail (http://dissertation.laerd.com).

- **Expert Sampling**

Expert Sampling is a purposive sampling technique that is used when the researcher needs to glean knowledge from individuals who have a particular expertise. This expertise may be required during the exploratory phase of qualitative research, highlighting potential new areas of interest or opening up new doors to other participants. Alternatively the particular expertise that is being investigated may form the

basis of the research, requiring a focus only on individuals with such specific expertise. Expert sampling is useful where there is a lack of empirical evidence in an area and high levels of uncertainty, as well as a situation where it may take a long period of time before the findings from the research can be uncovered (http://dissertation.laerd.com).

The sample of this study consisted of sixteen (16) participants. These included thirteen (13) traditional leaders who participated in the Mbhashe Local Municipality as a pilot study for enhancement of service delivery, the Mayor and Speaker of Mbhashe Local Municipality as municipal authorities to whom traditional leaders report as well as the Chairperson of the Provincial House of Traditional Leaders as the custodian of the legislation governing the traditional leadership institutions in the Province.

The study units were carefully selected since the Traditional leaders are a homogenous group with the same or similar characteristics as being from the same area and sharing similar experiences, backgrounds and occupation. Again the unit that was studied has expert knowledge about what the role of traditional leaders was before colonialisation, apartheid and later in the democratic dispensation. The sample could best articulate what the researcher wanted to achieve in this research and that is why the researcher chose the purposive sampling method.

3.5 DATA COLLECTION INSTRUMENTS

When the research began information from the participants was collected. There were basically three methods that the researcher could use to elicit information and these were the personal interview, the mail questionnaire and the telephone survey. For the purposes of this study qualitative interviews was employed.

Personal interviews can be regarded as face to face interpersonal situations in which an interviewer asks respondents questions designed to obtain answers pertinent to the

research hypothesis. The questions, their wording and sequence define the extent to which the interview is structured (Nachmias and Nachmias 1981: 188). There are two types of personal interview that will be discussed, the first being the schedule-structured interview and secondly, non-structured interview.

- **The Schedule-Structured Interview**

According to Nachmias and Nachmias (1981: 189), the most structured form is the schedule-structured interview in which the questions, wording and sequence are fixed and are identical for every respondent. This is done to make sure that when variations appear between respondents they can be attributed to the actual differences between the respondents and not to variations in the interview. The researcher attempts to reduce the risk that changes in the wording of the questions might elicit different responses.

Nachmias and Nachmias (1981: 189) cite three critical assumptions on which the above is based and these are:

- That for any research objective the respondents have a sufficiently common vocabulary so that it is possible to formulate questions which have the same meaning for each of them.
- That it is possible to phrase all questions in a form that is equally meaningful to each respondent.
- That if the meaning of each question is to be identical for each respondent, its context must be identical and since all preceding questions constitute part of the context, the sequence of questions must be identical.

- **Non-structured Interview**

In the non-structured interview there are no specific questions and   the questions are not asked in a specific order. Furthermore, no schedule is used. With little or no direction from the interviewer, respondents are encouraged to relate their experiences, to describe whatever events seem significant to them, to provide their own definitions of their situations and to reveal their opinions and attitudes as they see fit. The interviewer

has a great deal of freedom to probe various areas and to raise specific queries during the course of the interview (Nachmias and Nachmias 1981: 189-191).

The advantages of this method of data collection are firstly, there is greater flexibility in the questioning process. The interview allows the interviewer to determine the wording of the questions, to clarify terms that are unclear, to control the order in which the questions are presented and to probe for additional information. Secondly, there is control over the interview situation. The interviewer can ensure that the respondents answer the questions in appropriate sequence or that they answer certain questions before they are asked subsequent questions. Moreover in an interview situation it is possible to standardize the environment in order to ensure that the interview is conducted in private, thus respondents would not have the opportunity to consult one another before giving answers. Thirdly, there is the advantage of a higher response rate than from the mail questionnaire. Respondents who would normally not respond to mail questionnaires can easily be reached and interviewed. This includes persons with difficulties in reading or writing or those who do not fully understand the language or simply those not willing to take the time to write out their answers and mail the questionnaire. Lastly, an interview can collect supplementary information about the respondent. This may include background information about the respondent's characteristics and their environment that can aid the researcher in the interpretation of the results (Nachmias and Nachmias 1981: 192-193).

For any advantage there is the corresponding disadvantage the same can be said about the personal interview method. First, there is the disadvantage of the higher cost involved. There are costs involved in the organisation required to select, train and supervise interviewers, in paying them, and in the travel time required to conduct interviews. In addition when following a non-structured schedule, the cost of recording and processing the information is very high. Secondly, interviewer bias since the interview allows for greater flexibility; this leaves room for personal influence and bias of the interviewer. The lack of standardisation in the data collection process makes interviewing highly vulnerable to the bias of the interviewer. Lastly there is the lack of

anonymity that the mail questionnaire provides. The interviewer knows all or many of the respondents their names, telephone numbers and addresses. Thus the respondents may feel threatened or intimidated by the interviewer, especially when some questions are of a sensitive nature (Nachmias and Nachmias 1981: 193).

The researcher employed both schedule-structured and non-structured interviews. The reason for the mixture of the two was that there were common questions for some areas of the research that were put to all the respondents; questions that dealt with general understanding of the research topic that was covered. Also there were specific questions for specific respondents that dealt with expert areas of the field thus requiring that the schedule structured interview method be employed strictly.

