

**UNIVERSITY OF NORTH-WEST
FACULTY OF SOCIAL SCIENCES
DEPARTMENT OF DEVELOPMENT STUDIES
MAFIKENG**

RESEARCH TITLE

**THE ROLE OF TRADITIONAL AUTHORITIES IN THE RURAL
DEVELOPMENT PROCESS OF LEHURUTSHE DISTRICT: PROBLEMS
AND PROSPECTS.**

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**A DISSERTATION SUBMITTED IN FULFILMENT FOR THE DEGREE OF
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AT THE UNIVERSITY OF NORTH-WEST.**

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DATE SUBMITTED : NOVEMBER 1998

DECLARATION

"I declare that the dissertation for the degree of Masters in Development Studies at the University of North-West hereby submitted, has not previously been submitted by me for a degree at this or any other university, that it is my own work in design and execution and that all material contained herein has been duly acknowledged."

ABSTRACT

South Africa's local government transformation which began in the 1990's and local government election held in November 1995 and June 1996 cemented the transition from apartheid to democratic local government. This transformation has, however, failed to come up with a realistic and broadly accepted rural local governance model which is capable of service delivery in rural areas. This transition has also failed to clarify the roles of traditional authorities in rural local governance. The consequence has been that elected structures and traditional structures have become hollow shells, rather than strong representative bodies with the capacity to deliver services or even to orchestrate delivery. This has also resulted in these structures engulfing themselves in the struggle over which structure should have authority to represent and deliver services to rural communities.

An appropriate local governance model or system in South Africa's rural areas should have the potential to unlock many of the institutional impediments to rural development. Although such a potential has been acknowledged in the government and the organization policy documents, insufficient attention has been given to developing a model for rural local governance.

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This thesis explores the role of traditional authorities in the rural development process in the Lehurutshe region of the former 'Republic of Bophuthatswana' in the North West Province. The point of departure is that traditional authorities will continue and play a critical role in the development of their communities. Consequently, there is a pressing need for their incorporation in rural local governance, if sustainable rural development is to be achieved.

It is believed that an understanding of the roles and functions played by traditional authorities is important to the current efforts of local government restructuring process in rural areas. The study highlights the complex challenges facing rural local governance in South Africa and thus provides an exciting focus for Development Studies and rural local governance debates in South Africa.

"WHEN THE POOR RISE THEY WILL RISE AGAINST ALL OF US"

THABO MBEKI, 1996

"THERE IS DEEP-SEATED ANGER AND RESENTMENT IN THE SOCIETY.
THOSE IN POWER IGNORE THIS AT THEIR OWN PERIL"

COLM IMBERT, 1991

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OAGENG MOSIANE
MAFIKENG

TABLE OF CONTENTS

	PAGE
DECLARATION	(ii)
ABSTRACT	(iii)
DEDICATION	(iv)
ACKNOWLEDGEMENTS	(v)
TABLE OF CONTENTS	(vi)
LIST OF TABLES	(xii)
LIST OF FIGURES	(xiii)
LIST OF ACRONYMS	(xiv)
 CHAPTER ONE : INTRODUCTION	
1.1 INTRODUCTION	1
1.2 STATEMENT OF THE PROBLEM	3
1.3 OBJECTIVES OF THE STUDY	4
1.4 CENTRAL ARGUMENT OF THE STUDY	5
1.5 RATIONALE OF THE STUDY	5
1.6 RESEARCH METHODOLOGY	7
1.6.1 Geographical area of the study and the sample	7
1.6.2 Data collection method	8
1.6.3 Data presentation method	9
1.7 SCOPE OF THE STUDY	10
 CHAPTER TWO : LITERATURE REVIEW	
2.1 INTRODUCTION	11
2.2 DEFINITION AND ELABORATION OF CONCEPTS	11
2.2.1 Development	11
2.2.2 Rural development	12
2.2.3 Popular participation	14
2.2.4 Local organisation	16

	PAGE
2.2.5 Local government and local authority	17
2.2.6 Tribal/Traditional authority	18
2.3 WHY RURAL LOCAL GOVERNANCE ?	19
2.4 THE RELATIONSHIP BETWEEN RURAL DEVELOPMENT, LOCAL GOVERNANCE AND POPULAR PARTICIPATION	20
2.5 THE ROLE OF LOCAL GOVERNANCE IN RURAL DEVELOPMENT	22
2.6 POSITIONS REGARDING TRADITIONAL AUTHORITIES IN RSA.	29
2.6.1. Position of Contralesa	29
2.6.2. Position of the African National Congress (ANC)	32
2.6.3. Position of the Inkatha Freedom Party (IFP)	34
2.7 CONCLUSION	35

CHAPTER THREE :THE DEVELOPMENT OF THE TRADITIONAL AUTHORITY SYSTEM IN SOUTH AFRICA

3.1 INTRODUCTION	36
3.2 THE CHIEFTAINSHIP SYSTEM IN THE PRE-COLONIAL ERA	36
3.3 CHIEFTAINSHIP UNDER COLONIAL RULE	40
3.4 CHIEFTAINSHIP UNDER NATIONAL PARTY GOVERNMENT IN SOUTH AFRICA	42
3.5 CHIEFTAINSHIP UNDER THE FORMER BOPHUTHATSWANA GOVERNMENT	45
3.6 THE CURRENT LEGAL POLICY FRAMEWORK FOR TRADITIONAL AUTHORITIES	47
3.6.1. Constitutional provisions	47
3.6.1.1. The Interim Constitution of the Republic of South Africa, Act 200 of 1993	47
3.6.1.2. The Constitution of South Africa (Act108 of 1996)	48
3.6.2. Legislative provisions	48
3.6.3. Policy documents	49
3.6.3.1. The White Paper on Local Government	49

3.6.4. Provincial proclamations: North West Province	50
3.6.4.1. Proclamation 90 of 25 November 1995	50
3.6.4.2. The House of Traditional Leaders for the Province of the North West, Act. No.12 of 1994	51
3.7. PROBLEMS, LIMITATIONS AND PROSPECTS	51
3.8. CONCLUSION	58

CHAPTER FOUR : THE HISTORICAL BACKGROUND OF THE LEHURUTSHE DISTRICT AND ORGANISATIONAL STRUCTURE OF ITS TRIBAL AUTHORITIES

4.1	INTRODUCTION	59
4.2	HISTORICAL, SOCIO-ECONOMIC BACKGROUND OF THE LEHURUTSHE DISTRICT	59
4.3	THE ORGANIZATIONAL STRUCTURE OF THE LEHURUTSHE TRADITIONAL AUTHORITIES	68
4.3.1.	The tribal leader/chief (<u>kgosi</u>)	71
4.3.2.	The deputy chief	72
4.3.3.	Royal advisory council	72
4.3.4.	The royal guardian (<u>Modisakgotla</u>)	73
4.3.5.	The formal tribal council (<u>lekgotla</u>)	73
4.3.6.	The headmen and the headmen's council	75
4.3.7.	<u>Pitso</u> (tribal assembly)	75
4.3.8.	The committee system	75
4.3.9.	The personnel of the tribal administration	76
4.3.9.1.	The office of the tribal secretary	76
4.4	STATUTORY FUNCTIONS OF THE TRADITIONAL AUTHORITIES	78
4.5	SOURCES OF FINANCE	78
4.6	THE PLANNING AND CO-ORDINATION STRUCTURES AT DISTRICT LEVEL	80
4.6.1.	The District Co-ordinating Committee	83
4.6.2.	The District Liaison Committee	83
4.6.3.	The District Security Committee	84

4.6.4. Regional Authority System	85
4.6.5. Village Development and Tribal Development Committees	86
4.6.6. Transitional District Council's Rural Development Committees	89
4.7 CONCLUSION	90

CHAPTER FIVE : PERCEPTIONS ON THE ROLE OF THE LEHURUTSHE TRADITIONAL AUTHORITIES IN RURAL DEVELOPMENT

5.1 INTRODUCTION	91
5.2 SOCIAL CHARACTERISTICS OF ALL THE RESPONDENTS	91
5.2.1 Characteristics of the community respondents	91
5.2.1.1 Sex of respondents	91
5.2.1.2 Age distribution	92
5.2.1.3 Educational qualifications	93
5.2.2 Characteristics of the traditional authority's Councillors	93
5.2.2.1 Sex of respondents	93
5.2.2.2 Age distribution	94
5.2.2.3 Educational qualifications of respondents	94
5.3 COMMUNITY PERCEPTIONS TOWARDS RURAL LOCAL GOVERNANCE	95
5.3.1 Respondents knowledge of rural local governance structures	95
5.3.2 Perceptions and attitude towards traditional authorities	95
5.3.2.1 Community perceptions on support of traditional authorities	96
5.3.2.2 Community perception of legitimacy of traditional authorities	96
5.3.2.3 Acceptance of the authority of traditional authorities	97
5.3.3 Traditional authorities as agents of social development	98
5.3.3.1 Perceptions of communities towards delivery of RDP	100
5.3.3.2 Perceptions towards popular participation	100
5.3.3.3 Perceptions towards participation of women and youth	101
5.3.3.4 Perceptions on the levels of communication between traditional authorities and communities	102
5.3.3.5 Perceptions on co-operation between traditional	

authorities and communities	103
5.3.4 Financial capacity of traditional authorities to service delivery	104
5.3.5 Community perceptions on the changing roles of traditional authorities	105
5.3.6 Impact of changing roles of traditional authorities on development	106
5.3.7 Perceptions towards transitional district councils (TDCs)	106
5.3.7.1 General community perceptions towards TDC	106
5.3.7.2 Perceptions on the legitimacy of TDC	106
5.3.7.3 Perception towards the relationship between traditional authorities and TDC	107
5.3.7.4 Co-operation with district council	107
5.3.8 Service Delivery Institutions	108
5.4 TRADITIONAL AUTHORITIES' COUNCILLORS PERCEPTIONS	109
5.4.1 Support for traditional authority and its present functions	109
5.4.2 Co-operation with TDC in development	111
5.4.3 Communication between traditional authorities and TDC	112
5.4.4 Reaction towards government initiatives	112
5.4.5 Co-operation between TDC, traditional authorities and other organs of civil society	114
5.4.6 Perceptions towards traditional levies	115
5.5 SUMMARY OF FINDINGS	117
5.6 CONCLUSION	123

CHAPTER SIX : CONCLUSION AND RECOMMENDATIONS

6.1 INTRODUCTION	125
6.2 SUMMARY	125
6.3 RECOMMENDATIONS	128
6.4 CONCLUSION	133

REFERENCES	134
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LIST OF TABLES

TABLE	TITLE	PAGE
TABLE 4.1	A multivariate comparison of districts in Bophuthatswana: 1985	66
TABLE 4.2	List of the present groups of Bahurutshe, their location and their reigning traditional leaders	69
TABLE 5.1	Distribution by gender of community respondents	91
TABLE 5.2	Distribution by age of community respondents	92
TABLE 5.3	Distribution by education of community respondents	93
TABLE 5.4	Distribution by age of councillors	94
TABLE 5.5	Distribution by educational level	94
TABLE 5.6	Support for traditional authorities	96
TABLE 5.7	Attitude towards traditional authorities	97
TABLE 5.8	Acceptance of the authority of traditional authorities	98
TABLE 5.9	Attitude towards performance of traditional authorities	99
TABLE 5.10	Perceptions of community towards RDP delivery by traditional authorities	100
TABLE 5.11	Who should be responsible for identifying of local development projects ?	101
TABLE 5.12	Perceptions towards participation of women and youth	102
TABLE 5.13	Perception on communication between traditional authorities and local communities	102
TABLE 5.14	Co-operations with traditional authorities	103
TABLE 5.15	Ways in which respondents participated and co-operated in development	104
TABLE 5.16	Payment of Levies to traditional authorities in the past	105
TABLE 5.17	Prepared to pay levies to traditional authorities in the future	105
TABLE 5.18	Co-operation with district councils	107
TABLE 5.19	Agencies of social development	108
TABLE 5.20	Support towards traditional authorities, provincial and local governments	108

TABLE 5.21	Support for traditional authorities by councillors	109
TABLE 5.22	Co-operation with district councils in development	111
TABLE 5.23	Co-operation with district councils in future	111
TABLE 5.24	Communication between traditional authorities and TDC	112
TABLE 5.25	Reactions towards government initiated projects	113
TABLE 5.26	Level of collaboration between government and traditional authorities	114
TABLE 5.27	Payment of traditional levies	116

LIST OF FIGURES

FIGURE	TITLE	PAGE
FIGURE 5.1	Present traditional authority decision-making process	110

LIST OF ACRONYMS

AGRICOR	-	Agricultural Corporation of Bophuthatswana
ANC	-	African National Congress
CA	-	Community Authority
CBO	-	Community Based Organisations
CONTRALESA	-	Congress of Traditional Leaders of South Africa
DBSA	-	Development Bank of Southern Africa
DFID	-	Department for International Development
GNU	-	Government of National Unity
IFP	-	Inkatha Freedom Party
IMPD	-	Institute for Multi Party Democracy
KAF	-	Konrad Adenauer Foundation
LGNF	-	Local Government Negotiating Forum
LGTA	-	Local Government Transition Act
MEC	-	Member of Executive Council
NAD	-	Native Affairs Department
NGO	-	Non-Government Organisations
NP	-	National Party
PORP	-	Participatory Organisations of the Rural Poor
RDC	-	Rural Development Committee
RDP	-	Reconstruction and Development Programme
RCF	-	Regional Consultation Forum on Rural Development
SANCO	-	South African National Civics Organisation
TA	-	Traditional Authority
TDC	-	Transitional District Council
TLC	-	Transitional Local Council
TRC	-	Transitional Representative Council
UNDP	-	United National Development Programme
UN	-	United Nations
USAID	-	United States Agency for International Development

VDC	-	Village Development Committee
VDO	-	Village Development Officer

CHAPTER ONE

INTRODUCTION

1.1 INTRODUCTION

Rural local governance has not only come to occupy a central position in development literature but is also at the cutting edge of rural development (Marsden and Murdoch, 1998; Hofmeister and Scholz, 1997). One particular important issue for rural development which is central to the process of rural local governance, is traditional authorities. Rural local governance is of critical importance in the development of rural areas since as Pycroft (1997:403) states:

"a sizeable proportion of the population, and the predominant concentration of South Africa's poor, live in rural areas. The development needs of the rural communities need to be addressed both to ensure the equitable distribution of South Africa's wealth, and to try to decelerate the urban drift".

The issue of rural local governance which was relegated to the bottom of the political agenda during the Local Government Negotiating Forum (LGNF) in 1993 in South Africa, has emerged as more controversial and political than its urban counterpart.



In recent years, increasing attention has been accorded to the significance of traditional forms of local governance in general (Hofmeister and Scholz, 1997); and in South Africa in particular (Venson, 1997; Zungu, 1997; Tapscott, 1997). As Osaghae (1997:5) observes:

"No process of socio-political transformation in Africa, be it democratisation, political liberalisation or simply regime change can be regarded as complete if no consideration has been given to the question of traditional leadership".

During the previous apartheid era (1948-1992) traditional authorities provided a form of local governance in rural areas. The institution of chieftaincy formed part

of the existing traditional governance system and had an impact on the lives and activities of most rural people. Since, in most rural areas, tribal authorities exercised public service delivery functions, these authorities made significant contributions in most spheres of rural life and were thus a critical factor in the development process. Thus, traditional authorities in self-governing states played an important role in these areas, despite financial constraints, administrative incapacity and the lack of manpower resources.

Thus, in practice, traditional authorities constituted local government and performed local government functions with regard to development and service delivery. Indeed, De Waal (1997:47) has pointed out that under the previous regime, "traditional leaders were politically delegated a diversity of local government functions". Tribal authorities were officially recognized in their areas as the basis of rural local governance (Potgieter, 1977; Vosloo, 1974).

After the establishment of the Bantustan system in Bophuthatswana, tribal authorities were re-inforced with the enactment of the Traditional Authorities Act, No. 23, 1978. Under the provisions of this Act, a tribal authority constituted the tribal government in accordance with the laws and customs of the particular tribe concerned. Sixty-two tribal authorities were officially reorganized under this Act.

With the advent of the new political dispensation, traditional authorities were constitutionally and statutorily recognized. The Interim Constitution of 1993 provided that traditional authorities should continue to function in terms of existing legislation until such legislation had been amended or repealed. In addition, Government ministers and officials have on several occasions argued that traditional authorities still have a positive role to play in rural local governance and public service delivery. As Mr. D.E. Africa, Member of Executive Council for the North West Province, responsible for Local Government and Development (1998:17) observes:

"If our quest for development of our rural and traditional areas is to succeed it is important that we make great

strides to ensure that we develop a model of rural government which ensures co-operation, communication and consultation between traditional leaders and councillors and which at the same time promotes mutual respect and offers to the two opportunity for growth and development in their own unique way. Traditional authorities are very critical to development in rural areas and we should not try to do things without involving them".

Indeed, traditional authorities and their communities are expected to take responsibility for the effective implementation of the Reconstruction and Development Programme (RDP) in their areas (RDP,1994; Molefe, 1995). Traditional authorities have an enormous role to play in the development of areas over which they have jurisdiction. As Holomisa (1997:90) has observed:

"Traditional authorities in reality constitute a form of local government. Both in terms of indigenous law and legislation, these authorities perform functions of local government with regard to development. The construction of roads, schools, clinics and similar social amenities falls within the area of traditional authorities".

Tribal authorities still retain formal responsibility for local service provision in several parts of the country. Thus the advent of the Government of National Unity (GNU) and the new constitutional dispensation has brought little change in the authority, administrative structure and functions of traditional authorities. The issue of how to re-organize and restructure rural local governance in order to accommodate traditional authorities, has assumed considerable urgency in view of the post 1994 political dispensation which seeks to incorporate all racial groups into common integrated local governance structures.

1.2 STATEMENT OF THE PROBLEM

The critical role of rural local governance in general, and of traditional authorities in particular, in stimulating rural development was recognized by several government statutes, such as Act 23 of 1978, Act 14 of 1982 and Act 21 of 1985, under the previous political dispensation. These statutes sought to re-invigorate traditional authorities by clearly spelling out their role in the socio-economic

development process.

However, although traditional authorities continue to play a significant role in rural local governance, and are constitutionally recognized, their powers and functions are not clearly spelt out. In spite of the attempts to re-structure and re-organize local governance since 1993, the problems of the relationship between traditional authorities and new local authorities has not been overcome. The critical question, to quote Osaghae (1997:5), is:

"If traditional leaders are allowed to exercise powers in whichever capacity, how are boundaries between their scope of powers and that of secular authorities to be drawn?"

In other words, what should be the relationship between the new rural local authorities and traditional authorities per se? The question of how traditional authorities could effectively be involved in the rural development process has assumed considerable urgency in view of the problems confronting the ANC-led GNU in effectively delivering public services to the millions of rural dwellers in South Africa.

1.3 OBJECTIVES OF THE STUDY

The main objective of the study is to examine the role of traditional authorities in the rural development process with specific reference to Lehurutshe traditional authorities and the subsequent efforts of the Government of National Unity to reform the rural local governance system. The specific objectives of this study are as follows:

- To outline and examine the organization and functions of traditional authorities;
- to identify the sources of finances of traditional authorities;
- to review the performance of traditional authorities in the rural development process;
- to identify the problems militating against viability and efficient

management of rural development;

- to analyse the potential for improving the performance and contribution of traditional authorities to the development process in their areas; and
- to review the current policy framework with regard to traditional authorities and rural local governance.

