The Role of Traditional Leadership in Service Delivery! By: Julie Day

Introduction

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 as a result traditional leaders had no choice other than to follow the governments divide and rule approach (Khan and Lootvoet, 2001:1). Yet with the emergence of democracy in 1994, the institution of traditional leaders, which had been 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 need to adopt the role as a fundamental actor in local level service delivery attracted a great deal of interest at a National level where 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 their roles surrounding service delivery became blurred. Finally nine years after the dawn of democracy the government implemented the Traditional Leadership and Governance Framework Act 41 of 2003 in an attempt to define the place of Traditional Leadership in South Africa (Tshehla, 2005:2). In an endeavor to explore the relationship between the institution of traditional leadership and service delivery, this discussion will be divided into three sections which correspond with three roughly defined periods of time commencing with traditional leaders roles in the apartheid era and slowly working its way to the present day situation in which traditional leaders find themselves. The paper will therefore begin by looking at the institution of traditional leaders service delivery roles or lack thereof during the Apartheid era, it will then go on to draw largely on the works of Khan and Lootvoet (2001) who have extensively studied the relationship between tribal authorities and service delivery in the Durban Uni-City in an attempt to investigate traditional leaders uncertain roles in the period between 1994 and 2003. The last section will then go on to explore traditional leader's newly defined roles in service delivery following the introduction of the Traditional Leadership and Governance Framework Act 41 of 2003.

The absence of service delivery roles during the colonial and apartheid eras

Having some degree of knowledge of the history of traditional leadership in South Africa could prove to be of some assistance when it comes to trying to understand and comprehend the positions and roles adopted by present day traditional leaders (IPT, 2006). As mentioned above this discussion will begin by exploring the role or lack thereof of traditional leadership in service delivery in the Apartheid era. 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). During the 19th century traditional authorities endured a period that was characterized by a great number of changes. This period of flux and change was followed by the introduction of the Black Administration Act of 1927 (IPT, 2006). This Act awarded colonial and apartheid governments the power to not only select and appoint traditional authorities but to also designate or relocate the traditional authority's areas of jurisdiction (IPT, 2006).

The ascendance of the Nationalist Party to power was followed by further changes in the form of attempts on the part of the government to extend their control over traditional leader's authority and jurisdiction through the introduction of additional regulatory measures (Khan and Lootvoet, 2001:2). One such measure appeared in the form of the Black Authorities Act (No 68 of 1951). Under the provisions included within the Black Authorities Act traditional leaders assumed the central position of leader at not only a tribal level, but at a regional as well as territorial level. These provisions 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 of appointment on the basis of hereditary descent was abolished; according to 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).

Moreover, the traditional methods used to appoint tribal councilors were disregarded; very few councilors were elected due to the fact that the chief appointed a large percentage of the councilors. Consequently, tribal authorities were dispossessed of the pre-colonial regulatory measures and systems that were previously used to temper tribal chief's powers (Khan and Lootvoet, 2001:3).

During the colonial era, chiefs were incorporated into the colonial government's administration. The very fact that the colonial administration remunerated chiefs on the basis of their position as a traditional leader, as well as the way in which the colonial government not only restricted and defined chiefs roles and duties points to the fact that for all intense 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 the 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 resided over (Palmary, 2004:12). Moreover, in pre-colonial times, there were systems and channels in place that allowed communities to contest chief's decisions and actions. Traditional authorities were therefore accountable to their communities. These systems were displaced under the colonial and Apartheid regimes (Palmary, 2004:12). During the Apartheid era the tribal authorities power was significantly reduced, their only real form of power came in the form of their ability to allocate and distribute land. In accordance with the Apartheid government's influx controls which governed the areas in which African population could reside, Africans could only settle and claim land within the within the areas designated as rural homelands(Khan and Lootvoet, 2001:3). Tribal leaders, however, had the final say in terms of not only who owned land, but also who lived on the land as the Apartheid government afforded tribal leaders the authority to dismiss people from these areas (Khan and Lootvoet, 2001:3).

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

During the Apartheid era the government effectively restricted traditional leader's powers to such an extent that they did not have the authority or the capacity to address development issues. As a result traditional leaders sought alternatives means, for example traditional leader pursued their interests under the auspices of political parties, in order to gain recognition (Khan and Lootvoet, 2001:3). In short during the colonial and apartheid era, the institution of traditional leadership was swept aside to the periphery of white South African state where it remained in a state of under development while traditional leader were dispossessed of any form of role in the delivery of services (Khan and Lootvoet, 2001:4).