3.6   DATA ANALYSIS

After the interviews, the data was analysed to summarize the outcome of the interviews in a manner that would answer the research question. A qualitative content analysis was used. The first phase of data analysis was the editing of the information. This process involved the examination of the collected raw data to detect errors that may have occurred during the interview processes and to correct those where possible. The second step of data analysis was the classification of the information or data. Classification was done according to attributes. By this is meant classification of information on the basis of common characteristics. Depending on the kinds of questions that were asked these were classified accordingly.   The third step was to assign codes to the main themes. This step involved going through the responses given by the respondents in order to understand the meaning each communicates and the researcher developed broad themes out of the responses. The last step was to integrate the themes and responses into the text of the report. All the above mentioned steps were followed in the analysis of the data collected during the interview phase (Babbie and Mouton 2001: 50).

3.7   ETHICAL CONSIDERATIONS

In any research that is being undertaken, ethical consideration needs to be taken in order for the research to be ethically accepted. Bak (2004:28) states that any research that involves people must show an awareness of the ethical considerations and an agreement to conduct the research in accordance with ethical procedures. Ethical guidelines serve as standards and as a basis on which the researcher ought to evaluate his/her own conduct.

In this study, ethical issues such as confidentiality were adhered to. The sharing of information about a respondent with others for purposes other than research is unethical. The information supplied by the respondents must be kept confidential. Secondly the consent of the respondents was obtained before embarking on the research project. As in any research the collection of information without the consent of the participant and their expressed willingness is considered unethical. The provision of incentives or the promise of same before the collection of data is considered unethical as the participants may give incorrect information on the basis of the incentive they have been given. Voluntary participation was strictly observed and adhered to, for the purpose of avoiding harm to the respondents (Bak 2004:29).

Permission was sought from the Speaker and Municipal Manager before the interviews were conducted. Also the Department of Local Government and Traditional Government Superintendent-General's permission was sought since some of the respondents responded on issues directly affecting the area of operation of the department. All respondents were assured that whatever information is collected from the interview will be used for academic purposes only. Researcher bias will be avoided at all times. Incorrect reporting of the information supplied by the respondents to satisfy the interests of the researcher was also avoided as this would constitute unethical behaviour on the part of the researcher.

3.8   LIMITATIONS OF THE STUDY

Another ethical issue to be considered was the non-availability of political heads of the Mbhashe Local Municipality due to an unforeseen political situation in the said municipality. Mention must be made of the fact that the Mbhashe Local Municipality is notorious for removing Mayors and Speakers without any reason.

3.9   AN OVERVIEW OF THE AREA OF STUDY

Mbhashe Municipality is named after the Mbhashe (River) which twists and meanders until it flows into the sea at Mbhashe Point, close to the Haven. Mbhashe Municipality is also home to the head offices of the AmaXhosa kingdom at Nqadu Great Place. There are almost 22 000ha of arable land, but agricultural production is hampered by a lack of infrastructure, including a lack of fencing. The farming of subtropical and deciduous fruit, and maize, could be increased. Potential exists for the cultivation of maize and beans, chicken farming for broilers and eggs, and growing tomatoes using hydroponics. The production of bio-fuels could also lead to job creation and poverty alleviation (www.statssa.gov.za).

The area is rural in nature and the majority of people are unemployed and development is slow if non-existent. This situation is unacceptable to the community of Mbhashe. The traditional communities in and around Mbhashe are the ones deeply affected by the lack of service delivery. The increase in service delivery protests encourages the youth of Mbhashe Local Municipal area to follow this example and start demanding better services from their elected councillors or traditional leaders, if nothing is done to improve the situation (www.statssa.gov.za). The Mbhashe Local Municipality forms part of the greater Amathole District Municipality. The area has twenty six (26) wards with 51 councillors serving in the municipality. The wards are not demarcated in the same way as the traditional councils. Traditional councils still follow the route of magisterial

districts not the demarcation board format of municipal boundaries. A magisterial district is the basic administrative area, as determined by the Department of Justice. Administratively, the country is divided into nine provinces; the provinces are in turn divided into 365 magisterial districts. Topographic and cadastral survey maps are available for each magisterial district (www.statssa.gov.za). The municipal boundary is where one incorporated town or a city ends and another begins

The area is subdivided into three areas namely: Willowvale, Idutywa and Xhora. The traditional communities are divided into twenty seven traditional councils headed by Senior Traditional Leaders (Chiefs) and Headman (Inkosana). The traditional councils are:

Xhora comprising of

1. Ngonyama Traditional Council headed by Chief Ngonyama
2. Ngubezulu Traditional Council headed by Chief Nobangile Gwebindlala
3. Jalamba Traditional Council headed by Chief No-office Gwebindlala
4. Ngqwangele Traditional Council headed by Nkosana Sigxina
5. Amakiti Traditional Council headed by Chief Amos Zunguzane
6. Dubulamanzi Traditional Council headed by Chief O.M. Silo
7. Wezashe Traditional Council headed by Chief N. Bhinashe
8. Zingisani Matshezi headed by Chief Z. Mfazwe
9. Imiganu Traditional Council headed by Chief N. Ndevu
10. Gcaleka Ncehana Traditional Council headed by Chief M. Mdabuka