1.4 CENTRAL ARGUMENT OF THE STUDY

The central argument of this study is that traditional authorities will continue to contribute and play a critical role in the development of their communities. Consequently, there is a pressing need for their incorporation in rural local governance, if sustainable rural development is to be achieved.

1.5 RATIONALE OF THE STUDY

Research of this nature emerged from the realization that there was a need to find a role for traditional leaders within the context of rural local governance. The intention is to raise pertinent issues regarding the relationship between elected structures and traditional leaders, constitutional powers of traditional leaders, and the role they can play in future rural local governance. The significance of this research emerged from the realisation that it was vital for national and provincial policy strategies on rural local government and development to take the role of traditional leadership seriously. Up to now, the policy discussion has concentrated on the negative role that this institution is assumed to have played during the apartheid era. This is exemplified, for example, by discarding traditional leaders as having no role to play in rural development (Manona, 1990). The imperative of this research grew from the concern to explore the realities of how the national and provincial government can utilize traditional leadership to promote rural development, and the problems and prospects for their role. The rationale of this research is that the role of traditional leadership in rural areas is vital in order to promote a positive impact on socio-economic development of rural areas.

Although traditional authorities were subverted by the dictates of colonialism and apartheid, 18 million people in the rural areas of South Africa still live directly under these institutions (Tapscott, 1996:291). Most traditional authorities are situated in underdeveloped regions that were formerly referred to as "Bantustans" or Self-Governing states, thus placing them at the centre of less and underdeveloped rural areas much in need of reconstruction and development. Thus, as Pycroft (1997:403) has observed, the issue of traditional systems of local governance is of critical importance for the achievement of sustainable local governance in rural areas. Traditional authorities, therefore, still have a significant role to play in the rural development process in South Africa.

A study of this nature is relevant for several reasons. First, academic debate in the 1980s on rural local authorities tended to reject and dismiss traditional forms of local governance on the basis of the perceived inefficiency, corruption and the role some of them played in the past as agents of the apartheid regime (Daphne, 1982; Haines and Tapscott, 1986). Although traditional authorities were largely ignored by "progressive" organisations and scholars, there is an increasing awareness of their importance as local governance structures in the rural areas of South Africa, as well as in terms of delivering basic services and socio-economic development. Secondly, the timely visit by Professor P. Mawhood in 1991 to South Africa brought some fresh insights into the debate regarding the role of local authorities in the development process. Mawhood suggested that strong local government was undoubtedly needed in the future South African rural development. Thus, the quest is for appropriate institutions of rural local governance which can ensure sustainable development at the local level (De Coning, 1991:549). This is particularly important in view of the fact that in most rural provinces the influence of traditional authorities is pervasive and as a consequence, attempts by the newly constituted local councils to by-pass the former has encountered strong resistance from the former (Pycroft, 1997).

Finally, although numerous studies have been undertaken on local governance in general, few studies have been conducted on rural local governance, especially on traditional forms of local governance in South Africa. Indeed, an understanding of the roles and functions played by traditional authorities is important to the current efforts at local government restructuring process. We, therefore, concur with Ismail, et. al.'s (1997:117) observation that:

"Indigenous heritage deserves more scholarly attention than it has received so far, and in terms of political transformation in South Africa it is important to re-examine the African communal governance and spell out its relevance to the post-apartheid local government whose democratic advocates are explicit in their allusion to communitarian approaches".

This study highlights the complex challenges facing rural local governance in South Africa and thus provides an exciting focus for Development Studies, as an academic discipline, and development studies as a practice.

1.6 RESEARCH METHODOLOGY

The study utilised a historical and descriptive approach. The method of investigation entailed a mixture of case-study and field survey approaches. The use of more than one method (triangulation) enabled the researcher to strengthen the study by supplementing quantitative data with qualitative analyses.

1.6.1 Geographical area of the study and the sample

The fieldwork was conducted in Lehurutshe District during the last three months of 1995. The method of investigation covered five major villages of the district, i.e., Dinokana, Gopane, Motswedi, Moshana and Suping. And within each village, one ward (kgoro) was randomly selected from a list of wards in the village. Thus, five wards formed the basis of the study. Within the five wards a total number of 1000 villagers (200 from each ward) were selected as the sample. Another category of respondents, comprised of 30 tribal authority councillors (6 from each village). The thirty councillors were selected randomly

from a list of tribal authority councillors in each village. All tribal chiefs and headmen of selected wards, were purposely selected and were drawn in the sample because they were the main actors in their villages and wards and could thus provide first hand information. The sample of 30 tribal councillors actually interviewed represented 60 percent of the universe of 50 tribal officials in the five villages included in the study.

1.6.2 Data collection method

Data was collected by myself from a variety of sources. These included structured face-to-face interviews, documentary reviews, and observation. Two types of semi-structured interview schedules were designed and conducted by the Researcher personally. One interview schedule was directed at the tribal authorities' councillors and the other was directed at the community members. The interviews with tribal authority councillors were used to generate information relating to the activities performed by tribal authorities in their villages, and conditions under which they operated. The interviews with villagers, on the other hand, were generally used to gather information on how local people perceive tribal authorities as far as their role in the rural development process is concerned. Questions were generally directed to the delivery of basic services to the rural people.

Negotiations with various tribal authorities' councillors and chiefs paved the way to arrange community meetings to seek approval for the research to proceed. Through these consultations, approval was gained to carry out the study and allowed free access to tribal authority documents, such as minutes, memos and financial records, which were also used as supportive data, thereby ensuring the credibility of the study. For financial analysis, information was obtained from the Tribal Authority Revenue Cash Books (Ts M42) and Revenue Cash Books. Also consulted were Analysis Appropriation Accounts within the Department of Local Government in the North West Province. The questionnaires, which were piloted before the survey, were available in English and Setswana. Since very few respondents are fluent in English, virtually all interviews were conducted in the

local language (Setswana). The study also drew on the following sources: published and unpublished articles, books, newspaper clippings, various Acts and official government documents and reports.

1.6.3 Data presentation method

Presentation of data obtained from the study area has been effected in two ways - by means of tables and figures. The tables reflect the responses to specific items in the questionnaire, while figures in the main have been used to simplify data that would otherwise have resulted in rather complicated tables. The important themes have been captured and linked to the central aim of the research as a whole. The aim was to establish the perceptions of traditional authorities and their communities on the role of traditional authorities in the rural development process. Data is also presented in two ways:

- Presentation of data obtained from tribal communities (people); and
- Data from chiefs and tribal councillors.

Several interrelated considerations are relevant in analysing and evaluating the role of traditional authorities in the rural development process. First, there are standard public finance objectives related to the efficiency and equity of service provision and revenue generation. Second, there are a set of contextual factors - political, economic, educational and cultural factors that can greatly influence institutional performance.

Recognising this, Uphoff and Esman (1974:99), developed a set of performance indicators that included economic, social and political gains for the rural populace.

This study used the following indicators to assess: the role of the Lehurutshé traditional authorities in the rural development process:

- characteristics of the respondents, which include sex, age distribution and educational level;

- knowledge and attitude of the community towards traditional authorities;
- social gains in terms of education, health, water supply and other public facilities;
- popular participation in terms of the involvement of the local people in the identification of local needs, and conception, formulation and implementation of any project in order to develop the necessary self-reliance and self-confidence needed among the rural people for sustainable rural development;
- reduced discrimination on the basis of gender or other ascriptive categories, so as to increase social opportunities and participation for women or other disadvantaged social groups where discrimination has existed; and
- Traditional authorities' financial status.

1.7 SCOPE OF THE STUDY

The study is organized into seven chapters. Chapter One provides the statement of the problem, the objectives of the study, the significance of the study, research methodology and the scope of the study. Chapter Two provides the definition of concepts and review of literature pertinent to the study. Chapter Three traces the historical development of tribal authorities by looking at the chieftainship system during the following periods: pre-colonial, colonial rule and lastly under the national party rule (1948) in South Africa. Chapter Four focuses on the socio-economic background of Lehurutshe district, as well as the organizational structure of the Lehurutshe traditional authorities. Chapter Five provides an empirical analysis of the perceived role of the Lehurutshe traditional authorities in the rural development process. Chapter Six provides the conclusion and recommendations of the study.

CHAPTER TWO

LITERATURE REVIEW

2.1 INTRODUCTION

This chapter provides a review of relevant literature as well as a definition and elaboration of concepts.

2.2 DEFINITION AND ELABORATION OF CONCEPTS

It has been pointed out from the outset that the definition of concepts, particularly in social sciences, differ from scholar to scholar. There is, therefore, considerable debate about what is meant by concepts, especially concepts such as "development" and "participation". However, the intention in this section is merely to provide some working definitions for the purpose of this research.

2.2.1 Development

The concept of development has meant different things at different times such as economic growth, material progress, etc. (Bembridge, 1985; Jeppe, 1985:9). For our purpose we would adopt Bembridge's (1985:288) conception of development as:

"... a multi-dimensional process ... aimed at eradicating poverty, providing employment opportunities, reducing income inequalities and raising living standards."

The above definition also embraces notions of achieving, 'personal development', 'satisfying basic needs' and promoting local participation in development activities (Bembridge, 1985:288). Similarly, Todaro (1982:87) defines development as:

"a multi-dimensional process involving the reorganisation and reorientation of entire economic and social systems".

The concept of development, in the macrosense, as used in this study entails improving the living standard, and spreading the benefits of growth, by extending services and facilities to the areas where the poor are located by increasing agricultural productivity and by reducing malnutrition, disease, illiteracy, and inequality (Erskine, 1985:368). A cornerstone of these definitions is the participation of the poor in decision-making in local organisations of their choice. This view is supported by Korten's (1990:67) definition of development:

"A process by which members of a society increase their personal and institutional capabilities to mobilize and manage resources to produce sustainable and justly distributed improvements in their quality of life consistent with their own aspirations".

Thus, the people themselves are in a favourable position to consider the ways and means of bettering their well-being, to decide upon and participate in the betterment of themselves as individuals or communities or local institutions.



2.2.2 Rural development

Rural development is a subject of common concern and interest to scholars from many disciplines. This notwithstanding, no unanimity exists on its definition, except that it is a multi-dimensional phenomenon (Todaro, 1982; Lele, 1975; Chambers, 1985). While development is a multi-dimensional process aimed at eradicating poverty, acceleration of economic growth, reducing income inequalities in general, rural development is a multi-dimensional process aimed at improving the living standard of a particular group of the populace-the rural masses. According to the World Bank (1975a:3) rural development:

"is a strategy designed to improve the economic and social life of a specific groups of people - the rural poor. It involves extending the benefits of development to the poorest among those who seek a livelihood in the rural area. The group includes small-scale farmers, tenants and the landless".

The World Bank and other international agencies and institutions place the main emphasis on increasing production, raising productivity, increasing employment and mobilizing what land, labour and capital were available. But there was also recognition that poverty and inequalities have to be reduced (World Bank, 1975:3-5); that development involves values and quality of life issues and that the poor should participate in activities and be involved in decision-making. According to Chambers (1983:20):

"rural development is a strategy to enable a specific group of people, poor rural women and men, to gain for themselves and their children more of what they want and need. It involved helping the poorest among those who seek a livelihood in the rural areas to demand and control more of the benefits to development. The group includes small-scale farmers, tenants, and the landless".

Rural development had also been defined (Lele, 1975:20) as:

"improving living standards of the masses of the low income population resident in rural areas and making the process of their development self-sustaining".

According to Todaro (1977:282), the goals of rural development cannot simply be restricted to agricultural and economic growth. Rather, they must be viewed in terms of balanced economic and social development with emphasis on the equitable distribution of rural income; broadly distributed improvements in health, nutrition, and housing, and finally a broadened access to the formal and non-formal education for adults as well as children that will have direct relevance to the needs and aspirations of rural dwellers.

Rural development as defined by the above scholars, is viewed as the act of improving the socio-economic conditions of low income groups in rural areas. In other words, emphasis is laid both on the qualitative and quantitative approaches to defining rural development. They are of the view that before any society can be said to be developing, the impact of poverty, unemployment and inequality of the rural population must be reduced to its barest minimum.

This view is supported by a useful working definition of rural development, emanating from the United Nations Development Programme (UNDP), in 1979 and reproduced by Erskine (1985:370) which describes it as:

"a process of socio-economic change involving the transformation of agrarian society in order to reach a common set of development goals based on capabilities and needs of people; these goals include priority to the reduction of poverty, unemployment and inequality, and the satisfaction of minimum human needs, and stresses self-reliance and the participation of all the people, particularly those with the lowest standard of living".

Rural development is thus seen as a process with social and political, as well as economic and administrative dimensions.

2.2.3 Popular participation

The problem of analysing the role of participation in the socio-economic development process is that it is a much more complex concept than appears at first sight. It involves a range of different types of activities which in turn depend on the institutional setting in which they occur (Chikulo, 1992:5). In view of this, it is necessary to be quite specific about what is meant by popular participation in order to relate this concept to our study.

One of the early attempts to clarify the concept of popular participation in development administration was that made by Montgomery and Esman (1971:358) when they observed that:

"Most discussions of participation treat it as a political process, involving such dramatic decision of government action, assessing priorities and programmes, and expressing institutional preferences. The degree of participation in such issues is one of the major indicators of democracy. Indeed participation in decisions of this importance is a constitutional, or at least a major legislative, problem. But there is another range of participatory issues which, though less dramatic, we consider especially relevant to development administrators. It involves an

equally important dimension of government; the relationship of career administrators to the public interest ... We define participation ... in the more active sense of exerting influence on administrative behaviour and on the output of official action".

The above quotation suggests, among other things, that while political participation is a broader and complex concept involving activities that are often dramatic, participation in development administration is associated with technical issues like programme effectiveness, efficiency, and stability, and entails activities such as ordinary people deliberating about issues that affect their lives.

However, for our immediate purposes, the primary focus will fall on two modes of participation, viz: (i) particularized contact with public officials; and (ii) involvement in politico-administrative structures at the local level.

The important point to bear in mind is that participation, especially in the development process, is that it is not a single phenomenon; it can occur at different levels in the process and take different forms (Uphoff, Cohen and Goldsmith, 1979). These modes of participation, though less dramatic, are of crucial importance to development strategy adopted; they involve a three dimensional relationship between the public, the officials and the politico-administrative structures. According to Chikulo (1992:7) popular participation, means:

"mass involvement both in the execution and the planning of development programmes - whether such involvement is mobilized from the centre 'top-down'; or is born out of the masses' own concern with their welfare".

In this context, therefore, popular participation is defined both in the more active sense of the masses exerting influence on government development policy and also in the passive sense of sharing as central government beneficiaries (Chikulo, 1992).

Such a perspective comes closer to Participatory Organisations of the Rural Poor's definition of popular participation in 1978 and reproduced by Mulenga (1994:207) as follows:

"the collective effort by the people concerned in an organised framework to pool their efforts and whatever other resources they decide to pool together, to attain objectives they set for themselves. In this regard participation is viewed as an active process in which the participants take initiatives and take action that is stimulated by their own thinking and deliberation and over which they can exert effective control".

In the same vein, according to Cohen and Uphoff (1980:214), it is more fruitful:

"to regard participation as generally denoting the involvement of a significant number of persons in a situation of actions which enhance their well-being, eg. their income security or self-esteem".

2.2.4 Local organisation

The concept of "Local Organisation" has received increasing attention (Uphoff and Esman, 1974; Leonard and Marshall, 1982) and its definition has gained greater consensus over the last decade, although some other substitutes such as, "rural organisations" (van-Heck, 1974), "Community Organisations" (Korten,1984), "participatory organisation" (Uphoff and Esman, 1972) have been used.

Our concern in this study is with local organizations that are responsive to their members and involved in development activities. These include voluntary organizations, interest groups, clubs, cooperatives and traditional groups. Esman and Uphoff (1984:18) define such local organisations as:

"Organisations which act on behalf of and are accountable to their membership and involved in development activities".

In this context, local organisations have some accountability to a local constituency, represent local interests, and local people enjoy opportunities to participate in their activities. However, not all local organisations are accountable to their members in the same way and not all are equally involved in rural development work.

2.2.5 Local government and local authority

It is difficult to provide a clear definition of local government because the form and function of these local institutions vary from country to country, and even sometimes within countries. Basically, local government is a public institution endowed with some legal authority, which provides some public service, has some accountability to a local constituency, and does not depend solely on the state administration for the conduct of its affairs (Esman, et al, 1974; Vosloo, 1974).

Ola (1984:7) follows closely the Office for Public Administration of the United Nations definition:

"The term local government refers to a political subdivision of a nation or (in a federal system) state which is constituted by law and has substantial control of local affairs, including the power to impose taxes or to exact labour for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected".

Similarly, according to Ismail, et. al, (1997:2-3), local government is:

"that level of government which is commonly defined as a decentralised, representative institution with general and specific powers devolved to it by a higher tier of government (central or provincial) within a geographically defined area".

The above definition suggests a local political process which is analytically separate from the nation-wide political process because the issues around which it revolves have a local character. In addition, the following elements of local government can be identified (Esman, 1974; Mawhood, 1983):

- Local government is an institution related to a limited geographical subdivision of the country;
- it is a local representative institution;
- it has certain responsibilities towards the local population;
- it receives its powers from the central government by means of delegation and devolution;
- in the final analysis it remains responsible to the central government; and
- the main objective of local government is the maintenance of local order, and of a sense of community which is compatible with national sentiment.

Similarly, according to Ismail, et.al, (1997:3) a local authority refers to:

"an organisation comprising elected and appointed officials, which operates within a specific geographical area to provide services for its local community. This type of authority has a relatively well defined area of jurisdiction and local populace. It has a right to govern on its own initiative, but is subject to constitutional provisions as well as central and provincial legislation".

This term is also sometimes synonymously used to refer to local government.

2.2.6 Tribal/Traditional authority

Tribal authorities are the traditional tribal governments which were officially recognized in their areas as the basis of rural local government (Potgieter, 1977:52; Vosloo, 1974:96). Thus, according to the Bophuthatswana Traditional Authorities Act, 1978, No. 23, a tribal authority was to consist of: (a) those members of the tribe whom the tribe recognised as councillors in accordance with its laws and custom and who, with their chief, constituted the tribal government; and (b) such other members of the tribe as the chief might from time to time, with the agreement of the tribal councillors appoint as councillors. Thus, every tribal area had a tribal authority with a chief or headman as chairman.

According to this Act, a tribal authority constituted the tribal government in accordance with the laws and customs of the particular tribe concerned. According to Mawhood (1983:150) a tribal authority includes a hierarchy of chiefs, regents, deputy-chiefs, chiefs representatives, senior subordinate chiefs, subordinate chiefs and headmen.

In recent years traditional authorities are increasingly referred to as institutions of "indigenous or traditional local governance" (Ismail, 1997:116; Hofmeister and Scholz, 1997).