Escalating uncertainty surrounding the institution of traditional leaders and service delivery in the period between 1994 and 2003

In the period following the establishment of South Africa's new government in 1994 and the passing of the Traditional Leadership and Governance Framework Act in 2003 a great deal of attention was focused on issues and questions surrounding traditional leader's roles and responsibilities. Yet the wide scale deliberations, which ensued, achieved very little in terms of clarifying traditional leaders roles when it came to the delivery of services in tribal areas. As of 2001, there were an estimated 800 ruling chiefs as well as 1000 headsmen in South Africa, at the time 40% of South Africa's population fell under the authority of these traditional leaders, moreover a large proportion of these South Africans were living in rural areas (Khan and Lootvoet, 2001:4). With these facts in mind, the new South African government identified the importance of traditional leaders and thus 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 Constitution of the Republic of South Africa, 1996, dedicates a somewhat short Chapter, Chapter 12 Sections 211 and 212, to the institution of traditional leaders. Under the title "Recognition", Section 211 states:

(1) The institution, status and role of traditional leadership, according to customary law, are recognized, subject to the Constitution.

- (2) A traditional authority that observes a system of customary law may function subject to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs.
- (3) The courts must apply customary law when that law is applicable subject to the Constitution and any legislation that specifically deals with customary law.

(Constitution of the Republic of South Africa, 1996:119)

Moreover in terms of the roles of traditional leadership Section 212 states that:

- (1) National legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities.
- (2) To deal with matters relating to traditional leadership, the role of traditional leaders, customary law and the customs of communities observing a system of customary law –
- a. national or provincial legislation may provide for the establishment of Houses of Traditional Leaders; and
- b. national legislation may establish a Council of Traditional Leaders.

(Constitution of the Republic of South Africa, 1996:119)

Despite having gone to great lengths to acknowledge the role and place of traditional leaders in South Africa, in terms of local level functions the Constitution fails to identify the traditional leader's specific roles and responsibilities (Khan and Lootvoet, 2001:4). Section 212 (1) successfully illustrates this problem. Under this section the Constitution states that "national legislature may provide a role for traditional leaders at local level" therefore this section ultimately points to the fact that the traditional leaders responsibilities and position are left to the interpretations of national government (Khan and Lootvoet, 2001:4). Confusion around the roles of traditional leaders was further compounded by Section 212 (2), which allows for the creation of Houses of Traditional Leaders. With the exception of Gauteng, Northern Cape and the Western Cape, there were homelands situated in the remaining six provinces subsequently a House of Traditional Leaders have been established in these six provinces (Tshehla, 2005:5). Each of these houses send representatives to the overarching national House of Traditional

Leaders. In effect these houses have been afforded the position as custodian or guardians of African tradition and cultures. When it comes to matters pertaining to traditional communities, traditional leadership as well as customary role, the house of traditional leaders is called in to serve an advisory role at both national and provincial level (Tshehla, 2005:1). Yet despite the Constitutions attempts to make provisions for the roles of traditional leaders, their specific roles, certainly in terms of service delivery at a local level within the tribal areas remained ambivalent.

During the course of the first decade of democracy, the South African government pursued a process of democratization in which efforts were made to deconstruct tribal authorities as the locus of power in rural areas by embarking on local government reforms as well the restructuring of land administration (Ntsebeza, 2005:2). In line with the democratization of local government, government produced the much-anticipated White Paper on Local Government in 1998. True to form, however, the White Paper failed to revise any areas pertaining to traditional leadership. If anything, the White Paper did little more than outline the institution of traditional leadership's position under the previous Apartheid regime (Khan and Lootvoet, 2001:5). For want of a new national strategy, the White Paper provided the only form of interpretation of traditional leader's functions. At best these functions remained broadly defined, for example traditional leaders responsibilities in terms of development issues within local areas and issues pertaining to local community concerns were relegated to providing suggestions on distribution of land; the resolution of land disputes; urging state departments to assist in the development of areas under their jurisdiction; encouraging traditional constituents to engage themselves in areas of decision making pertaining to development as well ensuring that the constituency makes financial contributions to ease the expenses incurred in the name of development; and lastly reviewing as well as suggesting proposals that deal with trading licenses (Khan and Lootvoet, 2001:5). The White Paper on Local Government thus highlights traditional leader's lack of authority when it comes to making decisions concerning development and service delivery, with the exception of incidences whereby the traditional leaders roles are similar to those carried out by municipalities (Khan and Lootvoet, 2001:5). One must note however, in a situation