Willowvale consists of

1. Lindinxiwa Traditional Council headed by Chief M.P.G. Manxiwa
2. Kwamkoloza Traditional Council headed by Chief S. Sigcau
3. Khingqi Traditional Council headed by Chief S. Dumalisile
4. Bhongweni Traditional Council headed by Chief N. Manxiwa

5. Emvelini Traditional Council headed by Chief M. Mazamisa

6. Ntshatshongo Traditional Council headed by Chief S. Bikitsha

7. Mtoto Traditional Council headed by Chief M. Mtoto

8. Nqabeni Traditional Council headed by Chief W. Malgas

9. Bhadini Traditional Council headed by Chief M. Magxwalisa

10. Ebhotwe Traditional Council headed by Chief S. Sigcau

Idutywa comprising

1. Gwadana Traditional Council headed by Chief M. Sigcau

2. Bashee Traditional Council headed by Prince X. Sigcau

3. Khethi Traditional Council headed by Chief A Sigcau

4. Ngqangengqili Traditional Council headed by Chief W. Sigidi

5. Chizele Traditional Council headed by Chief M. Sigidi

6. Ntonga Traditional Council headed by Chief M. Sihlamvu

7. Bonkolo Traditional Council headed by Chief M. Bonkolo

These traditional councils are demarcated in the area of Mbhashe Local Municipality. Their level of development differs from area to area. Some are better-off than others while others are still far from being developmental.

3.10   CONCLUSION

This chapter discussed data collection activities regarding the role of traditional leaders in enhancing service delivery in Mbhashe Local Municipality. Also the demarcation of Mbhashe in terms of traditional leadership institutions was discussed. Chapter 4 deals with the interpretation and analysis of data obtained from the respondents.

CHAPTER 4

INTERPRETATION AND DATA ANALYSIS

4.1   INTRODUCTION

This chapter deals with the interpretation and analysis of data as obtained from the respondents. In this chapter themes will be utilised to analyse data. These themes will include a theme on service delivery in traditional communities. In this theme notice was given as to the level of development of the traditional communities.

The second theme will deal with the causes of the lack of service delivery in traditional communities. The third theme will deal with the capacity of traditional leaders. In this theme areas of development in so far as traditional leaders were identified. The fourth theme will deal with the actual participation of traditional leaders in municipal councils whether it is beneficial to the communities headed by the traditional leaders. The fifth theme will deal with the participation of traditional leaders in the formulation of Integrated Development Plans of municipalities and if so at what level are they participating. The sixth theme will be on the roles of traditional leaders and those of councillors. This theme occurred as a result of the traditional leaders claiming service delivery as their responsibility whilst at the same time councillors are claiming the same. The seventh theme will deal with potential areas of conflict between traditional leaders and the democratically elected councillors. The eighth theme will look at the support traditional councils may be getting from the municipality if any at all. The ninth theme will look at the feedback traditional leaders are giving to their respective constituencies and how that feedback is received by the communities themselves. The last theme will look at areas for improvement so that traditional leaders can perform better.

4.2   DATA COLLECTION PROCEDURE

The sample was purposively chosen as these traditional leaders were the ones who were at the forefront of service delivery in the municipality. This came about as they were currently serving on the council and were heads of traditional councils in the Mbhashe area. After having identified the sampling frame and the sample of traditional leaders in the Mbhashe Local Municipal area, interviews were conducted with all the identified thirteen traditional leaders. The researcher had to interview all the traditional leaders together so that all can agree or disagree with what the other traditional leader was saying. The thirteen traditional leaders interviewed represented three areas of the Mbhashe Local Municipality namely Xhora, Willowvale and Idutywa.

4.3   INTERPRETATION AND ANALYSIS OF DATA

After the interviews with identified traditional leaders, the researcher analysed the information so as to get a summary of responses since some of the responses did not necessarily identify what the research questions wanted. The information was thoroughly edited to remove responses that could be construed as personal views so that everything could be verified if the need arose. Thereafter the researcher classified the information to get thematic topics from the research questionnaire. With the information classified into themes and interpreted, the final step was the incorporation of the information into the main text of the research project.

Having the abovementioned data analysis technique in mind the researcher arranged the responses obtained from the traditional leaders into the following ten thematic topics that cover key issues and which were identified as having an impact on the study. The analysis of the interviews with traditional leaders is set out below.

4.3.1 Service delivery in traditional communities

Traditional leaders expressed their concern that:

- Service delivery in their respective areas of operation was minimal or non-existent.
- Slow pace of service delivery implies that nothing is improving the lives of the people of this particular area.
- The proper functioning of traditional leaders in enhancing service delivery is hindered by uncertainty on the side of traditional leaders. This uncertainty stems from the fact that traditional leaders are not clear about the role they need to play as opposed to the role that is being played by the ward councillor/community development worker and the chairperson of the South African Civic Organisation.

4.3.2 Causes of lack of service delivery in traditional communities

Traditional leaders indicated that since service delivery in local government is the responsibility of municipalities, there are many challenges that the local municipality is faced with. These challenges include:

- The capacity of the deployed cadres of the ruling party. The traditional leaders indicated that some of the people in the municipal council are uneducated and cannot understand the running of the municipality, thus making it difficult to deliver services to the poor communities.
- The influence of political parties through cadre deployment. Some of the councillors are only interested in providing services to their home towns. This led to infighting between the councillors for positions within the municipality and the service delivery process suffers.