2.3 WHY RURAL LOCAL GOVERNANCE ?

The increasing usage of the term "governance" as opposed to "government" manifests a recognition that civil society needs to be empowered to actively share in the responsibility of governance especially at the local level. It is also a recognition of the changing and shifting nature of local government in rural areas. As a concept, "governance" implies transformation in patterns of and processes of governing (Marsden and Murdoch, 1998; Ismail, et al, 1997; Goodwin, 1998).

According to Goodwin (1998:5):

"governance signifies a change in the meaning of government, referring to a new process of governing; or a changed condition of ordered rule; or new method by which society is governed".

The act of governing, therefore, is linked to the global acknowledgment that organs of civil society need to be empowered to share the responsibility for governance (Ismail, et. al, 1997:3)

In essence, governance requires a partnership between and within institutions in the state and civil society in decision-making around issues of development and allocation of resources. The processes of "governance" are aimed at transformation of society and empowerment of the economically and politically

marginalised to participate in their own development (Ritchken, 1995).

As a concept, "governance" is a wider term than government and directs attention to the relationship between organs of civil society and the state institutions.

2.4 THE RELATIONSHIP BETWEEN RURAL DEVELOPMENT, LOCAL GOVERNANCE AND POPULAR PARTICIPATION

To many observers of African politics, local organisations and popular participation had come to be seen as a panacea for socio-economic development. The critical importance of local organisation as means of stimulating popular participation and accelerating rural development is well documented and universally recognized (Uphoff, et al, 1974; Gant, 1979; Lisk, 1985; Mawhood, 1983; Hayward, 1975). The importance of the link between effective participation and the alleviation of rural poverty is recognised by Chambers (1983) who argues that in order for the rural poor to gain from development, spatial reversals are the prerequisites. He goes on to argue that participation can empower and enable the poor to take control over their rights. Popular participation is thus one way of breaking into what Chambers (1983) terms the "deprivation trap", i.e. that mutually reinforcing situation powerlessness, vulnerability, physical weakness, poverty and isolation into which the majority of the world's poor are locked.

Indeed, the critical role of local organisation in the development process is closely related to the following:

- the need to increase the mobilization of locally available resources as well as for more efficient use of these resources;
- the need to encourage and provide channels of participation of the rural population in their own development process;
- the need to facilitate the collection of the information that is needed to adapt a program to local conditions; and
- as rural development frequently involves the promotion of social

change, active involvement of the community is generally necessary in order to bring its transformation.

According to Gow and Van Sant (1983), local organisations can also communicate technical information to individuals and break down barriers between groups or individuals; establish economies of scale; adapt project activities to local conditions; marshal local resources; achieve political clout by exercising influence over local administrators and asserting claims on government; sustain project benefits; and co-ordinate and distribute the benefits of outside assistance.

Many scholars and government officials, in the Third World in general and in Africa in particular, are now convinced of the critical importance of local organisation and popular participation in any broad-based strategy of rural development. This supposition links up with Marais (1996:4) view of the importance of local organisation in rural development:

"There is strong empirical evidence which suggests that local organisation is a necessary if not sufficient condition for accelerated rural development. Local organisations are especially important if development is to arise from the increased productivity of the majority of the poor rural people and lead to their enhanced economic and social welfare".

The importance of local organisation and initiatives should not be over romanticised. The situation is highly complex and a central question is whether local government is truly strategic in intent and leads to sustainable development action or is merely a survival strategy to cope with rural and periphery crises. However, local organisation, even if it originates in response to crises, has some limitations and problems. There are internal and external constraints for local organisation and participation. Internal constraints of local organization can rise from the inadequacy of local leadership or the limited role allowed the poor in decision-making. External constraints arise from (i) unequal access to government policies or financial support; (ii) from the political and ideological

orientation of ruling elites and their relationship with both local and international elites; (iii) and on the essential isolation and alienation of the poor themselves (Uphoff and Esman, 1974; Leonard and Marshall, 1982).

2.5 THE ROLE OF LOCAL GOVERNANCE IN RURAL DEVELOPMENT

In recent years, increasing attention has been accorded to the significance of traditional forms of local governance in general (Hofmeister and Scholz, 1997) and in Africa in particular. As Osaghae (1995:5) observes:

"No process of socio-political transformation in Africa, be it democratization, political liberalisation or simply regime change can be regarded as complete if no consideration has been given to the question of traditional leadership".

The institution of traditional leadership formed part of the existing traditional governance system and had an impact on the lives and activities of most rural people. According to Pycroft (1998a:10), in rural areas under the former jurisdiction of homelands and self-governing territories, traditional authority continues to play an important role in the lives of rural people. Under systems of traditional authority, the chief of a tribe control land use within the tribe's area of jurisdiction and performs other limited administrative and developmental functions falling within the ambit of customary law.

The comments made by the Rural Communities, Civil Society and Local Government (RCF) in 1995 and reproduced by Zungu (1997:173) with regard to traditional authorities gives new insight on the role of traditional institutions in development:

"The institution of traditional authorities is an old institution with a lot of influence on its people. This will not change overnight and will not change because of any law, proclamation or constitutional clause ... The issue is not simply a question of political patronage, but a complex part of people's lives which needs to be taken seriously and accommodated in some way, rather than dismissed as a national struggle".

Zungu (1997), concludes by pointing out that traditional authorities need to be revitalized in order to promote the tribe's well-being at economic, social and spiritual levels. Zungu (1997), therefore, envisages a traditional authority able to fulfil a dual role of upholding the traditional way of life, while at the same time promoting sustainable development for the bulk of the rural populace.

On the issue of the role of traditional authorities in development, Venson (1996:279), reports on the contribution made by Zola Skweyiya, the Minister for Public Service, at a Konrad-Adenauer-Stiftung Seminar on "The Role of Traditional Leaders in Local Government in South Africa", thus:

"The institution of Chieftaincy forms part of the existing social institution and has an impact on the lives and activities of the rural people of local level. Failures on the part of a democratic government to devise a dispersion for the participation of chiefs at this level will affect the acceptability of any administrative authority that can be installed in areas where traditional values and customs rule supreme".

The RDP also stresses the role of local governance structures in the development process. Hence the RDP's(1994:6-7) emphasis on a "people - driven process". The RDP sets out to establish a new 'social impact' or "new social partnership" which will break down the adversarial relationship between state and society that developed under apartheid. A central objective of the RDP is to build the capacity of community-based organisations to fill the void left by a retreating state. The thrust of this approach is to bring governance closer to the people, mainly by expanding the role of local authorities in delivering basic needs and spreading the responsibility for the distribution of public resources.

The need for administration or governments at the local level to make significant contributions to rural development, especially in the developing countries, has been stressed emphatically by scholars of development (Cohen and Uphoff, 1980; Mawhood, 1983; Leonard and Marshall, 1982; Conyers, 1983). These scholars and practitioners agree that a centralized, bureaucratic state machinery is not conducive to sustainable development. Decentralised administration at the grassroot level is seen to be a crucial vehicle for sustainable local

development. This explains why, in the past two decades, governments in the Third World Countries, have always demonstrated their willingness to actively involve their grass-root administration in promoting rural socio-economic transformation. Development from below is highly valued and frequently emphasised in policy-making and scholarly circles, as an effective method for accelerating social and economic progress. This strategy has generated a growing awareness among government officials of the potentially productive role of local authorities. Local governments are typically held to possess the following advantages over large-scale, externally designed and imposed development strategies (Cohen and Uphoff, 1980; Vengroff, 1974; Woliver, 1996; Goodwin, 1998; Hay, et. al, 1990):

- the voluntary mobilisation and application of previously untapped local resources, skills, and energies for the purpose of improving material conditions of life;
- the contribution of reliable grass-roots insight in identifying local problems and appropriate solutions;
- the generation of enhanced commitment to new approaches and organisational change through ongoing participation in goal setting and projects planning, design, and evaluation on the part of the local populace;
- reliance on abundant and inexpensive indigenous resources rather than on imported capital-intensive technologies and services;
- the adoption of conservation-based development techniques; and
- the concentration of scarce resources investments directly on the basic needs of the masses.

The above arguments may best be summarised in the words of the revolutionary theorist Fanon (1963:193):

"the important thing is... that the whole people plan and decide even if it takes them twice or three times as long. The fact is that the time taken up by explaining, the time

"lost" in treating the worker as a human being, will be caught up in the execution of the plan. People must know where they are going and why".

Although a variety of different motivations and rationalisation for initiating programmes for decentralizing administration have been identified, problems associated with the implementation of rural development seem to be quite critical in this regard. According to Conyers (1984:190),

"decentralization has been seen as a way of increasing the effectiveness of rural development programmes by making them more relevant and responsive to local needs and conditions, allowing greater flexibility in their implementation and providing a means of co-ordinating the various agencies involved at the regional and local level".

Mobilization of human resources in development remains an important force in any development strategy. It has already been reflected that large populations in the developing countries, specifically Africa, live and work in the rural areas. Despite the large rural populations, productivity in these areas has remained low. Self reliance works on the premise that the large rural populations should be organised to produce goods and services they need without depending on outside help. As a strategy, it relies on a strong local government which would be self supporting and involve the population in making decisions on the production processes.

The issue of the role of local development and participation in local governance is taken up explicitly by the European Objective 5b initiatives(Marsden, et. al 1998:2). Under the Objective 5b initiatives local communities are encouraged to participate in their own development needs in some form of partnership arrangement with extra-local bodies. In South Africa, GNU puts a premium on improving the standard of living, and attempts to do so by means of the RDP. One of its objectives is to put people in greater "control" of their lives and their activities. In the field of sustainable rural development, the emphasis falls on

formulating an integrated rural development policy in consultation with rural people, their organisations and other stakeholders. Expectations are therefore raised within local communities regarding their participation through local organisation in their own development.

Rural and community development activities are usually associated with official structures of collective action that are closest to the grassroots: i.e, local governments. Local governments are required to perform a crucial catalytic role in inspiring rural and community development undertakings. Their efforts are needed to encourage and sustain participation in community orientation projects. Furthermore, the resources and staff expertise of local governments are frequently indispensable in the successful execution and maintenance of rural and community development projects. For example, communities concerned with building schools and clinics and constructing dams often require machinery, matching financial aid, and technical assistance which local government provide. Onibokun (1976:60), supports this, and adds:

"without the apparatus of local government any programmes undertaken are liable to be uncoordinated, redundant, and unsuccessful in raising the general standard of living".

It is in this light that local government has been touted as an important mechanism by which many institutional constraints to development might be overcome in the rural areas. It is argued that a strong decentralised local government system should facilitate accountable and responsive delivery of services and that rural local government bodies should effect the co-ordination of various services provided by provincial and national line departments and other service providers. In other words, local government enables the provision of related services in an integrated way (McIntosh, 1995; Conyers, 1982).

These principles appear to have been accepted at a fairly early stage in South Africa's transition process; the requirements for elected local governments structures within urban and rural areas being recognised and, indeed, required

in terms of the Constitution. The ANC did see the importance of a local government system in creating viable relations between the led and the leaders. This is most accurately captured in the ANC's RDP (1994:129) document thus:

"Local government is of critical importance to the RDP. It is the level of representative democracy closest to the people. Local government will often be involved in the allocation of resources directly affecting communities".

Even the GNU's RDP White Paper (1994:19), considered as a mild version of the ANC RDP-base document by some analysts, also emphasises the key role of local government in putting in place effective structures of exchange with the community and through their community based organisation. The RDP White Paper (1994:19), states:

"Local authorities are key institutions for delivering basic services, extending local control, managing local economic development, and redistributing public resources. However, for the first time in South African history, emerging democratic local authorities must work with community-based organisations and NGOs to establish minimum conditions of good governance and implementation of effective development projects"

Most developing countries rely on local governments to mobilise resources, especially to meet the recurrent costs of operating and maintaining locally sited capital projects. This trend in developing countries is hardly surprising; it stems from the recognition that local governments are in a better position than the central government to capture local taxable capacity and to determine appropriate local service priorities. Achieving increased revenue raising goals from local taxes, user charges and voluntary contributions by local government are all possible mechanisms to carry forward the rural and community development process.

One of the most significant aspects of the current interest in local governance is that although decentralisation to these structures are, as in the past, still seen

as a way of encouraging local involvement in the provision of government services, it is now considered to have a much wider role in the development process. Local government is in particular seen as a means of improving the planning and implementation of national development, especially those concerned with rural development and facilitating effective popular participation in the process of development in a more profound way and it is also seen as a linkage between local institutions to intermediate and national government (Hay, et al., 1990). As Hay. et. al (1990:148), contends that:

"local political units provide sufficient proximity for individual involvement, and at the same time sufficient complexity for diversified collective action necessary for development".

The extent to which local government performs these vital roles and thereby participate effectively in promoting rural and community development activities is primarily determined by three factors: resource capacity, functional authority, and attitudinal predispositions. Local government units that possess sufficient power in terms of funds, staff expertise, and functional responsibility to embark on programmes that will improve local living conditions are in the strongest position to mobilise and expand the scope of popular participation in development projects (Vengroff, 1988; Mawhood, 1983).

What makes the above review germane to our study is the fact that the primary focus of this study is on the role of tribal authorities in rural development. Tribal authorities are variants of rural local organizations through which the central government has sought to promote socio-economic development in rural areas. Thus, while directing attention to the relationship between the government and tribal authorities, the review also encompasses the reciprocity that operates between the two levels. This being the case, a focus on the tribal authorities becomes particularly relevant for coming to grips with organizational patterns established in an attempt to effectively "reach the rural masses". This raises the issue of what appropriate organizational pattern should be created at the local level in order to enhance a rural development strategy adopted by the

government, and therefore leads to the central issue of rural local governance and rural development.

2.6. POSITIONS REGARDING TRADITIONAL AUTHORITIES IN THE NEW SOUTH AFRICA

The ongoing debate about the role and powers of traditional leaders and traditional authorities has resulted in different political parties to adopt different policy positions regarding this institution. Inkatha, the ANC and Contralesa are the most important protagonists in the debate about the role of traditional authorities in local governance. Their views have dominated the policy debate because, in different ways, these views have informed the actions of large numbers of people, local authorities and civic organisations, in their day-to-day activities. Thus the future powers and role of traditional authorities is likely to emerge partially out of the combination of views advanced by these parties and organisations.

.2.6.1. Position of Contralesa

The Congress of Traditional Leaders of South Africa (Contralesa) formed as ANC-front during the struggle against the apartheid regime, has succeeded in attracting public interest in the institution of traditional leadership well beyond its established rural constituency. By linking traditional leaders across ethnic barriers, Contralesa has given them a forum in which to debate issues relating to the institution of traditional leadership at national, provincial and local level and urge for a role for traditional authorities and leaders at national, provincial and local government. Contralesa (Holomisa, 1996:12) stated that one of its aims is "to reinstate, protect and promote the institution of traditional leadership, its traditional status and bonding function in the community".

Contralesa's position was that the democratic dispensation in South Africa should be developed in a manner which reflects the values of the whole community that it serves. The institution and role of traditional leadership, which have been in existence for time memorial have to be treated with respect and

accordingly be integrated within the structures of national, provincial and local government.

Contralesa, therefore, believes that there is a need for traditional authorities to play a critical role in local government, and that a three-tier structure should be recognised and maintained (Nonkonyana, 1997:97), viz:

- Metropolitan local government in urban areas with their urban councils;
- Regional councils as a secondary local government structure; and
- Traditional authorities as primary local government structure in rural areas.

Contralesa proposed a structure of regional councils to be regional service delivery bodies at regional level while traditional authorities could be primary local government structures at the local level. Contralesa's position was that traditional authorities be accorded status and be part of the local governance system. Contralesa's view was that elected councillors could sit both on the traditional authority, together with an existing majority of traditional councillors as well as on the regional authority comprising mainly elected councillors, but also traditional leaders as representatives of traditional authorities. The argument in this regard was that by making traditional authorities part of the local government system, resources could be assured and conflicts and competition between elected and traditional structures avoided.

Contralesa also wanted the constitution to acknowledge and protect the status of traditional authorities as fully-fledged local government structures in rural areas. This means that all functions and powers guaranteed to local government should also be accorded to traditional authorities. The traditional leader of the particular area should head these rural local governance structures, while normal local government elections will also be held to democratically elect people who sit with traditional authority councillors as elected councillors (Nonkonyana, 1997:97).

Contralesa believed that traditional authorities are an executive structure of the people and as such should be democratically constituted and should be subjected to the principles of transparency and accountability, just like other democratic structures. As Holomisa (1997:12) states:

"Traditional authorities are organs of government in the same way as local and provincial levels and must be treated accordingly. Traditional authorities and leaders have always had, and need continue to have, substantial legislative, administrative, and even judicial powers which are exercised in conjunction with elected councillors and in consultation and cooperation with other levels of government".

Contralesa was, therefore, of the view that councillors be democratically elected and that traditional leaders should at all times act in consultation with these councillors. Contralesa believed that in this way an umbilical cord of trust between the institution and the people was to be guaranteed (Nonkonyana, 1997:97).

According to Contralesa, traditional authorities shall, in their role as rural local government, render services of equal standard to all individuals residing in their particular areas of jurisdiction. Holomisa (1997:90) states:

"Traditional authorities in reality constitutes a form of local government. Both in terms of indigenous law and legislation, these authorities perform functions of local government with regard to development. The construction of roads, school, clinics and similar social amenities falls within the area of competency of traditional authorities".

Contralesa wanted to emphasise the fact that traditional authorities have a crucial role to play in the democratisation of South Africa, the formulation of policy on all levels of governance, the social and economic restructuring of the country, and the implementation of various policy programmes-especially those related to rural areas. Contralesa supported the view that government should be close to the people, and took this principle further by stating that in actual fact the people should govern (Nonkonyana, 1997:97). The structure of the model

on rural local governance proposed by Contralesa is given in **annexure one**.

.2.6.2 Position of the African National Congress (ANC)

The ANC, when it was still a liberation movement, believed that all ethnic local authorities should be abolished and that new local authorities with non-racial and non-ethnic boundaries should be established in this respect (Reddy, 1995:22). However, this strategy changed when it was realised that municipal service delivery and community empowerment was high on the agenda for the future (Reddy, 1995:22).

The ANC had generally put forward what appeared to be contradictory positions: on the one hand, traditional leaders as an institution were part of our heritage and still enjoyed a lot of support in the rural areas; and, on the other, that there is a need to set up democratically elected structures of governance in the rural areas. The ANC position that finally emerged was that traditional authorities should co-exist with elected local government bodies as parallel structures. Thus, the National House of Traditional Leaders and the Provincial Houses of Traditional Leaders are seen to co-exist with the National and Provincial Legislatures as advisory structures. Legislation impinging on traditional matters would be referred to them, objections lodged, and the passing of legislation would be delayed. Elected local government structures responsible for providing services were to coexist with traditional authorities, traditional leaders being provided with ex-officio representation on the elected local government structures. The ANC's position of giving traditional leaders 'an ex-officio advisory status' is not explained or unpacked.

The ANC position was that this separation was to enable traditional authorities to focus on traditional functions and custom around common values existing within particular communities. According to this position, ANC argues that political issues relating to service delivery within different sectors fall very clearly within the ambit of party politics, and are thus the responsibility of elected structures. ANC believed that the provision for ex-officio representation rather

than only advisory powers within elected local government structures, reflects the more prominent role of traditional leaders as representative of traditional authorities at a local level, affording a more direct role in decision-making around service delivery matters.