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

Additionally in accordance with the democratization of local government, the government announced that before new types of local government could be introduced, it was necessary to set about revising municipal boundaries as well as demarcating new boundaries (Khan and Lootvoet, 2001:7). The demarcation process has had a number of implications for traditional leaders. The demarcation of Durban Metropolitan Area (DMA) provides a useful illustration of the demarcation process and its accompanying challenges for traditional leaders. Following the demarcation of the Durban Metropolitan Region (DMR), which occurred shortly before the 2000 municipal elections, the DMR's surface area was expanded by 68% to include a number of previously outlying rural and semi rural areas (Khan and Lootvoet, 2001:9). More importantly, however, most of these areas had previously been designated as tribal land. In total there were sixteen traditional authorities in the newly incorporated areas alone that exercised their customary rights within the boundaries of these areas (Khan and Lootvoet, 2001:9). In the face of the inclusion of these rural areas into the greater metropolitan area, traditional leaders were also confronted by challenges in the form of amendments made to the Municipal Structures Act (1998) (Khan and Lootvoet, 2001:10). The amendments sparked wide scale objections from traditional leaders who recognized that the proposed amendments to the Act succeeded in further limiting traditional leader's functions in local government to the sphere of customary laws and community related issues. Angry traditional leaders drew parallels between the amendments proposed functions and those functions that had previously been instituted under the apartheid government (Khan and Lootvoet, 2001:10).

The critical point of contention for traditional leaders in terms of the Municipal Structures Bill (1998) was the fact that the Bill omitted to provide traditional authorities

with a means with which to participate in the municipal councils that emerged following the demarcation process that incorporated former tribal areas (Khan and Lootvoet, 2001:10). In short traditional leaders felt that while the Bill incorporated areas in which traditional leaders had vested tribal interests the Bill successfully excluded traditional leaders from having a say in the governing of these areas (Khan and Lootvoet, 2001:10). In lieu of offering traditional leaders a direct form of participation, the Bill structured the municipal councils in such a way that it allocated a mere 20% of the traditional leaders, whose tribal area was incorporated into a particular municipality, positions as observers within the council (Khan and Lootvoet, 2001:10). The problem with this, continuing with the use of the example of the Durban, is that this means that only three or four traditional leaders out of approximately sixteen traditional leaders whose land was incorporated into the larger municipality were offered a watered down version of representation (Khan and Lootvoet, 2001:10).

The general consensus among traditional leaders was that the establishment of new authority structures being implemented in these municipalities would effectively overrule and in doing so overshadow the functions carried out by traditional leaders, moreover they were concerned that people would perceive them as being puppets at the end of the local governments strings as opposed to viewing traditional leaders and their authority as drivers of the vehicles of development and change(Khan and Lootvoet, 2001:10). Traditional leaders argued that once municipal authorities started carrying out their responsibilities and initiated the delivery of services in areas previously under the traditional leader's jurisdictions then the traditional leader's power and authority would become diminished (Khan and Lootvoet, 2001:10).

Returning to Khan and Lootvoet's example of the demarcation process in Durban, it becomes apparent that there were further complications pertaining to traditional leaders, and the issue of service delivery in areas that had previously been traditional areas (Khan and Lootvoet, 2001:12). The Durban Metropolitan Region has been organized into eighteen wards, which encompass the above-mentioned sixteen tribal areas (Khan and Lootvoet, 2001:12). It has become apparent that the demarcation of these wards did not

correspond with the boundaries of tribal areas. As a result two situations occurred. On the one hand a number of wards, for instance, were extended into various traditional areas, consequently one ward councilor would often find that it was necessary for him/her to discuss matters with not one but possibly two or three traditional leaders (Khan and Lootvoet, 2001:12). On the other hand situations also arose whereby an extensive tribal area ran into a number of wards (Khan and Lootvoet, 2001:12). Thus when it came to deliberating issues pertaining to service delivery, there were a number of actors involved in what became a complicated process. Therefore due to the fact that the government had not yet produced a policy dedicated to defining traditional leaders role with regards to the delivery of services, traditional leaders had no other choice other than to individually negotiate strategies with ward councillors in an attempt to not only emphasize their hegemony within their respective areas but to also protect themselves from the danger of becoming completely marginalized (Khan and Lootvoet, 2001:1).