4.3.3 The capacity of traditional leaders to render services to traditional communities

Because traditional leaders have been kept on the side-lines, capacity development programmes need to be developed for them so as to keep them abreast of issues of service delivery. The fact that some traditional leaders are elderly poses a challenge in their understanding of the service delivery challenges facing the communities. All the traditional leaders interviewed indicated that they also need capacity building programmes to be able to meet with the ever changing demands of their communities. Some indicated that as they are participating in the council their participation is sometimes infringed due to the fact that they do not understand what is happening in the council chambers. Some even joked about the fact that the language used in the council sometimes makes it difficult for them to fully participate. Sometimes they have to translate to others and whilst translating decisions are taken.

The areas that traditional leaders wanted capacity building on are:

- Restorative justice as they are expected to deal with cases in their respective traditional councils.
- Integrated Development Planning processes as these will assist them in their ability to identify sustainable projects for their communities and be part of the discussions when the IDPs are being developed.
- Conflict management skills as traditional leaders deal almost every day with community problems these skills will assist in making sure whatever decisions they take are informed.
- The Traditional Courts Bill that is being developed and with which they are expected to deal with cases: capacity development programs need to be extended to them too.

Presently the municipality is trying its best to capacitate traditional leaders but more needs to be done.

4.3.4 Participation of traditional leaders in municipal processes

Traditional leaders indicated that in terms of their participation, documentation such as minutes of the last meeting, agenda items and all documentation that relates to their participation are delivered on time so that they can make inputs into the agenda to be discussed. All the traditional leaders in the Mbhashe Local Municipality are members of the municipal committees but councillors do not afford them enough opportunity to air their views. The main reason forwarded for this was the fact that seemingly both parties do not understand their roles in the council. Traditional Leaders further indicated that Section 81 of the Local Government Structures Act No. 117 of 1998 only indicates that they may be called to give an opinion when the council intends to do any development in a traditional leader's area. When the Guidelines on the Participation of Traditional Leaders were developed traditional leaders were told they could not vote on any issue being deliberated in council. This state of affairs has reduced their power to deliberate robustly on issues raised in council. Thus, councillors do not see the value traditional leaders could add through participation because 'councillors do as they please in council'.

4.3.5 Participation of traditional leaders in the municipal IDP

Traditional leaders responded that although they are not particularly well informed about the IDP process, they are invited just like anybody who is invited in the IDP development phase. Traditional leaders were of the view that if the IDP meetings are called in their respective traditional councils more input would be obtained from the residents of various traditional areas as residents know what their needs and priorities are. Traditional leaders emphasised that they need capacity development in so far as IDP is concerned.

4.3.6 Clarity on the roles of the traditional leaders and ward councillors

The traditional leaders agreed that if clarity of roles can be done all the parties would be in a position to work together towards a common goal. Currently there is conflict between the traditional leader (chief/headman) and the ward councillor. The chief and the councillor will each call a meeting to discuss service delivery issues, instead of jointly holding a meeting. The community is then split as some will attend the chief's meeting and others the councillor's. The second challenge to the traditional leaders effectiveness in service delivery is the infighting between them about positions. These conflicts affect service delivery.

The issue of unclear roles of traditional leaders and elected councillors was cited as the most common challenge facing the traditional leadership institution. Traditional leaders indicated that even Chapter 12 of the Constitution of the Republic of South Africa, 1996 is not clear as to what is expected of the traditional leadership institution. They indicated that the said Section 211 (1) and 212 (1) only provides for the recognition of traditional leaders and nothing is mentioned about their role and responsibilities. Section 81 of the Municipal Structures Act No. 117 of 1998 complicates the matter further by stating that traditional leaders should be called when issues of development in their areas are concerned. These sections do not clearly specify what the role of traditional leaders should be in the provision of services.

4.3.7   Potential areas of conflict between traditional leaders and councillors

All the traditional leaders interviewed stated that there are no overlaps in terms of functions between elected councillors and traditional leaders only grey areas that need clarification. This stems from the fact that traditional leaders are an age old structure of the community before the advent of local municipalities. Traditional leaders used to be the custodians of the land. The same goes for the municipality, the function of distributing land has been given to the elected councillor or chairperson of the civic

organisation. This has created problems as the chairperson will allocate land that was designated for grazing and there will be insufficient grazing land which leads to overgrazing. If the traditional leaders were involved in the allocation of land such problems could be avoided. Sometimes these overlaps cause confusion between the communities. The traditional leaders were of the opinion that if both parties (councillors and traditional leaders) can work together and forget about their egos more services could be delivered to communities.

4.3.8 Municipal support

The traditional leaders felt that to enhance service delivery in their areas more resources need to be afforded them. Currently, the Department of Local Government and Traditional Affairs is busy with the renovation of traditional councils and in the Mbhashe Local Municipal area two traditional councils have been renovated. This will put more pressure on traditional leaders to deliver services to people. More still needs to be done as some traditional councils do not have offices to operate from and this makes work difficult. Furthermore the municipality must make infrastructure development their priority as in some of the traditional councils there are no proper roads available. For traditional leaders to be able to do their job resources must be made available. To make traditional councils self-reliant, budgets must be made available and tourism be encouraged. Government must also assist in making sure that funds collected and used in the traditional councils are accounted for and thus training on accounting principles becomes another priority area.

All the traditional leaders agreed that their councils will never work without the support of the municipality for financial support and resource allocation. The Mbhashe Local Municipality including the Amathole District Municipality must join hands with traditional leaders to enhance service delivery in traditional communities.