The ANC argued that entrenching the position and powers of traditional authorities as service providers entrenches apartheid. It favoured a greater democratic bias to government of rural areas. The ANC believed that traditional authorities have provided a geographical and ideological base for apartheid. Skweyiya (1994), giving an ANC position at a conference of traditional leaders at the Alpha Training Centre in Broederstroom held on the 16th and 18th July, 1993, pointed out the party's fear that traditional authorities will bring their ethnic baggage along with them into the new dispensation, dividing the African majority and derailing the process of democratisation and nation building. However, it is evident that the ANC has merely stated the recognition of the institution of chieftaincy and its advisory role; there has been little attempt to state categorically how traditional leaders are to relate to elected structures of governance in rural areas. In a joint declaration made by the ANC and Contralesa, it was agreed that traditional authorities and leaders do have a role to play in the new South Africa. What this role should be was not elaborated upon.

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In a statement made by the ANC president, Mr Nelson Mandela, on 7th October, 1991, it was stated that the ANC respected the position of traditional leaders, and had no policy to depose chiefs. The ANC president pointed out that traditional authorities and leaders had an important role to play in the implementation of the Reconstruction and Development Programme and in the mobilisation of communities to take part in the projects proposed.

As the ANC president (in Amtaika, 1995:12) put it:

"The traditional leaders in this country have the great task of ensuring that the rural areas, which were neglected

during the reign of the previous government, are developed under the RDP".

Inspired by the experience of neighbouring African states, such as Mozambique, the ANC believes that the institution of traditional leadership is not doomed to irrelevance. The ANC strongly believes that it would be politically incorrect not to accommodate traditional leaders in a post apartheid South Africa. The argument is that disregarding traditional leaders would drive them into the hands of the opposition (Institute for Multi Party Democracy (IMPD), 1996:6). In short, the ANC position is that political administration and service delivery must be a mandate of elected council while traditional authorities exercised powers over customary matters. The structure of rural local governance envisaged by the ANC is provided in **annexure two**.

2.6.3. Position of the Inkatha Freedom Party (IFP)

The role and status of traditional authorities and leaders and KwaZulu Natal's right to determine and entrench the role of traditional leaders as political and community leaders in rural areas was an integral part of the issues IFP wanted discussed under international mediation.

The IFP position envisaged a two-tier local government model, an elected regional council and substructures differentiated on the basis of their urban, rural or traditional nature. Traditional authorities were to be one of the substructures on the regional council. IFP wanted traditional authorities to have de-facto functions as the primary local government structure of regional council in rural areas. In addition, each traditional authority was to be entitled an ex-officio position with voting rights in the Regional Council operating in the area of its jurisdiction. According to Ngubane (1996:87), a member of IFP, traditional authorities should keep their present powers and status in rural areas. He argued that traditional authorities have always fulfilled the functions of local government in their areas, and any attempt to install elected local government would reduce their status. The IFP believes that traditional authorities ought to be provided with administrative and financial capacity to enable them to perform as effective

local government structures. As Ngubane (1996:90) put it:

"We believe that traditional authorities should be provided with human resources such as town planners and engineers and own financial and fiscal resources and should be administered in autonomy".

The structure of the rural local governance model favoured by IFP is given in **annexure three**.

It is clear from the above positions by different parties that the issue and the role of traditional leadership is still a burning issue in South Africa. This has also turned out to be a political ball game. As Mabetoa (1997:164) put it:

"While vigorous debates were conducted on the transformation of essential and key institutions in society, such as education, health, parliament as part of the transitional process in South Africa, the issue of traditional leadership and their institution remained marginal. At best it became an issue of political struggle between political parties, rather than an important national issue".

2.7. CONCLUSION

This chapter concentrated on the review of relevant literature to the study. An effort was made to define important concepts which appear in the study from time to time. The literature review also dealt with the relationship between rural development, local organizations and popular participation. How these three strategies interact and influence each other for the benefit of the rural poor. The next section, dealt with the role of local governance in the rural development process. This was brought to the fore in order to see the relationship between local governance and rural development in practice. The last section reviewed the different positions and opinions from "major" political parties in South Africa.

CHAPTER THREE

THE DEVELOPMENT OF THE TRIBAL AUTHORITY SYSTEM IN SOUTH AFRICA

3.1 INTRODUCTION

This chapter traces the development of the traditional authorities in South Africa by looking at the chieftainship system during the following periods: pre-colonial, colonial, National Party rule and homelands system in general, and specifically in the erstwhile Bophuthatswana, which is now part of the North West Province where our study area is located.

3.2 THE CHIEFTAINSHIP SYSTEM IN THE PRE-COLONIAL ERA

African societies had been ruled by traditional forms of governance since time immemorial. This form of governance has survived colonialism, apartheid and has yet to survive the challenges of the new order in post-apartheid South Africa. Consequently, the present tribal authority structure in Southern Africa cannot be fully comprehended without paying some attention to its historical setting. The form of government in pre-colonial Southern Africa was the chieftainship or the tribal government (Hartman, 1993:14). However, one person was usually identified or acknowledged as the official head. He bore distinctive title commonly interpreted as chief. The position of the chief was hereditary, usually by the first born male. Schapera, (1977:53) for example, notes that the chief was the executive head of his political community and focused on religious, political, economic, military and judicial activities. The chief was responsible for summoning councils and public meetings to discuss legislation or administrative matters; he presided over the highest court and had exclusive authority over indigenous coercive agencies (Hartman, 1993). In short, the chief was supposed to exercise control over the affairs of government within the chiefdom.

The chief had outstanding privileges and great authority. He was a symbol of tribal unity, and the central figure around whom the activities of the whole village

and the life of its people revolved. He organised a variety of communal activities such as collective labour, war, etc. Indeed, he was both legislator and judge. His powers were usually broad, extending to diverse areas of communal activities. To this end, Schapera (1937:176) states:

"He is the symbol of tribal unity, the central figure round whom the tribal life revolves. He is at once ruler, judge, maker and guardian of the law, repository of wealth, dispenser of gifts, leader in war, priest and magician of his people".

The chief's powers were, however not unlimited. A chief could not, for instance, take a decision without consultations. The chief was assisted by various officials within the tribe in the execution of his tasks, such as, sub-chiefs and headmen, for an example, as in the case of the Batswana, the sub-chiefs (dikgosana) were, by and large, in charge of large villages or major divisions (wards). Under sub-chiefs were 'headmen' who looked after smaller units such as sub-district in the case of the Nguni; or sub-wards (dikgoro) among the Batswana. In the management and administration of the tribe, the chief was also assisted by confidential advisers, the formal tribal council and a general tribal meeting who were consulted before a decision was made and a policy executed (Schapera, 1976:75). This was generally composed of chief himself, prominent headmen and villagers (selected for their outstanding abilities). The Council was the community's main deliberation assembly, and decisions taken at this assembly were binding on the entire community. In the case of the Batswana, according to Schapera(1977:91), villages were divided into wards for administrative purposes. All members of the ward were under the leadership or authority of the headman (kgosana). The headman acted as a link between the chief and members of his ward. He was supposed to keep law and order in his area of jurisdiction.

A chief could not, according to law, take a decision without the knowledge and consent of his council. The council, like the chief's office, was not an elected or appointed body; it was made up of all chiefs' uncles and brothers, all from the

royal house. Its functions were both administrative and judicial. The council made and administered laws as well as heard and tried cases. It also served as court of appeal for cases from other clans under the chief. Although the council (lekgotla) had the right to make laws, such laws first had to be received for consideration by the pitso (people's assembly) or lekgotla and such laws could only be passed if sanctioned by the pitso. This assembly was usually held at the royal council place (kgotla) (Schapera, 1977:81).

Thus, as Ake (1993:34) points out, traditional political systems were infused with democratic values. They were patrimonial and consciousness was communal, everything was everybody's business, engendering a strong emphasis on participation. Standards of accountability were in most cases even stricter than in Western societies. Chiefs were answerable not only for their own actions, but for national catastrophes, such as famine, epidemics, floods and drought. In the events of such disasters, chiefs were held responsible and were either killed or asked to go into exile.

Even though women were generally excluded from these public offices which were themselves generally not elective, the form of government amongst the people of the Southern African region before colonization was generally more democratic than autocratic (Skweyiya, 1993:2-5). This view is shared by many authorities on customary law and African traditions (Schapera, 1977; Daphne, 1982). According to Schapera (1977), despite the fact that the chiefs had control over almost everything and exercised supreme law and powers over his subjects, the existence of tribal and ward councils, limited and guided his activities. His actions were organised to play a unitary role among his subjects. Consequently, emphasis was on co-operative governance between the chief, chief's council and ordinary people. "Kgosi ke kgosi ka morafe", say the Tswana: "A chief is chief by grace of his tribe".

The concept of participation was also widely practised by the tribal government in the pre-colonial societies. To this end, Daphne (1982:1) states:

" The system of hereditary chieftainship did not provide representation in the modern sense of people being elected, but was representative in that there were present elements of democratic process. Decision-making was generally by consensus through meetings of the chief with his councillors, indunas with the members of their ward, and through large general meetings open to all ".

Zungu (1996:164) identifies three important principles which underpinned the functioning and existence of pre-colonial indigenous institutions. Firstly, unity of purpose which acknowledged the supremacy of the chief and supporting festivals that promoted unity. Secondly, the unifying force depended on participation which was openly seen as working. Debates and deliberations at kgotla in which any male could participate until consensus were reached. Lastly, the principle of "systematic distrust of power". Indigenous authority had in place mechanisms to prevent the abuse of power by the chief or any other member of the community for that matter. The relationship between those in authority and the ordinary people was founded on the recognition and realisation of ties and interests of mutual obligation and respect. Therefore, each community member was expected to contribute to the welfare of the tribe. This principle was called communalism.

There was of course, in pre-colonial Southern Africa as in any other society, bad government too. There were despots who distorted the system to suit their own personal interests and imposed their will and tyrannical rule on the people and other tribes (Schapera, 1977:85). For example, according to Manson (1990) pre-colonial societies were also occupied by social distinctions and antagonism. Manson (1990) states that by the middle of the eighteenth century conflicts had set in the Western Highveld communities. Tribes started to fight each other for supremacy and territorial expansion. Manson (1990) cited examples of Bangwaketse attacking Bahurutshe to expand their boundaries. There was also a conflict between Bahurutshe who attacked the Bakgatla because they (Bakgatla) refused to pay tribute to Bahurutshe. According to Manson (1990) during these fights many lives were lost including those of chiefs. Manson (1990)

also gives accounts of conflict among the pre-colonial communities during the difaqane wars, which led to the scattering and disintegration of tribes. For example, Manson (1990) cites the battle between Bahurutshe and Mzilikazi who fled from Zululand and established his barracks at Mosega near Zeerust.

3.3 CHIEFTAINSHIP UNDER COLONIAL RULE

In many parts of Southern Africa, indigenous traditional leadership institutions were disrupted by colonial conquests in the 19th century. To the British, traditional leadership and institutions were at the forefront and acted as a rallying point for resistance of African people to colonial rule. As a consequence, traditional institutions, particularly chiefs, were targeted to be agents of the British administration at the local level. As Daphne (1982:1) put it:

“The British , however, required an administrative structure whereby a handful of officials could control a large colonised population, with the chieftainship structure presenting itself as a suitable target for co-option”.

With the colonization of the region and the dictatorial style of colonial rule, good government within the Southern African region as outlined above, ceased to exist. The traditional rulers or chiefs were clearly reduced into agents, servants and messengers of the colonial governments. Many chiefs became tax collectors, law enforcers of colonial government and took part in the brutal oppression of their people (Skweyiya, 1993). In order to consolidate colonial rule, the colonial master had to suppress all political and judicial institutions in the region. In this regard, the institution of chiefs, as a political and judicial institution representing the old order, had to be suppressed or re-defined so as to serve the new political order, rather than act as a rallying point for the resistance of the African people to colonial rule.

Unfortunately, instead of carrying out their traditional role in defending their people, many chiefs found themselves as enforcers of exploitative and oppressive policies of the colonialists. However, there were some chiefs who

also resisted colonial rule and led bitter struggles of resistance against colonial rule. Those who resisted, retained their legitimacy. One can mention the likes of Moshoeshoe, Dingaan, Mzilikazi, Cetshwayo, Bambatha, Luthuli and many others (Lawrence, 1993).

Under the colonial rule different laws were passed which undermined the legitimacy of the traditional chiefs. Chiefs whose positions were prior to the advent of colonialism predicated upon the goodwill of their people, now became servants of the colonial administration. The traditional law and justice that hitherto mirrored the norms and values of the traditional society were now manipulated and bent in order to serve the interests of the colonial rulers (Maré and Hamilton, 1987)

Maré and Hamilton (1987) further went on to assert that there were two possibilities for colonial government over Africans. The first was to weaken the institutions of chieftainship and rule through the colonial bureaucracy. The second was to rely on chiefs, appointed and hereditary, for indirect rule. The Native or Black Administration Act No. 38 of 1927 signified the total subjugation of the African people in the region and the complete subversion of their institutions, particularly the chieftainship system. The traditional rulers or chiefs were clearly reduced into agents, servants and messengers of the colonial government and successive apartheid governments. However, these measures introduced by the colonial government were not accepted by many of the African people and their chiefs. Repressive measures had to be used and some of the people and chiefs were bought in order to make the imposed system work (Skweyiya, 1993).

Thus the ANC (Skweyiya, 1993:2) in rejecting these laws imposed on chieftainship structures argued, as far back as in 1928, that:

"The Native Administration Act creates the Governor-General as the Supreme Chief of all natives in Natal, Transvaal and the Orange Free State. It gives him

autocratic and arbitrary powers in his dealings with the native population of these Provinces. He has the power to appoint and depose Chiefs, to divide and sub-divided tribes, and to imprison, banish and exile those who might criticise his autocratic actions. These powers we are told are derived from native law and customs. We respectfully beg to submit that according to native law and custom the Supreme Chief has no such powers".

Despite subjugation by colonial laws, institutions of traditional leadership did not die out, but their functions and powers were considerably redefined and reduced.

3.4 CHIEFTAINSHIP UNDER THE NATIONAL PARTY GOVERNMENT IN SOUTH AFRICA

When the National Party (NP) came to power in 1948, it resorted to the strategy of moulding and tailoring these institutions in order to serve objectives commensurate with their apartheid mission. With the accession of the Nationalist Party to power in 1948 several pieces of legislation were passed which redefined the role chiefs and tribes as the base of an administrative structure. It was in this pyramid apartheid based structure in which many chiefs lost their legitimacy as the "guardians" of their people (Skweyiya, 1993:2).

Nevertheless, despite the growing resistance most of the African people against their oppression and exploitation, the apartheid regime in 1951, passed the Black Authorities Act No. 68. This Act established structures amongst African people in South Africa in the form of tribal, regional and territorial authorities which were said to be in accordance with "African law and custom". A tribal authority was established in respect of an African tribe according to African law and custom, two or more tribal authorities then formed a regional authority. In turn, two or more regional authority structures constituted a black territorial authority (Tapscott, 1996; Skweyiya, 1993).

However, these structures were viewed by most blacks as simply an extension of apartheid rule and were meant to facilitate further oppression and exploitation

of the people of the region under the guise of self-government in accordance to their traditional laws and customs. These structures were constituted in the manner determined by the State President of South Africa, who also appointed the chairman of the regional or territorial authority and also determined the number of persons to form such structures. The State President also determined their conditions of service, pay and pensions amongst other things.

Under the Bantu Authorities Act, the roles and powers of traditional leaders were highly strengthened but, at the same time, lost their popular support and legitimacy among their people as they were forced to introduce and implement unpopular laws, such as pass laws and "betterment schemes" (Daphne, 1982). However, some chiefs retained their popular support, even if they were not always recognised by the colonial government (Tapscott, 1996), for an example, Chief Abram Moiloa of Bahurutshe ba ga Moiloa in Dinokana was officially removed from office by the government but continued to give instructions to his subjects until he fled to Botswana in 1957 (Hooper, 1986).

These structures were very powerful, as they constituted local government for black people in the rural areas under the apartheid regime. They administered the affairs of the tribes and communities in respect of which they were established, made bye-laws, and could exercise any power and perform any function and duty the State President could delegate.

With the enactment of the Self-Governing Territories Constitution Act 21 of 1971, many of the territorial authorities established under the Black Authorities Act, as discussed above, became the so-called "homelands or bantustans" with their own legislative assemblies and executive government. Bantustans like KwaZulu, Qwaqwa, Venda, Transkei, Ciskei, and many others, were thus established, and others like Bophuthatswana soon became "independent" homelands or states. Under this Act, the duties, powers, authorities and functions of chiefs and headmen remained in force until varied or withdrawn by the competent authority.

Unfortunately, as shown above, many of the chiefs allowed themselves to be used as pawns and allowed the chieftainship system to be subverted in order to achieve the goals of successive colonial and apartheid governments. Thus, instead of carrying out their traditional role in defending the people, many chiefs on their own doing, found themselves as agents of racist, exploitative and oppressive policies of the colonialists and later of the apartheid regime. As a result, many chiefs were then caught up in the bitter and bloody struggles waged by the people against their oppression and exploitation. Many chiefs did bear some of the anger of the people and many were killed in the process. In return and unfortunately, many chiefs also retaliated, sometimes in very brutal ways.

In general, traditional leadership and its institutions were abused and manipulated by both colonial, apartheid government. They were given powers which were not traditional in any way, and were given responsibilities which they were not trained or skilled to deal with. Their role as representatives and voice of their subjects were also undermined by the functions they were expected to perform, functions such as influx control, forced removal etc. As a consequence, some structures of traditional leadership lacked legitimacy and produced leaders who were often feared more than they were respected and honoured. Chiefs were portrayed as colonial and apartheid beneficiaries, and hence as opponents to the liberation struggle, as authoritarian and as such irrelevant in the democratic governance. It is these developments of the 19th and 20th century, that the issue of the role and legitimacy of traditional leadership is an issue of policy debate today.

All this had a net effect of discrediting the chieftainship system which had governed the people of the region for centuries. There were thus calls, which continue to be made today, for the abolishment of the chieftainship system (Daphne, 1982; Haines and Tapscott, 1986).

3.5 CHIEFTAINSHIP UNDER THE FORMER BOPHUTHATSWANA GOVERNMENT

The promotion of Bantu Self Government Act of 1959, was designed to put an end to African unity and encourage ethnicity among the African people in South Africa. Bophuthatswana, like other National states of South Africa had the same basic pattern of constitutional development, having its historical origins in the Black Authorities Act of 1951. The promotion of Black Self-government Act of 1959 promoted the concept of separate development and recognition was accorded to the Tswana Nation as one of the black national units destined for independence. By 1975 it was apparent that the Tswana had already gone a long way on their own road to independence and that the government in Bophuthatswana enjoyed nearly complete authority over internal affairs (Potgieter, 1977). On December 6, 1977, Bophuthatswana became the second self-governing state after Transkei (1976) to obtain its independence in terms of the policy of separate development. Bophuthatswana was to take the form of a sovereign unitary republic with the provision made for an Executive President, a National Assembly, an Executive Council-Cabinet (Wiechers, 1981).