The demarcation process has also resulted in another serious problem for traditional leader's role in service delivery, which appeared in the form of tribal areas inhabitants' lack of access to services. Demographically speaking, a large percentage of Durban's population are Indian, yet having studied the tribal areas extensively Khan and Lootvoet maintain that Indian communities do not reside in the tribal areas that fall within the metropolitan municipality(Khan and Lootvoet, 2001:13). Instead these tribal areas are home solely to black South Africans. In the tribal areas, the household's size has been calculated to stand at 5.4 people as opposed to 4.1 people per household in other areas of the municipality (Khan and Lootvoet, 2001:13). Moreover the average age of inhabitant of the tribal areas is notably younger with 47% of tribal areas population being made up of children under the age of ten, and a mere 9.8% of the population over the age of 50 years(Khan and Lootvoet, 2001:13). In areas previously known as the Durban Metropolitan Area (DMA), only 36.6% of the inhabitants were less than ten years old, while 13.5% of the population were over the age of fifty (Khan and Lootvoet, 2001:13). Given that age patterns are generally linked to levels of employment in areas, it would appear that for every six inhabitants living in the tribal area only one of those six people is in effect gainfully employed. In terms of the affordability of public services, the low employment levels and the evidence of poverty within tribal areas proved to be problematic (Khan and Lootvoet, 2001:13). Given that a mere one in four households received an annual income of over R18 000 and more importantly that 21.8% of households in these tribal areas do not possess incomes and thus do not declare their incomes one begs the questions as to whether or not the inhabitants of traditional areas have sufficient income to access basic services such as electricity and water (Khan and Lootvoet, 2001:13). When compared to the other areas that constitute Durban, there are drastically lower levels of accessibility to these basic services in the tribal areas. While the tribal areas experienced some increases in accessibility to services, only one in five households had access to a legitimate source of running water (Khan and Lootvoet, 2001:14).

In the absence of both policy on traditional leaders role in service delivery and in the presence of uneven levels of accessibility to services within the metropolitan municipality, Khan and Lootvoet observed that traditional leaders established their own strategies and approaches to prevent themselves from becoming marginalized by integrating themselves within services delivery related deliberations and issues as essential "interlocutors" (Khan and Lootvoet, 2001:14). In the 1980's traditional leaders had become instrumental in establishing development committees which were still active when the government introduced the Reconstruction and Development Programme (RDP) in 1994 (Khan and Lootvoet, 2001:14). Subsequently the majority of the traditional leaders within the DMR have established development committees that are made up of related sub committees that each dealt on their own problem areas such as water or electricity (Khan and Lootvoet, 2001:14-15). Moreover Khan and Lootvoet maintain that these development communities that emerged under the guidance of the traditional leaders operated more efficiently and effectively when compared to the Community Development Forums created by local government in an attempt to encourage citizen participation in the implementation of local government (Khan and Lootvoet, 2001:15). It is interesting to note, as does Khan and Lootvoet that the traditional leader's integration into development and service related matters were not restricted to the case study of Durban. In a study conducted in KwaZulu-Natal on rural communities during the 1990's, Mary Galvin noted that in the event that traditional leaders did not feel threatened, most traditional leaders embraced development initiatives (Khan and Lootvoet, 2001:15). Galvin also observed that the success of the development initiatives was linked to the projects acknowledgement of traditional leaders in the preparation and endorsement of the project (Khan and Lootvoet, 2001:15). Khan and Lootvoet therefore assert that regardless of whether or not tribal leaders welcomed development projects as well service delivery related issues, they were inclined to attempt to retain control of the projects in order to use these projects as way for them to assert, bolster and protect their positions in communities (Khan and Lootvoet, 2001:15).

It would appear then that during the period of 1994 to 2003, the role of traditional leader in terms of service delivery did in fact become increasingly blurred. The government's failures to provide comprehensive policies or legislature specifically outlining traditional leader's responsibilities with regards to rendering services at 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 marginalized.