4.3.9 Feedback to constituencies

All traditional leaders agreed that they report to their constituencies once a month. They indicated that although meetings are called on a monthly basis, sometimes there is nothing to report because of infighting in the council. This makes their work difficult as they are expected to unify the differing parties but sometimes things get tough as they are expected to be apolitical. The traditional leaders are expected to be neutral at all times. This does not augur well as some councillors see this as an opportunity to attack traditional leaders and for councillors to show that they are better positioned.

4.3.10 Areas to be improved to enhance delivery of services in traditional communities

As traditional leaders are trying to establish their positions as heads of traditional councils, the municipal council is countering by using other government departments such as Home Affairs for the registrations of births, deaths and social services. The traditional leaders find their endeavours are foiled as some councillors think that it is their duty to assist communities.

Other traditional councils have tried to establish development trusts to be able to solicit funding to develop their areas but as traditional councils are not yet recognised as areas of service delivery enhancement and due to the stigma attached to traditional leaders, this is proving difficult.

Since the area is agricultural in nature endeavours to establish partnerships with the Department of Agrarian Reform is about to bear fruit as tractors have been promised for the communities to till the land. All these activities are not achieved easily since the grey area between traditional leaders and the democratically elected councillors as not been resolved.

4.4   RESEARCH FINDINGS

Traditional leaders indicated that there are still areas of conflict between themselves and the democratically elected councillors. They indicated that some councillors were criticising traditional leaders for "selling out" during colonial rule and the apartheid era. This state of affairs is not conducive to trust between traditional leaders and elected councillors.

The leaders stated that elected councillors in some areas do not recognize them as partners in service delivery. Some leaders indicated that ward councillors called meetings without their knowledge and this resulted in fights between community members of the same village. In other instances the councillor will only identify people who side with him/her for employment opportunities.

Another finding was that Mbhashe Local Municipality does not utilise the traditional council as points of convergence on service delivery issues. Traditional Councils as indicated sit once a month and part of the agenda for these meetings is allocated to issues of service delivery. Therefore, councillors could utilise these meetings to discuss service delivery issues without the municipality having to spend money on hiring venues and calling people to central points. Traditional Councils, if utilised properly can assist in public participation since in some areas traditional leaders are still held in high esteem. This can assist in pooling resources together and avoid wasting money.

It was also revealed that in the development of the Integrated Development Plan traditional leaders are not fully utilised. Traditional leaders could give valuable input in the identification of development areas as they have intimate knowledge of the needs of his/her area. In some areas, councillors are utilising the leaders and according to the traditional leaders there is less conflict in these areas.

Another finding that was revealed was that some traditional leaders do not understand their role in their participation in the affairs of the municipal council. In terms of the Local Government Structures Act Section 81 Traditional Leaders are expected to participate in municipal councils as a way of deepening democracy. In terms of the said Act traditional leaders nominated to serve on councils must address council on issues of service delivery. According to the Guidelines on the Participation of Traditional Leaders in Municipal Councils, the leaders must participate in all the municipal committees so as to make sure that their issues are taken into consideration but seemingly their participation is not as seamless as the department had understood.

The interviewed traditional leaders were of the opinion that their presence in council was not appreciated as they are perceived as not being democratically elected therefore their views are not important. The understanding of the department of Local Government and Traditional Affairs was that municipal councils should utilise the expertise of traditional leaders in respect of their communities and this could lessen service delivery protests in those areas.

Another finding was that traditional leaders felt that they could do better than the elected councillors. This stems from the fact that traditional leaders have been around since time immemorial. Their understanding of the people and their needs and how they have survived the times of oppression enable them to talk to their subjects when times are tough and service delivery is occurring quickly enough. This could assist municipalities in providing quicker service delivery to the people.

.5 CONCLUSION

In this chapter various issues hampering service delivery were identified. The onus lies with the Department of Local and Traditional Affairs to intervene and to close the gap between these two parties. The Department has to make sure that traditional leadership institutions are properly utilised. In chapter 5 recommendations for addressing the issues identified in this chapter will be presented.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

This chapter deals with the conclusion to the study and makes recommendations to rectify the problem. The recommendations are based on findings raised in Chapter 4. There are five recommendations, namely, how to increase the capacity of traditional leaders; how to strengthen relations with government structures; how to make effective use of Traditional Leadership Institutions, how to improve support for traditional leaders; and, how to address areas of conflict to improve cooperation between councillors and traditional leaders. If these recommendations are implemented, the participation of traditional leaders in service delivery can be enhanced.

5.2 RECOMMENDATIONS

Traditional leaders are local community leaders responsible for a variety of activities in serving the interests of their people.

5.2.1 Recommendations for increased capacity of traditional leaders

Capacity development programmes should be developed to enable traditional leaders to deal with new challenges ahead. The Department of Local Government and Traditional Affairs in conjunction with other departments has started training programmes in areas like water services so that the leaders will be to deal with water shortages in their areas. A memorandum of understanding has been signed with departments such as Home Affairs for the registration of births and deaths. All these measures need the support of traditional leaders to succeed. Capacity building programmes will ensure that whoever is delegated functions, will be able to deliver at the required level and speed without fail.