The tribal authorities were officially recognized in their areas as the basis of rural local government (Potgieter, 1977:52; Vosloo, 1974:96). The Bantu Authorities Act of 1951 provided for two types of rural local authorities: tribal authorities and community authorities. A tribal authority (TA) was established for a tribe or local ethnic unit under a chief, whereas a community authority (CA) was established for administration of groups without tribal identities or chiefs which did not constitute a tribe. The elected "headman" acted as chairman of a community authority (Breutz, 1989:31). According to the Tswana Tribal Authorities Regulations of 1968, a traditional authority was to consist of those members of the tribe whom the tribe recognized as councillors in accordance with its laws and custom and who, with their chief, constituted the tribal government; and such other members of the tribe as the chief might from time to time, with the agreement of the tribal councillors, appoint as councillor.

Thus, every tribal area had a tribal authority with a chief or headman as chairman (Breutz, 1989). After independence, the above situation was re-enforced with the enactment of the Bophuthatswana Traditional Authorities Act, No. 23 of 1978. According to this Act, a tribal authority constituted the tribal government in accordance with the laws and customs of the particular tribe concerned. Of the seventy tribal authorities in the former Bophuthatswana, sixty-two were headed by chiefs and eight by independent headmen, appointed by the President in terms of section 36(5) of Act 23 of 1978, in the non-tribal communities. This number might have increased slightly as new tribal authorities were from time to time created to resolve tensions between rival villages, sub-villages, political quarrels or disputes over succession.

Tribal and community authorities fell under regional authorities, one for each of the twelve magisterial districts established in terms of Section 2 of the Black Authorities Act 68 of 1951. The tribal and community authorities were grouped under these regional authorities and their designated representatives constituted the regional authority. Thus to some degree, they can be seen to constitute the first stage of second tier government, a position which was re-affirmed with the enactment of the Traditional Authorities Act, No. 23 of 1978. The original intention was that a regional authority would serve as an intermediate level of government between tribal authorities and central government. Their main function was to advise government departments on local needs and priorities of services to be rendered and development projects to be undertaken. Under the Bophuthatswana Traditional Authorities Act, No. 23 of 1978, traditional authorities were recognised as local governance structures but at the same time, the powers and functions of chiefs were eroded and undermined by the then President of Bophuthatswana. The Act set out powers, functions and role of traditional authorities, and also provided that chiefs be appointed ex-officio members of the Bophuthatswana legislature. As members of parliament, chiefs were entitled to earn a salary. This was a further measure which eroded the institution of traditional leadership in the erstwhile Bophuthatswana. The

institution was invaded and manipulated in the manner that those chiefs who were opposed to the way government was running its affairs, were deposed and replaced by appointed chiefs by the President. For example, Chief Mmankurwane of the Batlhaping ba ga Phuduhutswana in Taung was forced to go into exile and was replaced by the President's "good" chief.

The Bophuthatswana Traditional Authorities Act, No.23 of 1978, was by and large similar to the 1927 Act discussed earlier, because all the powers of recognition were vested in the State President. He alone could recognise by issuing a certificate a traditional leader, a headman or an acting chief or headman. The State President had the powers to depose a chief or acting chief and install his appointed chief or acting chief without consultation with the royal house as the case in tradition.

3.6. THE CURRENT LEGAL POLICY FRAMEWORK FOR TRADITIONAL AUTHORITIES.

The new political dispensation came into operation on 27 April 1994 after the first democratic elections in South Africa. A development programme, the Reconstruction and Development Programme (RDP), was also implemented. The former independent states and self-governing territories were reintegrated and the country was divided into nine provinces. This section provides an overview of the post-apartheid legislation which provides the policy environment in which traditional authorities and leaders operates.

3.6.1 Constitutional provisions

3.6.1.1. The Interim Constitution of the Republic of South Africa 1993 (Act 200 of 1993)

With specific regard to the issues at hand, Act 200 of 1993 made the following provisions:

- **Recognition of Traditional Authorities and Indigenous Law**

Section 181(1) of Chapter 11 of the Interim Constitution recognised and protects the interest of customary law and traditional leaders.

Traditional leaders are also guaranteed a voice at national and provincial levels through the Council of Traditional Leaders at the national level and the House of Traditional Leaders at provincial level.

In terms of section 182 of the Interim Constitution, Traditional Leaders who observe a system of indigenous law and reside on land in the jurisdiction of an elected local government, were ex-officio entitled to be a member of that local government. He or she could also be elected to any office in the local government.

According to section 183(1)(b), drafted legislation providing for the establishment of the House of Traditional Leaders was to be tabled in the Provincial Legislature not later than six months after the election of the Premier.

3.6.1.2 The Constitution of the Republic of South Africa (Act 108 of 1996)

With respect to traditional authorities Act 108 of 1996 makes the following provisions:

- **Traditional Authorities**

Chapter 12, section 211 of the 1996 Constitution recognises the institution, the status and role of traditional leadership according to customary law subject to the principles of the Constitution.

Consequently, section 212(1) and 212(2) calls for national and provincial legislation to provide for the recognition of traditional leadership as an institution at local level affecting local communities.

Thus it is also stated that provincial governments may provide for the establishment of houses of traditional leaders, and national legislation may also establish a council of traditional leaders.

3.6.2 Legislative provisions

In addition to the above constitutional provisions, several legislative provisions have been put in place, as discussed below:

Rural local governance is specifically provided for under section 9 of LGTA which makes provision for rural local government structures. Furthermore, section 9A(d) of the same Act grants traditional leaders with interest groups representation on Transitional District Councils. This provision which was effected through the Local Government Transition Act(Second Amendment Act), 1996 (Act 97 of 1996), aimed at solving the vexing issue of traditional leaders' representation on rural local government. The LGTA amendment give traditional leaders ex-officio status on rural local government structures as representative of traditional institutions.

3.6.3. Policy documents

There are also a number of policy documents that impinge on the issue of traditional authorities and rural local governance.

3.6.3.1. **The White Paper on Local Government**

The White Paper on Local Government (1998:78) also emphasises the relationship between traditional leadership and local government. The White Paper proposes a co-operative model for local government:

"there is no reason why African customs and traditions should be seen to be in conflict with the demands of modern governance. What is required is an innovative institutional arrangement, which combines the natural capacities of both traditional and elected local government to advance the development of rural areas and communities".

The White Paper on Local Government only makes reference to the relationship between traditional leaders and local government. The working relationship and division of powers and what the roles between local government and traditional authorities should be, are left to the Department of Constitutional Development which is to initiate a White Paper drafting process on traditional affairs. Issues such as the courts and customary law, communal land tenure and trusteeship and other issues are left to the Department of Justice and the Department of

Land Affairs to work out the exact specifics. Although the White Paper did not spell out what the role of traditional authorities should be, it has at least acknowledged that municipalities and traditional authorities have similar statutory powers and functions, as well as jurisdiction and constituencies.

Despite the efforts by National Government to produce a satisfactory policy framework to deal with local government issues, it was largely left to the provincial governments to determine the types and powers of their municipalities and their relationship with traditional authorities. In view of this, the next section will deal with proclamations passed by the North West Province to deal with local government matters.

3.6.4 Provincial proclamation: North West Province

A number of proclamations have been issued by the Member of the Executive Council (MEC) of the North West Province responsible for Local Government, Housing, Planning and Development. These proclamations were meant to address the issue of traditional leadership and elected local government structures.

3.6.4.1 **Proclamation 90 of 25 November 1995**



This proclamation makes provision for the establishment of rural local government in the "remaining" rural areas, i.e., those areas not falling within the area of jurisdiction of transitional local councils (TLC) and transitional representative councils (TRC).

The Proclamation makes provision for the establishment, composition and functions of Transitional District Councils (TDC) under section 10(3)(i) of the Local Government Transition Act, No. 209 of 1993 and as contemplated by section 2(2)(b) of the enactment relating to TDCs. The proclamation accorded traditional leaders ex-officio status within District Councils.

3.6.4.2 The House of Traditional Leaders for the Province of the North West Act, No. 12 of 1994

This Act, which was approved by the provincial legislature on the 18th October 1994, and assented to by the Premier, makes provision for the following:

- The establishment, composition and election of representatives of the Provincial House of Traditional Leaders;
- The determination and regulation of privileges, immunities and powers of the House of Traditional Leaders; and
- The provision for incidental matters.

While this does not affect traditional authorities directly it, however, lays the foundation for a better relationship between traditional institutions and government. It is through this house that traditional authorities can take matters up with government.

To sum up, it is evident from the above review that the National Government policy frameworks' have failed to define the relationship between traditional authorities and local governance and has as a result recreated a political gulf in the Government of National Unity and other organisations such as Contralesa on this issue.

3.7. PROBLEMS, LIMITATIONS AND PROSPECTS

The failure to develop realistic and broadly acceptable models for rural local governance before and after the 1995 and 1996 local government elections, and the failure to define clearly the roles and powers of the institutions of traditional leaders within these models, has created enormous problems for the transitional rural local government period.

One of the problems identified by Pycroft (1998a:3) with regard to rural local government, relates to the challenges posed by the requirements to extend democratic local government into all areas of the country, particularly rural areas,

that had no prior experience of 'formal' local governance, but operated under the system of traditional leadership. Thus, the extension of democratic local government into rural areas, has created another problem of defining the roles and relations between elected local government structures and traditional authorities. In most rural areas under the former jurisdiction of homelands and self-governing territories, traditional authorities continue to play an important role in the lives of rural people. Under the homelands systems, traditional leaders had local government functions and controlled land use within the tribe's area of jurisdiction. Some of these functions are still intact, for an example, Bophuthatswana Traditional Authorities Act, No. 23 of 1978 has not been repealed. This means that under the new political dispensation, the system of traditional authorities is still co-existing with the newly elected local government structures.

Although the new structures of local governance are now in place, their transitional nature coupled with the fluidity of the national government's policy frameworks means that full political and ideological commitment to the creation of stable relationships between traditional leaders and elected local government bodies has yet to be finalised. The policy frameworks on local governance remain vague about the role and the exact relationship between elected local government structures and traditional authorities.

In the case of traditional leaders, there remains a lack of clarity about their own future role in rural local governance. In this regard, Chapter 11 of the Interim Constitution gives recognition to the institution of traditional authorities and indigenous law and makes provision for advisory roles at provincial and national levels. However, it is not clear what the roles of traditional authorities should be at local level, except by reference to other applicable laws. The position of traditional authorities has thus not been finalised. The Interim Constitution (Section 18) stipulates that they will continue to exist. All such authorities may, however, be expected to fall under some or other metropolitan or district council. In this case, the traditional leader (chief) will become an ex-officio member of

such a council. The Constitution also stipulates that a House of Traditional Leaders at provincial level and Council of Traditional Leaders at National level should be established to advise and comment on aspects pertaining to traditional communities.

These however, were based on the Interim Constitution, and the 1996 Constitution no longer provides for ex-officio status. There are fears that the Central Government will have the latitude to implement its policies and do away with ex-officio positions. If Central Government eliminates the ex-officio status, this could lead to a grave hindrance to the effectiveness of elected structures and perpetrate a struggle between traditional authorities and elected structures.

The problem remains on how traditional authorities at local level should relate to elected local government structures, particularly rural local councils. Arising out of the Constitution's failure to address the roles of traditional authorities at local level, the question arises as to how traditional leaders and authorities should relate to elected local government? Chapter 10 of the Interim Constitution specifies a service delivery role for elected local government in providing access to water, sanitation, transportation facilities, electricity etc. According to the findings of the study, service delivery and development have rarely been the prerogative of traditional authorities in practice due to limited resources, but that of the various line departments of the homeland governments. The role of traditional authorities has usually been limited to cultural, local dispute resolution and, importantly, land allocation. However, existing legislation such as the Bophuthatswana Traditional Authorities Act No. 23 of 1978, which governs the operation of traditional authorities, provides for wide ranging powers to traditional authorities, including those of a service delivery nature. This state of affairs has caused tension between traditional authorities and elected local government structures.

Traditional leaders have therefore great uncertainty about their future role and many may be unwilling to forfeit existing de jure powers, even those which have

not been exercised in practice. Some expect to carry on as before, but within somewhat differently demarcated areas (McIntosh, et al, 1994:9). This reveals the confusion and ignorance surrounding the Interim Constitution distinction between the role of the elected local government in providing services and the role of traditional authorities in promoting the culture, language and tradition of their communities.

Many critics of these two Constitutions have urged that the two documents failed to address the question of traditional leaders to the satisfaction of rural communities and traditional leaders themselves. After the adoption of the 1996 Constitution, traditional leaders argued that the new Constitution is worse than the Interim Constitution because it does not force provincial government to establish houses of traditional leaders. Traditional leaders argue that under the 1993 Interim Constitution, provincial bills pertaining to traditional authorities, indigenous law, or such traditions and customs, or any other matters having a bearing thereon, had to be referred to them for their comments before they could be passed into law, while in terms of the 1996 Constitution, the function of the House of Traditional Leaders is restricted to dealing with customary matters. The relationship between the House of Traditional Leaders and the relevant provincial governments is not addressed in the 1996 Constitution.

While the 1996 Constitution may appear to have weakened the role and protection of traditional leadership and institutions, it does, however, create a flexible environment of policy formulation and development. In recognizing and protecting the status and role of traditional leadership, institutions and customary law, the Constitution has, however, not defined in precise terms their exact role and status. It is our contention that it is this flexible environment created by the Constitution that needs to be explored to make traditional leaders part of the rural development process. It is, however, the failure of the Constitution to address the role and status of traditional leaders that has partly contributed to the present fear and uncertainty on the part of traditional leaders as far as their status and future role is concerned.

In terms of the Interim Constitution, the traditional leader of a community observing a system of indigenous law and residing on land within the area of jurisdiction of an elected local government, is entitled ex-officio to be a member of that local government. This is small comfort to the chiefs within Contralesa. Their concern is rooted in the fact that provincial and national legislatures are required to "consult" with them on matters relating to tradition and custom and traditional leaders, in turn, may only "propose". However, the chiefs now driving Contralesa such as Patekile Holomisa, Prince Mota and Nkosi Mwelo Nkonyana, are strident in their condemnation of the limits imposed by the Constitution on their traditional institutions and authority. According to Contralesa, a democratically elected government and traditional institutions should complement each other (Holomisa, 1997; Nonkonyana, 1997). This, indeed, is the crux of the matter. According to Contralesa, only a co-participative nature of local government envisaged in the rural local government areas will create a conducive environment for development to take place.

According to Contralesa, since traditional leaders would represent their communities in the structures created by the Constitution, chiefs had to have a say in all matters that impacted in those communities and ideally, seats in all legislative chambers. Holomisa (1997:108) sums up this argument thus:

"We cannot be expected to participate only in customary law legislation when matters of education, commerce and industry, and the general development and well-being people are our responsibility".

Contralesa is also against the LGTA reducing the institution of traditional leaders to mere interest group status. According to Contralesa, the Act had failed to recognise the important role that tribal authorities play in their communities. The feeling is that the Act dis-empowers the institution of traditional leaders. In particular, Contralesa questions section R65, which categorises the institution of traditional leadership a mere interest group, just as farmers, farm-workers and women. According to the Act, chiefs are expected to nominate ten percent of their representatives to the rural local councils, such as TDCs in the North West

Province. At the heart of the Contralesa campaign is the desire to see the current advisory role of traditional leaders expanded to include legislative and executive powers, as well as the expansion of their powers at local level.

The IFP position on the issue of traditional leaders is part of its perennial campaign for greater provincial power, and hence a federal state. The IFP interprets the position of the ANC on traditional leaders and their roles as outlined in the Constitution and their remuneration by the central government as a tactic of the ANC to concentrate power at central government level, so as to weaken parties in those provinces which are not ANC controlled.

The IFP argues that the responsibility for powers and remuneration of traditional leaders should be a provincial government responsibility. Therefore, according to the IFP, anything concerning the institution of traditional leadership becomes an issue for the provincial government. This move is supported by traditional leaders within the IFP alliance. The argument by IFP for strong powers to the traditional leaders lies in the dualistic nature of the IFP as both a political party and a cultural organisation. The IFP aims at achieving self-determination for the Zulu nation and at the same time promoting Zulu customs and traditions. Since traditional leaders are the custodians of custom and tradition, they are not only members, but the arteries of political power for the IFP. On the question of payment of traditional leaders it is not surprising that IFP wants traditional leaders to be paid by the provincial government as the loyalty to the IFP by the traditional leaders was brought about through salaries. Traditional leaders were paid as KwaZulu Legislative Assembly members. Salaries of traditional leaders who were members of KwaZulu Legislative Assembly were very high as compared to stipends of non-members. Those traditional leaders who were not members of the IFP, therefore, suffered financially for their political beliefs. This underpins the abuse of both traditional leaders and the remuneration principle itself.

The Restitution of Land Rights Act No. 22 of 1994, Section 34(1), empowers a local government body in respect of land which falls within its jurisdiction to apply

to the Land Claims Court for an order that such land should not be restored to any claimant. This Act denies traditional authorities the same rights for their communities. The jurisdictional issues, as to who should make such an application in terms of this Act, has aggravated the conflict between the two institutions.

Traditional authorities maintain that local government should have no say on land, which is held and administered by traditional authorities. This means that development initiatives by local governments may be impeded. The Development Facilitation Act (DFA), No.67 of 1995, provides for nationally uniform procedures for the sub-division and development of land. This function is supposed to be carried out by local government bodies. Traditional authorities are included in the definition of local government bodies (only as ex-officio members), which are empowered to initiate and implement land development objectives. The failure by this Act to define the role of local government and traditional authorities and allocate their respective activities has resulted in parallel and overlapping areas of activity. Thus, the control that traditional authorities have over land within their areas has inhibited the effective application of some of the provisions of this Act in rural areas.

The White Paper on Local Government has also failed to address roles of traditional leaders. However, the White Paper on Local Government gives prospects for a better relationship and co-operation between traditional authorities and elected structures. It is envisaged that the White Paper on Traditional Leaders, a process which is currently in motion, will redress this tension and ensure that the new structures in local government incorporate fully the role of traditional leaders in rural development.

The question that remains to be answered is whether this rather bleak scenario can be resolved during the interim period and before the second democratic local government elections, which will be held in terms of the new Constitution, take place. There are prospects in this regard. The White Paper on Local Government again emphasises the relationship between traditional authorities

and elected structures. The Constitution of the Republic of South Africa Act, 200 of 1996, recognises both institutions. Each of these institutions have their own functions which differ in some respects, but overlap in others. The White Paper on Local Government recognises this as a source of conflict and tension and as a barrier that hampers development in certain areas. Prospects are made available by the fact that the local government in certain areas acknowledges the problems which emanated during the interim phase between traditional authorities and elected structures. The White Paper foresees co-operative rural governance, though it fails to spell out clearly how this should happen. The point of departure is that both elected structures and traditional authorities can make a positive contribution to the development of rural areas and communities. The proposed co-operative model, according to the White Paper, must be based on the principle of co-operation, communication and consultation.

Opportunities are also made available by the fact that much of the details regarding rural local government arrangements still need to be finalised. Milieu thus exists for establishing processes for negotiating a rural local governance model accommodating conflicting interests in respect of primary structures, which have yet to be established in the rural areas. The window of opportunity has also been created by the White Paper on Traditional Leadership - process. One of the many aims of this process is to recommend how traditional leaders and traditional institutions should relate to elected structures and what their role should be in development.