The introduction of the Traditional Leadership and Governance Framework (Act 41 of 2003), 2003 and beyond

Having explored traditional leaders position in relation to service delivery during the Apartheid era as well as during the period between 1994 to the 2003, the final section will go on to look at how nine years after the dawn of democracy in South Africa, the role of traditional leaders still remained ambivalent .Therefore in an attempt to address the question of traditional leadership in South Africa parliament passed the Traditional Leadership and Governance Framework (Act 41 of 2003). While the Constitution, recognizes the importance of traditional leaders and their role in South Africa, the Act is of great significance because it commits government to not only 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).

In accordance with government efforts to define the role of traditional leaders, the Act, Section 20 (1)(a-n) specifically acknowledges traditional leaders roles in a number of important areas such as "safety and security, administration of justice, arts and culture, land administration, agriculture, health, welfare, the registration of births, deaths, and customary marriages, economic development, environment ,tourism, disaster management, the management of natural resources and the dissemination of information relating to government policies and programmes" (Tshelhla,2005:2). According to the Act, the institution of traditional leadership appears to be a multifaceted one that is concerned with governance issues at a local level.

More importantly, however, with regards to traditional leaders role in service delivery the Act provides a specific framework in which traditional leaders relations and associations with elected authorities must be monitored and governed (Tshehla, 2005:2). The Act thus states under the heading "Partnerships between municipalities and traditional councils" that

- "5. (1) The national government and all provincial governments must promote partnerships between municipalities and traditional councils through legislative or other measures.
- (2) Any partnership between a municipality and a traditional council must:
- (a) be based on the principles of mutual respect (and recognition of the status); and
- (b) be guided by and based on the principles of co-operative governance.
- (3) A traditional council may enter into a service delivery agreement with a municipality."

(Tshehla, 2005:2).

The Traditional Leadership and Governance Framework Act (Act 41 of 2003) appears to be a concerted effort on the part of government to define the role of traditional leaders by suggesting that traditional leaders should be active participants in not only local

government development initiatives but also local government service delivery. While government ministers, such as Acting Provincial and Local Government Minister Penuell Maduna, held great expectations that the proposed partnership between local government's municipalities and traditional leaders will endeavor to make progress in terms of increasing and advancing service delivery particularly in rural areas, Tshehla (2005) is of the opinion that the rather late arrival of the Act, nine years after the new government came to power, has allowed uncertainties surrounding the role of traditional leaders to escalate to such an extent that these uncertainties have had a negative effect on rural, traditional communities (BuaNews, 2003; Tshehla, 2005: 3). A reoccurring theme, which appears to surfaces in traditional leader's deliberations and debates, appears in the form of traditional leader's disappointment and frustration with elected, local level councillors. It is not the least bit surprisingly, however, that on the side of the coin, councillors also argue that traditional leaders impede and hinder service delivery (Tshehla, 2005:3). Tensions between these two groups can often be attributed to the overlapping of councillor's roles with that of traditional leaders in a context whereby there was no set framework for the governing of relations between two sides (Tshehla, 2005:3).

Yet when one delves deeper in an attempt to unpack both sides of this coin, the reasoning behind each of these sides' positions becomes apparent (Tshehla, 2005:3). Unlike traditional leaders whose incumbency rests on traditional forms of social ordering, councillors, who have achieved their position in office due to the fact that they made certain commitments to their constituents, tend to perceive traditional leaders as obstacles in their path to fulfilling their promises and achieving their objectives (Tshehla, 2005:1, 3). Tshehla argues that councillors feelings are understandable given that it would not appear to be fair for the electorate, who have voted the councillor in to office on the basis of the councillors commitments to the electorate, to face the possibility that traditional leaders in their respective areas may not only impede service delivery but also question the councillors right and authority to initiate development programmes within these areas (Tshehla, 2005:3). Again if one looks at the other side of the coin at the traditional leaders side of the story, one finds that a large proportion of traditional leader,

particularly those that are members of the Congress of Traditional Leaders of South Africa (CONTRALESA), advocate that traditional leaders should be the sole institution or body responsible for the governing tribal areas and their communities (Tshehla, 2005:3). Councillor's feelings as well of those of the traditional leaders are thus quite understandable (Tshehla, 2005:3).