Traditional leaders need to be capacitated in the following areas:

- **Conflict resolution**

  Some of the conflicts that are occurring in leadership institutions could be resolved within the family. An example is the conflict concerning the deposing of the AbaThembu King which is making headlines instead of the royal family sitting down and resolving the matter. Another example is the Nhlapho Commission, established in 2006/7, whose findings and recommendations include the downgrading of the status of several kingships such as Rharhabe to Principal Traditional Leadership status and the failure to recognise certain traditional leaders. Therefore, it is recommended that traditional leaders be capacitated in conflict resolution skills so that these issues can be easily resolved at the point of impact.

- **Presiding officer of Traditional Courts**

  A Traditional Courts Bill will be passed soon by Parliament; traditional leaders need to be trained in the procedures involved in the sitting and chairing of these courts, such training should include a variety of skills namely, listening, report writing and dealing with complicated cases.

- **Budgeting**

  Traditional leaders need to be skilled in areas of budgeting and finance. They are not used to handling large sums of money and once funds are made available to them, they must be able to account for the expenditure of those funds.

- **Gender issues**

  Leadership has traditionally been handed down to the male descendent and females have been disregarded; the Constitution recognises that women must be treated the same as men. Traditional leaders need to be trained to embrace change and accept women as partners in this institution. In some areas, women are not permitted to speak in the traditional council. Men will go to the kraal

where women are forbidden because of custom and culture to discuss the removal of a woman without giving her an opportunity to speak. Traditional leaders must be trained to understand the Constitutional imperatives of what they are doing.

- **Communication skills**

    Other areas that traditional leaders need to be capacitated are communication skills. To be able to give proper feedback to the community one must be able to understand the issues that were discussed and be able to communicate effectively to others. Presently, very little training to improve and enhance the skills of traditional leaders yet has been done. On the other hand, councillors in the different municipalities are being trained to enable them to deliver efficiently on their local service delivery political goals. This imbalance in skills development needs to be tackled now.

Traditional leaders who are above the age of sixty (60) should be encouraged to retire and afford younger and more energetic leaders an opportunity to lead. Although it is understood that traditional leaders do not retire, measures should be introduced to induce older traditional leaders to retire.

5.2.2 Recommendations for strengthening relations with government structures

Traditional Leadership Institutions are the same as any other local government structure (municipalities or wards). At community level, they interact with their people daily in the same way as Municipal Councillors. Therefore, it is necessary that Local Government Councillors should work together with Traditional leaders in their areas to enhance public participation of their communities and to eliminate the idea that traditional leaders and councillors are fighting over a meatless bone. For example, the Amathole District and Mbhashe Local Municipalities are working well with the Nqadu Kingdom and its Traditional Leaders. These two municipalities are providing technical assistance, where

necessary with regard to all projects at the Mbhashe Local Municipality hence such relations should be encouraged to make sure that traditional leaders are put on a par with councillors.

Traditional leaders stated that in view of the provisions of the Traditional Leadership Governance Framework Act of 2003 which provides for their functions, legislation governing the local government sphere should include traditional leaders. Clear separation of functions should be made to councillors, traditional leaders and community development workers.

5.2.3 Recommendations for effective utilisation of Traditional Leadership Institutions

Government has not succeeded in utilising Traditional Leadership Institutions as additional development nodes and service delivery centres. People still travel to urban centres to request services that they should be enjoying in their own areas. For instance, the registration of births and deaths, application for social grants, identity documents and old age pensions could be decentralised to traditional communities to increase accessibility. This will address the prevailing problems of ghosting with social grants and old age pensions as well as illegal issuing of identity documents. Traditional leaders know their people; therefore, they are better able to assist government in the identification of citizens and people who are unlawfully enjoying these grants and benefits.

Additionally, the following initiatives undertaken by government at both policy, legislative and operational levels give more meaning to the need to reposition these traditional leadership institutions in order to assist government in the delivery of services especially rural development as a key challenge in community development:

- **Rural development initiatives**

  Rural development initiatives are not sustainable if the contribution of traditional leadership institutions is overlooked. By working harmoniously with State Departments and other structures such as the Mbhashe Local Municipality and Amathole District Municipality, the traditional leaders of Mbhashe displayed the importance of partnerships and intergovernmental relations.

- **Promotion of rural livelihoods initiative**

  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.

Traditional leaderships should be integrated within the local government structures (district and local municipalities) and the role to be played by traditional leaders be clearly defined so that the grey area between traditional leaders and democratically elected councillors will be clarified.

The participation of women should be encouraged at all levels of traditional leadership. Although it is a cultural issue, some traditional practices run counter to the spirit of the Constitution of the Republic of South Africa which encourages and promotes the role of women in all spheres of life. Therefore, all cultural practices that ignore or neglect women must be discouraged and women should be nominated in all traditional leadership structures without prejudice. Traditional leaders could assist by calling traditional council Imbizos to sensitise residents about the importance of the IDP in the development of their areas.

5.2.4 Recommendations for improved provision of support to traditional leaders

Traditional Leadership Institutions need to be adequately financed by government failing which, these institutions should consider the possibility of generating their own resources. They should be provided with all requisite resources necessary for the pursuit of their functions. The Department of Local Government has started with renovation and construction of traditional councils for effective performance of traditional leaders. This gesture should not end there but should go further to provide other resources like connectivity, office furniture and other movable assets.

Investment opportunities should be made available to all traditional councils so that dependency on the government could be eliminated. Trust accounts or Development Agencies must be opened for all traditional councils so that development funds could be deposited into these accounts and be accounted for.   Twinning arrangements should be encouraged between traditional councils and municipalities with the main aim of developing these rural areas to be on a par with their urban counterparts.