3.8. CONCLUSION

This chapter reviewed the historical development of the chieftainship system in South Africa, from pre-colonial to the apartheid dispensation and reviewed the efforts made by GNU to spell out the role of traditional leaders under the new political dispensation. It concluded by considering what the problems and prospects are thus far with regard to the positions and future roles of traditional authorities and leaders.

CHAPTER FOUR

THE HISTORICAL BACKGROUND OF THE LEHURUTSHE DISTRICT AND THE ORGANISATIONAL STRUCTURE OF ITS TRADITIONAL AUTHORITIES

4.1 INTRODUCTION

This chapter provides a socio-economic background of Lehurutshe district as well as the organisational structure and functions of the Lehurutshe Tribal Authorities. The chapter starts by outlining the historical and socio-economic background of the Lehurutshe district. This is very important, as the performance of local authorities is only comprehensible with reference to the socio-economic context in which they operate. It then outlines the organisational structure of Lehurutshe traditional authorities.

4.2 HISTORICAL, SOCIO-ECONOMIC BACKGROUND OF THE LEHURUTSHE DISTRICT

The Bahurutshe originally consisted of a Tswana speaking chiefdom who lived in the vicinity of the Marico (Madikwe) river on the southern highveld and emerged as an identifiable community with a distinct political structure about 350 years ago (Manson, 1990). Historically, the district of Lehurutshe was known as Moiloa Reserve in the Marico District in the Western Transvaal. Moiloa Reserve was an area of the Southern Tswana settlement. It was occupied by the Bahurutshe tribe, a group of people known for their typical form of territorial organisation, that is in large settlement under the authority of a chief with overriding leadership vested with the Moiloa family based in Dinokana (Manson, 1983). According to Breutz (1989) the name Bahurutshe originates from an ancient ritual function, the feast of the "first fruit", referred to as the 'biting of the melon', 'Go loma Tshotse' in Setswana. This kind of melon is called 'lerotse'.

With the 1959 Promotion of Bantu Self-Government, the various tribal areas in Lehurutshe became part of the Batswana homeland called Bophuthatswana.

The accession of Bophuthatswana to self-governing and independent status witnessed important political and judicial changes. Bophuthatswana was granted self-governing status in 1972 and independent status in 1977. Lehurutshe region then, fell within the central region of Bophuthatswana which comprises Ditsobotla, Lehurutshe and Molopo districts.

Thus the socio-economic conditions in the Lehurutshe district cannot be discussed in isolation from the rest of South Africa. With the 1959 Promotion of Bantu Self-Governing Act, Lehurutshe became part of the Batswana homeland whose development, according to the Nationalists strategy, was to be promoted on a separate development basis.

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The homeland system, whether they were independent, or self-governing, were part of the political and economic structure of South Africa created in terms of the policy of separate development. It is, therefore, important to remember that this homeland development was a politically and economically motivated policy formulated by National Party government with the view to preserving 'white' interests (De Clerq, 1986). In that sense, the Lehurutshe socio-economic development has to be assessed against the background of the South African political economy. Manson (1993:64) described Lehurutshe as:

"well-watered and fertile' or as capable of sustaining people and cattle quite comfortably or unlike other reserves. This is true of the southern end of the reserve, Dinokana which was served by an irrigation network fed from a natural spring and Gopane is situated near a water basin. In the north of eastern part of Lehurutshe though, the soil is sandy and poor, and agricultural productivity is low".

The pre-colonial system of agricultural production in the Reserve was modified by the arrival of missionaries among the Tswana. In 1834, David Livingstone arrived in the Reserve and under his direction and guidance the local people developed a network irrigation system for agriculture (Drummond, 1990). By 1859 the Hurutshe were competent in the use of irrigation, and were keen to expand their agricultural production through the adoption of new technology such

as the plough. That the people of Moilola's Reserve had many wagons also indicates that they were in fact involved in trading networks and were producing for markets (Drummond, 1990). The Hurutshe continued to expand their agricultural production throughout the latter half of the 19th century. In particular, they boosted production to take advantage of the new markets created by the diamond discoveries at Kimberley in 1867 and the opening of the Witwatersrand gold fields in 1886. Evidence to support this is provided by the observations of contemporary travellers and writers of the period. Emil Holub, a Czench traveller, visited Dinokana in March 1874 and April 1875. On his first visit Holub reported that the Hurutshe "have become the most thriving agriculturalists of all the Transvaal Bechuanas" (Holub, 1881:416 cited in Manson, 1990:2).

In 1875 the then chief of the Reserve, Moilola, managed also to increase Hurutshe access to more land, either by purchasing farms adjoining the location, or by entering into agreements with local white farmers to run cattle on their land. Finally Moilola welded his community together by a process of political involution (around the person of the chief) and by re-introducing important social institutions and practices such as initiation schools (Manson, 1990). Furthermore, they exploited the opportunities created by the demand for new crops such as wheat and tobacco, and expanded production for sale at the Diamond Fields of Griqualand West and the Reef after opening up of the mines.

By the beginning of the twentieth century, relative to other African communities, the Hurutshe were well placed to face the changes introduced by the modern South African state. Even after the Land Act of 1913, which restricted African access to land, the missionaries considered that "the people still have enough space for agriculture and animal husbandry for years to come" (Drummond and Manson, 1993:465).

In the period up to 1957, Dinokana still had a comparatively strong rural economy. According to a survey made by the South African ethnographer Breutz (1953:161) in the early 1950's:

"the tribe has an elaborate irrigation system. As there is more water they also grow European vegetables, such as cabbages, peas, tomatoes, carrots, radish, onions, and they have various kinds of fruit trees. There is also sufficient grazing around Dinokana".

Clearly, there is evidence that "on the whole Moiloa's Reserve in the 1950's was still productive and its economy had not been severely undermined" (Manson, 1983:64). The conventional view of a declining Reserve economy in South Africa from the 1930's has been challenged, and Simkins' (1980) has shown that in many instances the period of rapid decline began only later in the late 1950's. This would tend to be borne out in the Hurutshe Reserve. It is also worth noting Bundy and Beinart's (1980:295) observation that migrants' wages were often re-invested in the productive process and it is dangerous to equate the degree of migrancy "ambiguously as an index of rural pauperization". The multi-faceted decline in the social and economic status of the Reserve can be dated from the National Party victory in 1948. Almost immediately, the Native Affairs Department (NAD) terminated the subsidy scheme and the annual Marico native agricultural show, which was a means of promoting agriculture in the region (Drummond and Manson, 1993:470). In addition, the NAD became far more "insular" and shifted from a style of "benevolent paternalism" to that of a more authoritarian controlling body.

From the 1950s, the question of Reserve productivity was intertwined with the evolution of National Party policy. State planners realised that effective segregation required an increase in the carrying capacity of the Reserves and a radical programme of rehabilitation. In 1954 the Tomlinson Commission was established to resolve the problems of overcrowding in the Reserves, which had resulted in uneconomic landholding, low levels of production, and environmental degradation. The Commission recommended an extension of land holdings to

a class of progressive or peasant farmers, while those who lost land were to consider non-farm employment in both the rural and urban areas (Manson, 1993).

The 1957 political disturbances against issuing "passes" to women curtailed farming for two years and many people fled their homes for Bechuanaland (now Botswana), some never to return. There was a severe drought between 1962-1966 and a simultaneous outbreak of disease among the villagers' fruit trees (Drummond, 1990). Influx control limited the possibilities for capital accumulation which could be re-invested within the reserve. Finally, in the 1970s "black spot" removals and influx control increased the population by about 13,000 people, leading to overcrowding, the erosion of pastures and a fall in crop yields (De Clerq, 1986:44). The area of cultivated land around Dinokana for instance, fell from 470 hectares to 206 hectares between 1957 and 1984, a decline which in all probability, was matched elsewhere in the Reserve (Drummond and Manson, 1990). Increasing numbers of small peasant producers thus abandoned the land to enter migratory labour, and the Reserve was transformed from an essentially peasant economy to a labour Reserve economy, a pattern characteristic of all rural economies being incorporated into the South African economy, though the intensity and range of this process occurred differentially over time and region. Simkins' (1980) periodisation of the period of "rapid decline" of the Reserves in the years between 1955-1969 would thus appear to be substantiated in the case of Moiloa's Reserve. The fact that neighbouring Botswana received independence in 1966 was also a blow to the local economy since this was accompanied by the strict enforcement of the previously open and fluid border between Moiloa's Reserve and the Bechuanaland Protectorate (Drummond and Manson 1990). In turn, this reduced certain significant resources available to the people of Dinokana since previously they had maintained cattle posts (grazing lands) near Kanye in Botswana (Drummond 1990).

The first form of removals that affected the Lehurutshe region came in the early

1970s with the resettlement of people evicted from the white farms. The Lehurutshe region became the dumping ground of thousands of Batswana evicted from white farms in the Western Transvaal. . During the 1970s, a Black township attached to Ottoshoop (a nearby Western Transvaal town) was moved and the population resettled at Khunotsoane near Dinokana village (Lehurutshe). The subsequent relocation of this surplus population into the homelands caused serious hardship to the people themselves and resulted into the further overcrowding of these already poor homeland areas. According to Graaf (1984:10-15), there was no employment opportunities, no schools, no electricity supply, no tar roads nor telephones in Khunotsoane. The present day settlement of Lehurutshe township only came into existence in the 1970s when people were moved there from 'black spots' in the western Transvaal (Drummond, 1990). Lehurutshe was however chosen to be the new regional capital of the Lehurutshe district and a new shopping centre and some light industries were established. This development of a new urban centre has obviously had ramifications in terms of increasing demand for social services - especially water. This has been met by tapping the waters of the Dinokana "eye" in Dinokana village. This has had severe repercussions for the villagers. In terms of re-directing the amount of water available, thereby hampering their ability to grow irrigated crops all year round in their gardens like before.

The ensuing crisis engendered by the state's attempts to "develop" the reserves and by the extension of influx control and forced removals, called for yet a further response, usually under the rubric of "homeland development". The Bophuthatswana government, in attempting to proclaim its independence by pursuing a policy of "national" self-sufficiency, established in 1978 the parastatal, Agricultural Development Corporation of Bophuthatswana (Agricor). The goal of this body was to promote broadly-based economic and social development in rural communities through the formation of agricultural projects. In the early 1980s, a rice project was started at Dinokana, a scheme which meshed well with Bophuthatswana's attempts to form ties with Taiwan at this period. One hundred and twenty local producers were thus organised on a co-

operative basis to farm rice under Taiwanese guidance on 45 hectares of tribal land. In 1984 another project was established, this time under Israeli director, to establish a vegetable growing project near Dinokana. Another project, Tsholofelo Irrigation Scheme was initiated in 1981, in the land under the control of the Bahurutshe ba ga Gopane. Although initially aimed at a local market AGRICOR soon switched to a broader market when the profits from the sale of cheap vegetables could not begin to match the costs of the project (Mosiane, 1991:31).

A multivariate comparison of districts in Bophuthatswana in 1985 (Table 4:1) shows that Lehurutshe district had the least average income per household (R3 426,33) compared to R8 369,88 for the Odi district. It also had the least average income per person (R522,94) which is far lower than the national average of R793,45 and certainly insignificant compared to the highest figure of R1 551,82 for the Bafokeng district. Furthermore, Lehurutshe district had the second highest average household size (6,55) as well as average number of occupants per dwelling unit (6,69). It also had the second highest proportion of income from farming (9,8%) and yet made the highest expenditure on food (61,6%).

Table 4.1 :A Multivariate comparison of districts in Bophuthatswana 1985

Magisterial District	Average Income per Household R	Average Income per Person R	Average Income from farming %	Average expenditure on food %	Average Household size (N)	Average Number of Occupants per Dwelling Unit
Odi	8 369,88	1 457,07	0,6	36,3	5,74	5,97
Molopo	8 082,52	1 494,13	0,6	30,7	5,41	5,72
Bafokeng	7 759,08	1 551,82	0,6	34,3	5,00	5,21
Moretele	7 424,67	1 246,12	1,8	43,7	5,96	6,16
Mankwe	7 346,48	1 214,19	5,5	37,9	5,77	6,45
Thaba 'Nchu	5 252,18	1 130,39	7,1	38,9	4,65	4,97
Ditsobotla	4 739,81	774,03	6,3	43,4	6,12	6,24
Taung	4 668,67	739,14	4,0	45,1	6,32	6,39
Kudumane	4 065,06	610,76	8,4	46,1	6,66	6,73 ¹
Madikwe	3 563,34	606,01	3,8	45,8	5,88	5,91
Ganyesa	3 515,25	575,05	18,3 ¹	57,4	6,11	6,13
Lehurutshe	3 426,33	522,94	9,8 ²	61,6	6,55	6,69
	444,86	793,45	13,2	N/A	5,60	5,78

SOURCE: (DBSA, 1987:15,16; UNISA, 1989:53)

According to the Bophuthatswana Department of Economic Affairs (1989:1), the population of the Lehurutshe district grew from 41 925 in 1970 to 59 946 in 1980 and further to 74 437 by 1985. This high population growth was to weigh heavily on the already poor resources of the Lehurutshe region. The population density increased, the land became more overcrowded and over-grazed and the unemployment situation aggravated. Although some relocated people managed to keep their jobs by commuting longer distances and incurring heavier transport expenses, many lost their previous jobs and joined the already large number of the unemployed population of the area (De Clerq, 1986:44). The characterisation of modern Lehurutshe rural living (Graaf, 1984; DBSA, 1989; De Clerq, 1986) shows clearly that Lehurutshe district is one of extreme poverty, desperate living condition and what has been referred to elsewhere as the 'poverty trap':- a maze of treadmill which becomes increasingly isolated from the main stream of economic and social development.

After the new political dispensation in South Africa, Lehurutshe District became part of the North West Province under the jurisdiction of the Central District Council.

The socio-economic situation outlined above serves as background to an understanding of the nature and magnitude of the problems facing the traditional authorities involved in rural development process. According to Collinge (1995), the social and economic situation in rural areas of South Africa and former homelands has important implications for local organization and rural development administrators. The rural areas find themselves in a state of dependence on South African urban areas because of the lack of job opportunities and the poor state of agricultural and infrastructural development in the rural areas, and because of this large numbers of able-bodied workers, especially men, seek work in the urban areas of "white" South Africa. Those left behind are mostly elderly people, school going children and women. To make matters worse, resettlement of communities on a large scale places further strains of social services. Moreover, resettlement disrupts community life and

causes social problems in society at large. These factors, coupled with demographic pressures and the geographical characteristics of the rural areas, mean that local organisation involved in the rural development process are confronted with enormous challenges of addressing these problems.

4.3 THE ORGANISATIONAL STRUCTURE OF THE LEHURUTSHE TRADITIONAL AUTHORITIES

Breutz (1989:224-253) identified five main groupings in the Lehurutshe district as follows (also see **annexure four**):

- **BAHURUTSHE BA GA MANYANE**

Bahurutshe boo-Manyane tribe live in the west and east parts of the district of Lehurutshe with the headquarters at Motswedi. The tribal authority was established 1957 under the Bantu Authorities Act, 1951. The sub-village is Mmasebudule under a headman.

- **BAHURUTSHE BA GA SUPING**

The Bahurutshe boo-Suping live in the northern part of Lehurutshe district, 110kms north of Zeerust, with the headquarters at Leowana or Supingstad. The Bahurutshe ba ga Suping tribal authority was established in 1958.

- **BAHURUTSHE BA GA LENTSWE**

The tribe lives in the northern part of Lehurutshe along the Ngotwana river near the border of Botswana, 80km north of Zeerust, with its headquarters at Moshana on the farm Witkleigat where a tribal authority was established by 1954.

- **BAHURUTSHE BA GA GOPANE**

The tribe occupies the northern portion of the Moilwa state land, with its headquarters at Gopane where a tribal authority was established in 1957 with the following sub-villages: Lobatla, Borakalalo and Maanwane,

headed by headmen.

- **BAHURUTSHE BA GA MOILWA**

The tribe lives in the district of Lehurutshe and occupies the southern part of the Moilwa state land, with the headquarters at Dinokana. A tribal authority was established in 1958. The tribal authority has the following sub-villages: Rietpan, Khunotswane, Lentsweletsoku, Driefontein, Leeuwfontein and Lekubu (Braklaagte).

With the accession of Bophuthatswana to independent status in 1977 (Jeffrey, 1993) the control and administrative functions of tribal authorities in Bophuthatswana passed from the hands of the Pretoria's Bantu Administration Department to the Department of the Presidency in Bophuthatswana. From then on, the Bophuthatswana Legislative Assembly legislated on traditional and traditional authority matters. Subsequently, the Bophuthatswana authorities passed the 1978 Bophuthatswana Tribal Authorities Act, which made provision for the organisation and also spelled out the powers and functions of the tribal and community authorities.



Table 4.2 List of the present groups of Bahurutshe, their location and their reigning traditional leaders

CHIEFS HOUSE	LOCATION	REIGNING CHIEFS
(1) Bahurutshe ba ga Moilwa	Dinokana	Monnaamere Moilwa
(2) Bahurutshe ba ga Suping	Supingstad (Leowane)	Victor Suping
(3) Bahurutshe ba ga Manyane	Motswedi	Lucas Manyane Mangope
(4) Bahurutshe ba ga Lentswe	Moshaneng (Witleigat)	Ramokopana Lentswe
(5) Bahurutshe ba ga Gopane	Maanwane (Gopane)	Janjo Gopane

SOURCE: (NWPG, 1994)

Political authority among the Tswana tribes in the former Bophuthatswana (North West Province) is based on the principle of descent. Through descent political rights and powers are transferred from one generation to another. Political rights and powers are transmitted in wedlock to succeeding patrilineal offspring by inheritance. The rightful heirs succeed to hereditary political offices by inheritance.

Therefore, succession of hereditary political offices of chieftainship, headmanship is strictly in accordance with the rule of patrilineal inheritance and succession. The political system of the tribes in Lehurutshe is based on dikgoro (wards) each of them under the supervision of a headman (kgosana). The tribal totem of all tribes in Lehurutshe is tshwene (baboon). The chief, heads of traditional clans as well as headmen of villages are a group of hereditary patrilineal offspring vested with political rights and powers to exercise political authority in the tribal territory. In fact, they constitute the tribal authority that directs and administers the affairs of the tribe. As components of the traditional tribal authority, they are vested with administrative and judicial powers to exercise political authority in the tribal territory.

The supremacy of this body of persons is recognized and acknowledged by the political unit. Their succession to hereditary offices of authority and trust are determined by their genealogical seniority. It is the sole right of first-born and eldest son to succeed to hereditary political offices and inherit the properties of their ancestors. The chief holds the highest rank in the political structure of tribal authorities in Lehurutshe district. This rank entitles him to have complete jurisdiction over all heads of traditional clans as well as headmen of villages in the tribal area. He alone can delegate political authority to heads of traditional clans and headmen of villages under his jurisdiction. The range and scope of his political authority extends over the whole tribal authority, whereas that of the heads of traditional clans and headmen of villages extends over their respective political unit. The chief, heads of clans and headmen of villages constitute a traditional tribal authority as well as a judiciary (lekgotla). They are the complete

body of "judges" with their own system of traditional courts in the tribal territory. A number of councils assist the tribal leader (chief/ kgosi) in his duties. The local affairs of sub-regions are administered by a small local council or committee. In the Lehurutshe district there are five tribal authorities and their organizational structure is summarized below (see annexure five).