While the Act offers a framework that outlines guidelines for cooperation and coordination between councillors, who appear as one form of governance at a local level, and traditional leader, who appear as another form of governance at a local level, at the end of the day the greatest challenge facing these two spheres will be to ensure that, as Tshehla puts it, "the spirit of the Act prevails" (Tshehla, 2005:3). Acting in conjunction, the municipalities and traditional leaders could achieve this by embarking on concerted, cooperative efforts to outline key priorities in terms of service delivery at a local level (Tshehla, 2005:3). Moreover, related to the issue of making sure that traditional leaders and other agencies cooperate and collaborate is the issue of having to also ensure that traditional leaders are made accountable for their actions. One needs to confront the issue of having to prevent traditional leaders from employing service delivery as a means with which to compel communities to adhere to and comply with certain procedures, customs as well as practices (Tshehla, 2005:3). These fears stem from evidence that traditional leaders maintain that it is necessary for community members to meet certain requirements or carry out specific practices, for example, presenting the traditional leader with a present, in order for the traditional leader to carry out a function. An example of one such function could be presiding over or performing a marriage ceremony (Tshehla, 2005:3). In the event, however, that the state not only pays traditional leaders for carryout out certain functions and services, but also in the event that the state is committed to administering traditional offices and council then it would neither be right nor fair, for that matter, for people to be obliged to render additional payments for certain services (Tshehla, 2005:3). In effect, as Tshehla, aptly put it this would be equated to "double taxation" (Tshehla, 2005:3).

Despite the presence of this Act there still appears to be problems with regards to traditional leader's role in service delivery. These problems stem not only from different traditional leaders dissatisfaction with government but also from issues related to differences in traditional leaders and local governments priorities or focus. For instance Sindane (2001) pointed out that Contralesa maintains that the institution of traditional leadership should be viewed as "a third sphere of local government" (Sindane, 2001:14). One time Chairperson of Contralesa and the Eastern Capes House of Traditional Leaders, Nkosi Mwelo Nonkonyana, pointed out that Contralesa argues that local government should be organized into three spheres, firstly, the metropolitan and local government, the town/village municipal council and thirdly traditional authorities (Sindane, 2001:15). This three-tiered structure, according to Nonkonyana, is imperative because Contralesa is of the opinion that within a town or even a community for that matter, traditional authorities and local authorities are very different. The main difference, according to Contralesa, stems from the fact that traditional authorities assume the form of a social system (Sindane, 2001:15). Traditional authority's role is to manage, observe and monitor not only social behavior but also relationships in a traditional community that falls within the traditional authority's jurisdiction, while local authorities are preoccupied with service delivery (Sindane, 2001:15). 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 behavior within their communities.

Moreover despite the passing of the 2003 Act, there continues to be a great deal of criticism surrounding government's treatment of traditional leaders by the likes of Mangosuthu Buthelezi. Buthelezi, who is the current chairperson of the House of Traditional Leaders of KwaZulu- Natal, recently 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 was insufficient discussions and consultations between government and traditional leaders in the drafting of the KwaZulu-Natal Traditional Leadership and Governance Act of 2005. This particular Act, like the Traditional Leadership and Governance Framework Act (Act 41 of 2003), attempts to promote and facilitate the coordination and cooperation of District Municipalities with

the District Houses of Traditional Leaders, specifically in terms of service delivery (SABC News,2007). An indignant Buthelezi stated that he feels that traditional leaders do not have sufficient reasons or motivations to enter into cooperative agreements with agencies such as the municipalities and thus they still require motivation to do so (SABC News, 2007).

Over the years, the institution of traditional leaders have been subjected to a great number changes not only in terms of their functions in general 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. Coming out of the Apathetic 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. Therefore in the face of great deal of uncertainty surrounding the role of traditional leader as well as in the absence of a local government policy on traditional leaders role in development initiatives and service delivery, traditional leaders came up with strategies to assume the role of an interlocutor in an attempt to avoid being excluded from the sphere of local governance. In an endeavor to minimize the escalating uncertainty surrounding traditional leaders roles, the government introduced the Traditional Leadership and Governance Framework Act (Act 41 of 2003), which has gone a long way to define the role of traditional leaders in service delivery by proposing partnerships between local government and traditional leaders in order to improve service delivery. While the Act does present a concerted effort on the part of the government to promote and protect traditional leaders position with local government and service delivery, not all traditional leaders are satisfied or even convinced by the government's actions therefore the issue of traditional leaders role in service delivery remains a contested one.

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