5.2.5 Recommendations for addressing areas of conflict for improved cooperation

Cele (2011:13) states that apart from addressing areas of conflict in order to achieve co-operation there is also a need for these stakeholders to plan together. Planning can no longer be a separate activity excluding traditional leaders, but should be regarded as an integral part requiring equal commitment from traditional leaders and councillors to deliver services and prioritise development. In the case of land administration, it is important that the integrated development plans of municipalities must incorporate projects initiated or led by traditional leaders. The prioritisations which are implicit in this process will inevitably impact on the planning and participatory structures within municipalities. Other areas that both parties (traditional leaders and elected councillors) can cooperate on are:

- Participation of traditional leaders in the national and or provincial legislative process through the national or provincial house of traditional leaders (whether in the NCOP or in the Provincial legislature)

- Participation in executive intergovernmental structures such as intergovernmental forums and various Minister and Members of the Executive Councils.

- The houses of traditional leaders should be involved in the budgetary and financial resource allocation process at all spheres of government.

- Capacity development for traditional leaders in order for them to meaningfully participate in all these structures

- At a municipal level, traditional leaders must work with ward councillors; especially their participation in structures such as ward committees, IDP Forums, Community Police Forums, school governing bodies and all the local participatory structures will allow them an opportunity to influence processes.

Service delivery and economic development through land use and agriculture is crucial to improving the lives of rural communities within the context of nationally defined priorities of social transformation. It is imperative that local government and traditional leaders should relate to each other in forging a meaningful partnership thereby promoting transformational imperatives, notably development, transparency and accountability. It is only fair to acknowledge the influence traditional leaders have over certain communities in South Africa. Such influence must not be confused with power to govern which is conferred by the constitution on the sphere of local government (Cele 2011:13).

Traditional leadership forums such as Kings/Queens Councils, Principal Traditional Leader's Councils and other structures should be encouraged to sit and discuss issues pertinent to traditional leadership in their respective areas of jurisdiction. Issues like

conflict resolution, land issues and other developmental issues need to be discussed in these structures.

5.3 CONCLUSION

The belief from Cele (2011:14) that lessons learnt globally compel us to acknowledge the influence traditional leaders have over certain communities in South Africa is really true. Traditional leaders can contribute to local governance through the use of their legitimate influence over the people to promote development and responsible citizenship. Combined, the power of government and the influence of traditional leadership on community development issues can produce much desired achievements at local government level.

It can be concluded that given the chance and opportunities traditional leaders in and around Mbhashe can do a lot to better the lives of the people of Mbhashe Local Municipality. The challenge remains that there is no Constitutional guideline for traditional leaders in local government, all the functions that are supposed to be performed by traditional leaders with the exception of the role of tradition, customs and culture are delegated to municipalities and this leaves traditional leaders at the mercy of councillors whether they are usefully employed to assist with the community. This situation needs to be remedied as traditional leaders are an important stakeholder in any development initiative in the rural areas. Among challenges identified by traditional leaders in Mbhashe Local Municipality, the problem of the past still haunts them even though South Africa is in its 18th year of democracy.

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| All communications to be directed to the Municipal Manger File Ref. No. 8/2 | *Municipality of Mbhashe* | | *Umasipalathi wase Mbhashe* | Zonke linkcukacha mazibhekiswe ku Manejala Ref. 8/2 |

MUNICIPAL OFFICES
P O Box 25
DUTYWA
5000
Phone 047 489 5800 Fax 047 498 1137

26 June 2012

Faculty of Arts
NMMU
Port Elizabeth

RE: PERMISSION TO CONDUCT RESEARCH STUDY AT MBHASHE LOCAL MUNICIPALITY

This is to inform you that your request to conduct interviews within the municipality for your research has been accepted.

Please ensure you give adequate notice to all people you intend to interview

Yours in service delivery

....

M. Somana
Municipal Manager

ANNEXURE B

INTERVIEW SCHEDULE FOR THE TRADITIONAL LEADERS AT MBHASHE LOCAL MUNICIPALITY

1. What is your general view about service delivery in traditional communities?
2. What could be the cause of lack of service delivery in these communities?
3. In your view do you think the municipality affords traditional leaders sufficient space to participate in the municipal processes?
4. Did you take part in the Integrated Development Planning and development projects of your area/traditional council?
5. If you were not involved, why do you think you were not invited to participate?
6. What do you think hinders the proper functioning of traditional leaders in enhancing service delivery in traditional communities?
7. Are the roles of the traditional leaders vis a vis the councillors clear?
8. What can be done to clarify those roles?
9. In your view, do you think there are overlaps in the roles and responsibilities of the traditional leaders and democratically elected councillors?
10. If there are overlaps, what impact do they have on the relations between traditional leaders and democratically elected councillors?
11. In your view do you think traditional leaders are skilled enough to enhance service delivery in their traditional communities?
12. Are there specific areas of intervention that you think can be introduced to enable traditional leaders to function properly?
13. Do you think traditional councils are adequately resourced to carry out their mandates?
14. What could be done better to assist traditional councils to have adequate resources?
15. Do you think the traditional councils get the necessary support from the municipality?
16. Since your participation in municipal councils, how often do you provide feedback to your constituency?
17. What other issues do you think need to be improved?

THANK YOU FOR YOUR PARTICIPATION!