4.3.1 The tribal leader/chief (kgosi)

The tribe is headed by a chief (tribal leader) who is referred to as kgosi in Lehurutshe district. Tribal leadership is generally hereditary according to patrilineal succession (Myburgh, 1981:89). Traditionally, the duties of the chief focus on religious, political, economic, military and judicial activities. To this end, Schapera (1937:185) states:

"He is the symbol of tribal unity, the central figure round whom the tribal life revolves. He is at once ruler, judge, maker and guardian of the law, repository of wealth, dispenser of gifts, leader in war, priest and magician of his people".

The chief was regarded as the father of the tribe and the sacred living representative of their ancestors. To this end, Stayt (1968:202) writes:

"He is responsible for the prosperity of his country; he must see that it is provided with rain and must determine the time for the sowing and reaping of crops; he gives his consent before the inauguration of any event, such as initiation ceremonies and important dances".

The foregoing could be taken to mean that the chief had unlimited powers, thereby implying that this office was easily susceptible to abuse. But there were, in fact, control mechanisms over the power of chiefs through formalised structures which served to keep the office bearers of these important positions in check (Ismail, et. al, 1997:123).

To execute these duties, he is assisted by a number of councils and individuals.

4.3.2 The deputy chief

The chief is assisted by his deputy in running the affairs of the tribe. The deputy is usually from the royal family, in most cases the chief's elder uncle(rangwane) from his father's side. The deputy chief possesses all the powers and authority when the chief is officially unavailable for duty.

4.3.3 Royal advisory council

Traditionally, the chief's power is exercised through councils and in most cases the chief has no absolute power over his subjects. The royal advisory council (khuduthamaga) consists mostly of the chief's brothers and uncles, minor tribal leaders and headmen. They assist him in policymaking. They are regarded as the owners of the land. They have to be consulted in all matters pertaining to land allocation and any negotiations involving land issues. The members of the royal advisory council are not necessarily members of the tribal authority. Traditionally they are supposed to hold their meetings in the chief's courtyard. The chief can consult them formally and informally. The issues discussed are usually confidential. The main function of the advisory royal council may be summarised as follows:

- Restraining the autocratic and despotic powers of the chief;
- advising the chief in all administrative and judicial matters;
- serving as the traditional court of appeal;
- decide all matters of succession and inheritance;
- responsibility for the installation of the newly appointed chiefs and headmen;
- is held responsible for all funeral and burial rites of chiefs and headmen.

The council also advises, criticises and even reprimands the traditional leader. Due to changing circumstances, the function of the council seems to have lost some importance, mainly because of the absence of the members of the lineage from tribal areas.

4.3.4 The royal guardian (Modisakgotla)

A chief chooses his own modisakgotla (royal guardian), who may not be a family member. The modisakgotla is an ordinary tribesman with good qualities who can be trusted. He is the chief's mouth-piece, and the mechanism for communication between the tribe and the chief. All tribal matters must pass through him before they are considered by the tribal chief (Thornhill, 1993:9). The modisakgotla may not come from the royal descent, however, he is a member of the formal tribal authority and a member of the traditional tribal court and as such he is allowed to take part in the deliberations of the tribal council and trial of criminal or civic cases. He has to protect and safeguard the chief from dangerous and undesirable persons. The main duties of modisakgotla may be summarised as follows:

- He has to accompany the chief on all official visits to the headmen under his jurisdiction;
- responsibility for taking charge of all personal effects of the chief on official visits;
- accompanying the chief to public tribal functions and is responsible for all meals provided for the entertainment of the chief;
- accountability for all journeys undertaken by the chief, as well as those that were sanctioned by royal ruling house; and
- he is responsible for proper order and procedure during the sessions of the traditional tribal court and tribal council.

4.3.5 The formal tribal council (lekgotla)

The chief must sometimes consult with a bigger, more formal body (tribal council) before he makes his decisions. Its councillors are drawn from the ranks of headmen, sub-headmen and prominent members of the community who are acknowledged for their skills and leadership qualities (Thornhill, 1993:8). This council is formed by the tribal leader, headmen of local sections, minor tribal leaders, and a few tribesmen with special qualities. They negotiate policy, internal and external affairs. New laws can not be put into effect until a final decision is made by the council (Thornhill, 1993:9). Some groups consider the

council to be the tribal government (executive body of the tribe). After tribal meetings, every headman goes back to his followers to inform them of the council's decisions (Thornhill, 1993:9). The council is also a representative body, and it communicates the grievances, problems and proposals of the community to the tribal leader (Schapera, 1977:102).

Among the members of tribal authority are nominated members of the tribe, who as norm, are not from the royal family, but an ordinary citizen with "outstanding loyalty, influential abilities, well informed with village matters" (Thornhill, 1993:9). These members are nominated in terms of Section 3(4)(b) of Bophuthatswana Traditional Authorities Act, No. 23 of 1978 for a period of five years. Their positions in the traditional authority are not hereditary, therefore, nominated members should not assume duties and responsibilities as hereditary heads of traditional clans and headmen of villages. According to the Bophuthatswana Traditional Authorities Act, No. 23 of 1978, section 3(4)(a) and (b), a tribal authority consists of (a) "those members of the tribe who in accordance with the laws and customs of the tribe are recognised as councillors who, with the chief or headmen, constitute the tribal government and (b) such other members of the tribe as the chief or headmen may from time to time, with the approval of the officiating councillors, appoints as councillors". The six headmen who serve as advisers to the chief and the only ones receiving stipends from the provincial government, constitute the core or centre of the tribal government in accordance with (a) above.

These headmen together with the chief appoint other headmen, and sub-headmen who serve in the tribal authority in accordance with (b) above. Not all sub-headmen are officially appointed nor serve in the tribal authority. Some sub-headmen are appointed by their headmen so that they can help with the performance of tribal affairs concerning areas or the ward which are far removed or when the ward is too big to be supervised by one person. The tribal authority governs its daily affairs without regular checks and control by the provincial government.

4.3.6 The headmen and the headmen's council

In order to control and administer the tribe properly, each tribal area is divided into different wards. Each ward (kgoro) is under the authority of a headman appointed by the chief. In his territory of jurisdiction, the headman is accountable for peace, order and effective rule. He should help in solving his people's problems and report to the chief on their behalf (Breutz, 1989). The headman should regulate the occupation and use of territory and the immigration of strangers onto tribal land. He is also expected to arbitrate in disputes between tribesmen in his wards. The headman must carry out all duties delegated to him by the chief and see that his people pay the dues to the tribal chief (Breutz, 1989).

The headman is assisted by a small council or committee, consisting of senior males in his family. This council is called headman's council (phutego). The main functions is to help the headman abreast on territorial affairs, allocate residential sites and land to each married male, to maintain law and order and to collect taxes and levies (Hartman, 1993:8).

4.3.7 Pitso (Tribal Assembly)

To make final decisions, the chief has to consult with the popular, all adult male assembly (pitso). The pitso is where every adult male is allowed to speak out his opinion. At the end of the deliberations a binding resolution is taken.

4.3.8 The Committee System

The tribal authority uses committees and members of such committees to perform its functions. These do not receive payment in the form of salary or wages for their efforts. These also head their wards for free. There are: the Finance Committee which deals with financial matters relating to the tribal authority; Land Allocation Committee dealing with land allocation such as plots for residential and business, arable land and grazing; and the School Buildings Committee which is responsible for the erection of new schools, construction of additional classrooms and centres as well as the renovation of and maintenance

of existing classrooms and centres. It is also responsible for ensuring that citizens pay building funds and other traditional levies.

4.3.9 The personnel of the tribal administration

The tribal authority organisation is incomplete without officials. There are two categories of tribal authority personnel. Those appointed by the community or the tribal authority and paid by the community and those provided by the Provincial Government. There were 39 administration staff members in Lehurutshe district and allocated to the five tribal authorities provided by the Provincial Government. They ranged from administration officer to a cleaner. They are assisted by 12 officials appointed by the tribal authorities. They range from a typist, postal agent and cleaner. They are also assisted by officials from the district magistrate's office. The latter officials regularly visit tribal authorities' offices to give advice on administrative procedures, implementation of decisions and the drafting of the annual budget according to Bophuthatswana Traditional Authorities Act, No. 23, 1978, subsection 1, section 13. All provincial officials report to the Regional Supervisor stationed at Lehurutshe Magistrate offices who reports to the department responsible for tribal authorities. All the provincial staff are under the Department of Local Government, Housing, Planning and Development. For the day to day running of the office, all staff members report to the chief through their supervisor who is commonly referred to as the tribal secretary.

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4.3.9.1 The office of the tribal secretary

The Tribal Secretary, who was initially a functionary appointed by the tribal authority, is responsible for such duties as the internal administration of the tribal office, the recording of the court dates, the receiving of court fees and the issuing of summons. However, a tribal secretary is paid and trained by the Department of Local Government, Housing, Planning and Development. The typist who is also working under the tribal secretary does all typing for the office. Many affairs of the tribal authority, citizens, councillors and officials are communicated to the chief through the tribal secretary. This office is busy and has the ability to

influence efficiency and effectiveness with regard to service delivery.

The administrative wing of the tribal authority is further subdivided into manageable groups and functions, under the supervision of the Tribal Secretary. The accounts section collects and receipts taxes that are due to the Tribal Authority. They keep financial registers and assist with the preparation and payment of all accounts.

The Tribal Police perform errands on behalf of the tribal authority, work as messengers and perform house to house raids to check whether citizens comply in paying their taxes and whether they possess stand certificates. The police are not allowed to collect any money during such raids. They only have to issue warning letters to defaulters. The letters inform people to submit receipts, pay or prepare to appear before the Tribal Court on charges of tax delinquency. The registry receives and opens the post, then distributes it to relevant sections. This section also keeps records of the Tribal Authority. Applications for sale and purchase of livestock are done here. Stand certificates are issued by this section. Records of taxable hostels are also kept by this sub-office.

The population registration section deals with births, marriages, deaths and pension certificates. Most of these activities here have been transferred to the Administrator except pensions for old age and disability which are done by this office. The Tribal Court Administration subsection attends to the court and keeps relevant registers. The section records court hearings. They collect or make people to pay fines imposed. The office also refers cases which involve serious offences to higher and relevant courts that operate within the province.

The tribal authority system can be broadly defined as a system whereby power is distributed in a society and political roles are those that allow the incumbent to enjoy the socially-approved right to exercise this power.

4.4 STATUTORY FUNCTIONS OF THE TRADITIONAL AUTHORITIES

The functions of tribal authorities are stipulated in legislation (see **Annexure Six**). These functions should be exercised in compliance with indigenous rules and customs. Under the provisions of the Traditional Authorities Act No. 23 of 1978, traditional authorities were given wide ranging powers in their areas of jurisdiction. The tribal authorities are responsible for the following, amongst others:

- the general administration of the affairs of the tribe;
- the promotion of the interest, the advancement and well-being of the tribe;
- the administration of justice, maintenance law and order;
- development and improvement of land in the tribal area;
- provision of sanitation and health services generally, including the establishment, management and maintenance of clinics and cemeteries; and
- maintenance of water supplies, as well as roads and works.

The Bophuthatswana Traditional Authorities Act no. 23 of 1978 provided for the tribal authority to "exercise or perform the powers, authorities and functions assigned to the tribal authority by the President, subject to the Constitution Act..."

It is evident, therefore, that the Traditional Authority Act No. 23 of 1978 clearly spells out the role of the traditional authorities towards improvement of the socio-economic well-being of their communities. The traditional authorities were to work hand in hand with Government line departments, their communities and other external agencies to achieve the role assigned to them.

4.5 SOURCES OF FINANCE

According to the Bophuthatswana Tribal Authority Act No. 23 of 1978, paragraph 12(1):

"all monies payable into the tribal authority account in terms of section 11 of the

act, shall be paid into the tribal authority account and shall include monies and amounts payable to the tribal authority according to law and custom, namely monies received as:

- a) initiation fees;
- b) court fees;
- c) court fines; and
- d) administrative fees".

According to section 25 of the Act, no gifts and donations may be received by the tribal authority without the prior approval of the Secretary first having been obtained.

According to section 26(1), (2), (3) the following regulations apply to the funds voted by the National Assembly:

- 1) "A register of funds in respect of every tribal authority account with regard to funds voted by the National Assembly to be paid into the tribal authority account, shall be maintained in the office of each Magistrate and the said register must reflect the purpose for which the funds have been voted, the different amounts therefore and the balance available at the close of each month.
- 2) The funds voted by the National Assembly for payment to a tribal authority for whatever purpose, may only be used for the purpose it was so allocated to the tribal authority by the President.
- 3) Unless otherwise authorised by the Secretary, all funds voted by the National Assembly and not expended at the close of the financial year for which such funds have been allotted, shall be paid back into the Revenue fund of Bophuthatswana and the Magistrate shall forthwith, but in any event not later than the 30th day of April of each year, notify the Secretary to this fact".

The income of tribal authorities in Lehurutshe district is derived mainly from fees and other monies traditionally paid to the chief and other persons of authority

under African law and custom. They tend to rely on traditional sources of income, such as court fees and fines, customary fees, tribal levies, tributaries, land settlement fees, and other local fees such as dog tax, workers registration fees, trespass fees, income from the public property and stock of the tribe, fees for public services rendered by the tribal authority and very little from community or independent financial donations paid to the tribal authority subject to supervision by the magistrate. The former Bophuthatswana Government resolved that it would assist the tribal authorities prepared to help themselves. This resolution has since formed the basis for grants for development projects to tribal authorities (De Clerq, 1986). The basis of a rand for rand resolution was to assist tribal authorities who were prepared to contribute something to the development of their communities.

Bahurutshe ba ga Moiloa financial records were chosen for analysis because the tribal authority has the highest income compared to other tribal authorities, while Bahurutshe ba ga Suping financial records were selected because of lowest revenue. From the analysis of the financial statements, it is clear that the better part of their income came from their own sources. Income was supplemented by transfers from government, particularly the Department of Education and the National Assembly of the erstwhile Bophuthatswana.

When analysing expenditure of these traditional authorities it is clear that the better part of their income is used for salaries, transport and telephone. Very little is used for rural development projects. It is clear from the financial analysis that traditional authorities lacked financial and other resources to bring about wholesale rural development, but all rural development projects in their areas of jurisdiction had to be done through them. It is clear that the revenue generated by traditional authorities was used to cover administrative costs.

4.6 THE PLANNING AND CO-ORDINATING STRUCTURES AT DISTRICT LEVEL

In the past, the magistrates (formerly the commissioners) of the Department of Justice played a crucial role in the co-ordination of administration as well as

development activities at tribal level, even though they only had a very limited personnel at their disposal (Hartman, 1993:43). Since the establishment and activation of the different government departments in the former Bophuthatswana, these all-encompassing co-ordinating functions of the magistrates' offices on the district and tribal level were increasingly curtailed. Since magistrates no longer had a co-ordination function, each department tended to do its own thing in its own way and in its own time, sometimes to the confusion of the people (Chikulo, 1992). The ensuing vacuum at this level became a serious development constraint and from 1979 onwards readjustments to the administrative machinery of the former Bophuthatswana Government became imperative. Indeed, a Commission of Inquiry (Wiechers Commission, 1981) reported that there was over-centralisation of decision-making, red-tape, lack of co-ordination and absence of community involvement with the resultant failure to ascertain the real needs for the people.

In an attempt to rectify the above state of affairs and 'take government to the people', the former Bophuthatswana government decided to create the office of Governor in each district (Chikulo, 1992:27). Each of the twelve districts (sometimes referred to as regions) which jointly comprised the former Republic of Bophuthatswana in terms of section 6 of the Republic of Bophuthatswana Act 18 of 1977, was headed by a political appointee called Governor. In larger districts such as Odi and Moretele, sub-offices were established, headed by a Deputy Governor. Thus, all in all, twelve Governors and two Deputy-Governors were appointed in terms of Act 10 of 1990 (Bophuthatswana, 1989:52), with a:

"View to representing government within that district and promoting the interests of such district and its inhabitants by liaison and co-ordination with Government and the various Departments of State".

Thus the Governor was regarded as the most senior government official at district level (The Mail, 1989). The role of the Governor was that of Rara and Rakgaolo (father and head of the region) (Bophuthatswana, 1989:52).

Prior to the creation of the office of the Governor, the system obtaining at district level could at best be characterised as fragmented and compartmentalized with minimal participation by the local communities (Chikulo, 1992:53). According to the Act the main roles and function of the office of the Governor with regard to tribal and community authorities were as follows:

- To co-ordinate, liaise with and advise (also as a member of) all traditional authorities and local councils. This was especially important as the Governor had to offer these bodies every assistance and guidance in the administration of their areas of jurisdiction. Such areas included all aspects of regional development plans/programmes as were to be discussed with local and traditional authorities/councils, dikgosi, dikgosana, members of Parliament etc.
- Not only to be an interpreter of Government policy, but also an analyst of policy in order to help to resolve conflicts between regional decision-making bodies.
- To see to it that Government objectives and those of other organisations were mutually supportive rather than contradictory.
- To create, extend and develop an inter-active network both within the regions and between Government representatives and those others who contribute to regional development.
- To be closely involved with the tribal community and regional authorities as well as local government and other bodies or institutions in the region.

With specific regard to tribal authorities, the appointment of Governors was to bring about a closer linkage between village or local people and the central government. The Governor, as chief government co-ordinator for political and socio-economic development within the district, was expected to achieve this role through various district committees which he chaired.

The district committees established by Act No. 10 of 1990 were:

- District Co-ordinating Committees;
- the District Liaison Committee; and
- the District Security Committee.

4.6.1. The District Co-ordinating Committee

The Governor performs his major developmental role in the district through the District Co-ordinating Committee, which was the main machinery for development at this level. Its major task was to integrate and synchronize the disparate district agencies into a coherent development front.

The District Co-ordinating Committee consisted of between seventeen and twenty members most of whom were civil servants Act 10 of 1990 section 8(1) specified as follows that it should consist of the Governor, "who shall be the chairman, and of such number of additional members as are equal to the number of those Departments of State which is represented within such district by one or more of its officers"

- The most senior officer within a district of each Department of State represented within the district as contemplated by paragraph (a), sat on the District Co-ordinating Committee ex officio.

4.6.2. The District Liaison Committee

The functions of the District Liaison Committee were "to identify, determine and review, from time to time, the needs and requirements of that inhabitants of the relevant district as a whole or of the inhabitants of all or any of the tribal areas, community authority areas or local authority areas in that district in relation to the following:

- to the establishment, sufficiency, maintenance or improvement of public or other infrastructure facilities;
- to the socio-economic or other development of that district or any specific part thereof;
- any political, educational or cultural matters whether on national, regional or local level, and to submit its report, containing its findings and recommendations, to the Executive Council;

The Committee was to be composed of the Governor, "who was the chairman", and the following additional members, namely:-

- the additional member from the District Co-ordinating Committee for such a district elected by the Co-ordinating Committee;
- the respective chiefs of the various tribes in the district and an equal number of tribal councillors, each tribal authority in that district which shall, from the number of its councillors, designate one with the view to the further representations of its interests in the District Liaison Committee;
- the chairman of the regional authority for that district, and two other councillors designated by such regional authority from the number of its members to further represent its interests in the District Liaison Committee;
- the respective chairmen of the various local authorities in that district; and
- the eight members of the National Assembly elected or designated in accordance with the provisions of the Republic of Bophuthatswana Constitution Act, 1977, to represent the interests of the electoral division or region comprised of that district.