ANNEXURE C

INTERVIEW SCHEDULE FOR THE SPEAKER AND THE MAYOR OF MBHASHE LOCAL MUNICIPALITY

MONITORING TOOL FOR PARTICIPATION OF TRADITIONAL LEADERS IN MUNICIPAL COUNCILS

This interview schedule has been developed to assist the researcher to identify the level of participation of Traditional Leaders in municipal councils in the enhancement of service delivery in the Mbhashe Municipality.

Please indicate your impressions of the questions listed

A. GENERAL PARTICIPATION

1. Do traditional leaders participate in the sub - committees of council that drive council business?
2. Describe their role in the sub committees:

   In the council/ sub committees, have they made any proposals/motions?
3. What were the motions/ proposals about?
4. Were the motions/ proposals taken / considered?
5. If the motions were dismissed, were reasons given to the traditional leaders?
6. In your observation, do you feel that the council/ municipality sees value in their participation?
7. How is the value shown?
8. What do you think are the reasons therefore?

B. LOGISTICS

9. How are traditional leaders informed of the council meeting? (phone call /fax/sms?
10. Are inputs for the agenda items requested from traditional leaders?
11. How do traditional leaders receive the agenda / minutes of council meeting?

12. When (approximate days) do they receive the agenda / minutes of council meeting?

C. CAPACITY BUILDING

13. Have traditional leaders been inducted/ orientated by the Municipality?

14. What were they inducted or oriented on?

15. Are there identified skills lacking (such as operating a laptop computer) that hinder traditional leader's participation in the municipality?

16. Have the traditional leaders made any requests to be capacitated on the identified gaps?

17. Have the traditional leaders been sworn-in into the council?

D. CO-ORDINATION

18. Who co-ordinates the activities of the traditional leaders in municipality?

19. Do all Traditional Leaders attend council meetings as expected?

20. What do you think (if some are not attending) could be the reason for not attending the council meetings?

21. Do you convene meetings with other Traditional Leaders so as to get their views on matters raised in council?

22. Are you aware of traditional leaders who have resigned in the municipality?

23. Did they state the reasons for their resignation?

24. In terms of service delivery issues, do you think traditional leaders understand their roles? If no, what do you think the municipality should do to ensure that traditional leaders understand their roles in enhancing service delivery?

25. Does your municipality involve traditional leaders in the development of the Integrated Development Plan (IDP)?

26. In your municipal budget are there funds set aside for the development of traditional communities in partnership with traditional leaders?

27. How do the relations between ward councillors and traditional leaders in Mbhashe Local Municipality affect service delivery in traditional communities?

28. Have you received any reports on the matter?

29. What are the commonly reported issues?

30. What do you suggest should be done to improve these relations to remedy this situation?

31. The Traditional Leadership Governance and Framework Act assign Traditional Leaders some functions in relation to service delivery in their traditional communities such as issues of traditions and customs. Do you involve traditional leaders in organising related events such as cultural days?

32. What other issues do you think need to be addressed?

Thank you for participating in this research project!

ANNEXURE D

Faculty of Arts

NMMU

Tel: +27 (0)40 609 5736/7 Fax: +27 (0)40-6095936

E-mail: zbokwe@gmail.com

Date 20 June 2012

The Speaker

Mbhashe Local Municipality

P.O. Box 25

Idutywa

5000

Dear Sir

RE: REQUEST FOR PERMISSION TO CONDUCT RESEARCH STUDY AT MBHASHE LOCAL MUNICIPALITY

I am a student at Nelson Mandela Metropolitan University, completing a programme on Master of Public Administration. As you might be aware that any post graduate study involves the completion of a Treatise/ Dissertation or Thesis, it is against this background that permission is requested to undertake research in your municipality.

The title of my Treatise is: **THE ROLE OF TRADITIONAL LEADERS IN ENHANCING SERVICE DELIVERY IN THE MBHASHE LOCAL MUNICIPALITY,** and is undertaken under the supervision of **Ms. P.N. Mfene**.

The objectives of this research are to:

1. **To examine the roles and responsibilities of traditional leaders in enhancing service delivery in their traditional communities.**

2. **To investigate problems facing service delivery in traditional communities.**

3. **To examine ways to better the relationship between the traditional leadership structures and the democratically elected structures.**

4. **To make recommendations to the Department of Local Government and Traditional Affairs, the Provincial House of Traditional Leaders and the affected municipalities areas about the role of traditional leaders in service delivery initiatives of their traditional communities.**

The research study shall make use of interviews with key selected participants/ respondents chosen from your municipality. The potential respondents/ participants will include the Speaker, Mayor and Traditional Leaders participating in the municipal council. The study will be beneficial to the municipality as the results and recommendations will assist the municipality in understanding how the traditional leadership institutions functions and how best to utilise the services of traditional leaders in partnership with ward councillors in the enhancement of service delivery in traditional communities.

The ethical research principles will be strictly adhered to throughout the research process so as to maintain a high standard of work ethic and high quality of the research being undertaken. The information obtained will be used only for the research purpose and will ensure anonymity and confidentiality of potential research participants.

I therefore request the granting of permission to interview and collect the necessary information from the participants.

Your kind assistance in granting of the permission will be highly appreciated.

Yours faithfully

Abel Zingisa Bokwe

RESEARCHER

S E JEFFERYS EDITORIAL SERVICES

2012-11-23

TO WHOM IT MAY CONCERN

This serves to confirm I have completed Mr. Bokwe Zingisa's work and the necessary corrections have been made to my satisfaction.

Yours sincerely

S E Jefferys