4.6.3. The District Security Committee

The functions of this committee were to determine, review and assess, at least once in every month, the security situation within the district and prepare monthly reports and recommendations to the Executive Council for consideration.

The District Security Committee was empowered, from time to time, to appoint on ad hoc basis, a sub-committee to undertake such investigation or duties relating to the brief of the District Security Committee.

The District Security Committee was composed of the Governor, who was the chairman, and the security chiefs within the district, viz: Police, Defence Force and Prisons or any other security wing stationed or deployed in that district.

In addition to the above district committees, some sub-committees are established on ad hoc basis, from time to time, to look into specific issues. This is due to the diverse problems experienced by the different regions. Such ad hoc sub-committees related to problems such as: stock theft; cross border disputes; shortage of classrooms; unemployment; and communications.

However, the composition of the District Coordination Committee and District Security Committee gave rise to one major problem. The domination of the key district committees by central government and parastatal heads inevitably means that, in view of the strong vertical lines of command to which departmental heads were subject, central government rather than local influence tended to predominate in these committees because local representatives such as chiefs, local councillors or members of Parliament did not sit on them. Consequently, local communities and traditional authorities had limited influence on the policymaking and execution of district based executive departments. Local representation was to be found on the District Liaison Committee which, in addition to the members of the District Co-ordinating Committee also included: chief, tribal councillors, chairmen of community authorities; chairmen of regional authorities; bodies mainly concerned with the aggregation of the needs of the local communities. The tribal authorities also had relationships with other committees outside the committees created under the Governor's Act, No. 10 of 1990.

Committees, such as Village Development Committees also played a role in the development of villages under jurisdiction of the tribal authority. As such these committees liaised with the tribal authority in matters of common interest which was the development of the rural populace.

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4.6.4. Regional Authority System

The tribal and community authorities were grouped under regional authorities and their designated representatives constituted the regional authority.

Thus to some degree they were seen to constitute the first stage of second tier government. A position which was re-affirmed with or by the enactment of the Traditional Authorities Act, 1978 and The Governor's Act, 1990. The original intention was that regional authorities would serve as an intermediate level of government. However, no clear distinction was drawn between their functions and those of tribal authorities and Governors'. Moreover, they did not have the financial resources to take any meaningful action and all their members were also members of the tribal authorities and Governor's Co-ordinating Committee. Since regional authorities did not have financial resources their administrative expenses were paid by the Government. One of their most important functions was to advise the line department on local needs and the priorities of services to be rendered and development projects to be undertaken. This advice took the form of recommendations and representations to various departments during budgeting periods. The above procedure made provision for consultation on and reconciliation of local and central needs and priorities. This approach served only to strengthen the already strong dependence on central government.

4.6.5. Village Development and Tribal Development Committees

With the aim of involving the local population in the identification and prioritization of development projects, tribal development committees (TDC's) and village development committees (VDC's) were established at the tribal and ward levels respectively.

There were 40 VDCs in the District and 5 TDCs. Each village development committee (VDC) consisted of the local headman (ward headman) as chairman, and a number of the most prominent community members. A tribal development committee (TDC) consisted of all the chairmen of the village development committees and was chaired by the relevant tribal chief.

The primary objective of village development committees (VDCs) was to co-ordinate development activities in their villages (Agricor, 1990:12). Specifically, their functions were listed as follows:

- To take an active role in bringing about development activity in the village;
- to prioritize the needs of the community;
- to involve by all means all members of the community;
- to report to the community and the kgotla about all the development projects in the village.

Thus, the VDCs were seen as umbrella bodies consisting of representatives from all the existing groups in a community (Agricor, 1990:5). The VDCs were sponsored by Agricor's Department of Community Development. The function of the village development committees was to identify and prioritize development projects at grassroots level and refer these to the tribal development committee for consideration. Here, at tribal level, the local representative of the planning council would have the opportunity to guide the tribal development committee and the tribal authority in the identification and prioritization of development inputs. After considering the projects, the tribal development committee was to refer its inputs to a district co-ordinating committee of the Governor's office. The problem was that VDCs and tribal and village development committees had no statutory status and were not fully integrated with the existing regional authority structure.

In some instances, the same duplication prevailed at the tribal authority level with either the tribal authority existing side by side with a tribal development committee. In a few cases, the tribal authority itself, or a standing sub-committee from its ranks, constitutes the tribal development committee, while in other instances the chairmen and secretaries of the different village development committees constituted the tribal development committee under the chairmanship of the tribal chief.

The village development committees were usually composed of elderly people from the villages because most of the younger economically active men were working outside the tribal area. Younger men who were present in the area had in most instances not been motivated to participate in the activities of the village

development committee. Sometimes they regarded it as part of the traditional ward council where they were not really expected to participate because it was the prerogative of the "elders" of the community. If a headman did not purposely and consciously motivate the younger generation to participate, and motivate the members of the village to elect younger people on the village development committee, the younger generation would certainly not do it of own accord. In cases where this had been done and where younger people were part of the village development committee, the committees' functioning was usually of a higher standard. The members of the village development committees were elected, the inhabitants of the village got an opportunity to elect those who, in their opinion, were capable of serving the community and its developmental needs. In practice, however, there were usually not enough capable people in a village to satisfy this expectation. In some villages the number of members of a village development committee was so small because committee members were not remunerated. Identified needs were usually presented in writing to the tribal authority or tribal development committee. If a project was approved, the funds which the particular ward or village had to contribute were decided upon at a meeting of all the ward members and the ward headman. An appointed ward member was then responsible for the collection of a specified amount from each household. After the full amount had been collected, the tribal authority was informed accordingly, whereafter the request for the implementation of the development plan(s) was handed over to the relevant department. It must be borne in mind that apart from the ward council and the village development committee, other "committees" also functioned within each village (school boards, clinic advisory committees, care-groups, etc).

All these structures existed during the day of the erstwhile Bophuthatswana government. After the new political dispensation came into being these structures were replaced by the Reconstruction and Development Committees as development agents at the local level.

4.6.6. Transitional District Council's Rural Development Committees

After local government elections in 1995, rural local governance was mandated to Transitional District Councils (TDCs) as primary structures in rural villages. The weakness of the TDC approach recognised by the Provincial Government has been that it does not provide as strong democratic representation for the people living in rural areas as that enjoyed by urban dwellers. To overcome this limitation yet to ensure low administrative costs, the TDC, working with the Provincial Department of Local Government, enacted Rural Development Committees (RDC) to strengthen both service delivery and representation. The other reason for their establishment was to try to institutionalise co-operative governance in rural communities and structures. RDCs drew their membership from villages, RDP forums, CBOs, traditional authorities, and other representative organs of rural civil society. All in all the membership of RDCs was to consist of 9 members. In each demarcated area the RDC was to be responsible for determining rural development needs, identify potential projects, designing business plans, and then implement projects. Each RDC was to have a Village Liaison Officer (VLO) who was to service the RDC and be responsible for development projects. Each demarcated area was to be represented at the TDC level by a councillor. In this way it was hoped that conflicts amongst rural structures could be minimised. These committees were established in terms of Proclamation, 90 of 1995 which established the Transitional District Councils in the Province. In the Central District Council, RDCs were not established because they were still piloted in the Rustenburg and Bophirima District Councils. The Council relies on the RDP committees for co-ordination at village level. These committees were meant to be legal structures working at local level and other civil structures were expected to have representation in these structures. The rural areas were demarcated into 69 rural wards or zones. Each ward draws together a number of rural communities that have shared 'activity space'. The Central District was divided into 14 wards. Traditional authorities and elected councillors were expected to have representatives in these committees. There are two traditional leaders occupying ex-officio status in the Central District Council from Lehurutshe region.

The establishment of RDP Committees in the villages has also made the situation more complex. There were no clear indication whether the VDCs have been replaced by RDP Committees or whether they co-exist. This situation has led to confusion and misunderstanding in the villages.

4.7 CONCLUSION

In this Chapter the historical and socio-economic background of the study area (Lehurutshe) was outlined. The Chapter also discussed the organizational structure of the Lehurutshe tribal authorities and outlined different structures, individuals and committees which constitutes the tribal authority. Lastly, the Chapter portrayed the statutory functions and sources of finance of tribal authorities as assigned by the Bophuthatswana Traditional Authorities Act No. 23 of 1978. This was done to briefly show what exactly the nature of tribal authorities functions were and how they were expected to finance such functions. This is also important because the financing of tribal authorities is crucial to the performance of their roles in the rural development process.

CHAPTER FIVE

PERCEPTIONS ON THE ROLE OF THE LEHURUTSHE TRADITIONAL AUTHORITIES IN RURAL DEVELOPMENT.

5.1 INTRODUCTION

In this Chapter, presentation of data obtained from the study area has been effected in two ways, by means of tables and figures. The tables reflect the responses to specific items in the questionnaire, while figures have been used to simplify data that would otherwise have resulted in rather complicated tables. The important themes have been captured and linked to the central aim of the research as a whole. The aim was to establish the perceptions of traditional authorities' councillors and their communities on the role of traditional authorities in the rural development process. Data is also presented in two ways:

- Presentation of data obtained from traditional communities; and
- Data from traditional leaders and traditional authorities' councillors.

5.2 SOCIAL CHARACTERISTICS OF ALL THE RESPONDENTS

5.2. 1. Characteristics of the community respondents

5.2.1.1. Sex of respondents

Table 5.1 Distribution by gender of community respondents

Sex	No. of respondents	Percentage
Male	316	31.6
Female	684	68.4
Total	1000	100

Table 5.1. indicates that the majority of the respondents (68.4 %) are females and only 31.6 % are male. These figures concur, to a large extent, with the 1985 population census in the former Bophuthatswana which indicated a higher ratio of females to males in all age categories, viz: M=46.3 %, F=53.7 % (Bophuthatswana, 1985). These figures have important implications on the participation of women in decision-making in the rural areas. As a majority group , they should be fully participating in rural local governance because the decisions taken impact very much on their lives as a majority group.

5.2.1.2 Age distribution

Table 5.2: Distribution by age of community respondents

Range	No. of Respondents	Percentage
21-35	100	10
36-40	130	23.0
41-45	203	20.3
46-55	260	26.0
56-70	207	20.7
TOTAL	1000	100

The ages of the respondents play an important role in determining their perceptions and their mode of thinking regarding traditional authorities. The age profile shows that approximately 10 percent of the respondents are less than 35 years of age, and about 23 percentage were between the age 36-40 and 20.3 were between 41 and 45 of age and 26 percent were between 46 and 55 years of age. The latter probably do have the physical and mental strength to perform active roles in the development of their areas. Only 20.7 percent were above the age of 56. Thus, it can be concluded from the age profile that approximately 20.7 percent of respondents are elderly people, a factor which may prevent them from playing their full part in village development.

5.2.1.3 Educational qualification of respondents

Table 5.3: Distribution by education of community respondents

Education	No. of respondents	Percentage
0	19	1.9
1-4	200	20
5-6	440	44
7-8	265	26.5
9+	76	7.6
TOTAL	1000	100

Clearly, the extent of the participation of people in development is closely related to educational standards. According to Table 5.3, only 26,5 percent of the sample have completed between standard 7 and 8. Another 44 percent of the sample have post-primary education between standard 4 and 7. The other 20 percent have only primary education and 1.9 percent had no schooling at all. The remaining 7,6 percent have standard 9 to 10. The importance of education as a motivational factor is also illustrated by its positive correlation with aspirations to improve income, social services and living standards, as well as with the desire to acquire information and contribute positively to the development of communities.

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5.2.2. Characteristics of the traditional authority's councillors.

5.2.2.1. Sex of respondents

All of the respondents were male. There were no female traditional leaders, traditional authority councillors or headmen. This indicates that females are not part of the traditional authorities system.

5.2.2.2. Age distribution

Table: 5.4. Distribution by age of councillors

Range	No. of respondents	Percentage
21-35	0	0
36-40	0	0
41-45	0	0
46-55	3	10
56-70	27	90
TOTAL	30	100

The age profile of traditional authorities' councillors shows that approximately 90 percent of the councillors were between 56-70 years of age and only 10 percent was below the age of 56 but above the age of 45. This indicates that traditional authorities consists of elderly, male folk. This has serious implications for development because elderly people tend to fear and resist change. They also tend to see things in the old way and want them to remain that way. They regard any initiative that want to change things as a challenge to their authority and thinking.

5.2.2.3. Educational qualifications of respondents

Table 5.5 Distribution by educational level

Educational level	No. of respondents	Percentage
0	5	16.6
1-4	15	50
5-6	6	20
7-8	1	3.4
9	3	10
TOTAL	30	100

Table 5.5 shows that the majority of tribal councillors did not have secondary education, only 16.6 percent of the councillors had no schooling at all and 50 percent had primary education; 20 percent had between standard 5 and 6. As members of traditional authorities, they received little on the job training offered by the erstwhile Bophuthatswana government and presently they are receiving this training from the Department of Local Government, Housing, Planning and Development to compensate for their educational shortcomings.

5.3 COMMUNITY PERCEPTIONS TOWARDS RURAL LOCAL GOVERNANCE

In order to evaluate the role of rural local governance structures, it is important to acquire how well known they are. Are they legitimate, representative, popular or not? This is very important because if rural communities know the existence of rural local governance structures, it can be assumed that their role can be measured by their provision of local needs and rural communities can identify with them..

5.3.1. Respondents knowledge of rural local governance structures.

Respondents showed more insight on the existence of local governance structures such as RDP forums, school and water committees, traditional authorities. Although TDCs are regarded as legal rural local government structures in the North West Province, very few people knew about the existence of such a structure. All respondents were asked what do they think about rural local governance structures in their areas. Generally, respondents relate local governance structures to service delivery in their areas. However, local governance structures are perceived to be failing to provide services in their areas.

5.3.2. Perceptions and attitude towards traditional authorities

To assess community perceptions and attitude towards traditional authorities, respondents were asked whether the institution should be abolished, retained or given more power on development matters.

5.3.2.1. Community perception on the support of the traditional authorities

TABLE 5.6: Support for traditional authorities

Support	No. of respondents	percentage
Abolition	230	23
More powers	150	15
Retainment	620	62
TOTAL	1000	100

All the respondents had acknowledged the existence of traditional authorities in their areas. However, they differed on the attitude towards the institution and its leaders.

Table 5.6. indicates that the institution received great support. Of those interviewed, 62 percent expressed a positive view towards the institution. Only 23 percent expressed negative views and 15 percent did not want powers of traditional authorities to be increased. This shows that while the community is not happy about the performance of the institution, this does not necessarily mean that it must be done away with. Community members argued that the institution is part of their culture and it must be retained as a symbol of identity.

5.3.2.2. Community perceptions of the legitimacy of traditional authorities.

Repondents were also asked how representative and legitimate the institution is. Community perceptions throughout the study area generally reflect an acceptance of traditional authorities as a legitimate institution which forms part of their culture and tradition.

However, traditional authorities are being questioned and criticised for not representing the views and needs of the communities. This generally relates to a fear of community members to challenge the authority and decisions taken by traditional leaders who are perceived to be looking after their own interests. Of significance, was the perception that traditional leaders and authorities have little

respect for youth and women issues and for their contributions. According to table 5.7, 13.3 percent of the sample had a negative attitude towards traditional authorities. Majority of the respondents, (86.7 percent) were supportive of the institution. Those who were against it believed that traditional authorities are not essential for the development of their areas. They viewed them in fact as an institution which is delaying development of their areas. They were of the view that traditional authorities have done absolutely nothing to secure their existence. The majority of the respondents (about 86.7 percent) who are for traditional authorities believed that it is part of their culture as Batswana to have traditional authorities. They argued that during apartheid when government was not prepared to build them schools and other amenities, traditional authorities and leaders assisted them to build schools by asking their communities to contribute funds and other resources to these projects.

TABLE 5.7. Attitude towards traditional authorities.

Responses	No. of respondents	Percentage
Against traditional authorities	133	13.3
Not against traditional authorities	867	86.7
TOTAL	1000	100

5.3.2.3. Acceptance of the authority of traditional authorities

Table 5.8 indicates the extent to which communities are willing to accept the authority of traditional authorities. Traditional authorities command substantial authority from their communities. Sixty nine percent (69 %) are willing to abide by the authority of their traditional authorities. Only thirty one percent are not willing to do so. This indicates that many community members are prepared to listen and receive information through traditional authorities. This has implications for rural local governance structures. To leave out a structure that still commands support, such as traditional authorities, will not assist to build harmony in rural areas which is essential for rural development. To leave out such structures will only assist to destabilise rural local governance.

Table 5.8: Acceptance of the authority of traditional authorities

Acceptance of authority	No. of respondents	Percentage
Yes	690	69
No	310	31
Total	1000	100

5.3.3 Traditional authorities as agents of social development.

The rationale underlying most rural development strategies is that people can be motivated towards development and development structures in their community if their needs and aspirations have been taken seriously .

To assess traditional authorities as agents of social development, respondents were asked to generally mention social development activities that they feel are important community needs in their areas. In general, respondents mentioned social needs such as electricity, water, employment, health services, roads and schools. The high priority accorded to these social needs is perhaps a reflection of lack of attention to these needs, as well as their importance to the rural communities.

Respondents were asked whether traditional authorities are assisting or helping their communities in achieving the above mentioned social needs. Respondents were asked to give reasons for their answers. According to table 5.9, 65 percent of the respondents who claim that traditional authorities were less helpful, held their traditional leaders and the former Bophuthatswana government responsible for lack of service delivery in their areas. They blamed government for interfering in traditional affairs, forcing traditional leaders to join party politics and hence channelling their traditional leaders to concentrate in being members of the Bophuthatswana Parliament for personal gains and party priorities, thus ignoring community needs. The remaining 35 percent viewed traditional authorities as being helpful because they attended to community needs but a lack of interest and support from their communities made things difficult for traditional

authorities. They claimed that community members did not attend meetings when called to do so. They also claimed that community members refused to pay levies and to contribute to community projects initiated in their communities. They also mentioned that traditional authorities have done several social development projects for their communities. Respondents mentioned projects such as building of schools, clinics, allocation of land, environment conservation, presiding over civil cases, marriage counselling, communicating government information to their communities.

Table 5.9. Attitude towards performance of traditional authorities

Responses	No. of respondents	Percentage
True	350	35
False	650	65
TOTAL	1000	100

Respondents were also asked about the RDP and whether the traditional authorities are capable of implementing the RDP projects. Table 5.10, indicates that 78 percent of the respondents felt that the traditional authorities are not capable of delivering the RDP, while 12 percent felt that the traditional authorities are capable of implementing the programme. The remaining 10 percent were not sure. The above responses are a clear indication that respondents, while still supporting the institution, have lost confidence in the traditional authorities as agents of service delivery in rural areas. Many respondents believe that traditional authorities were given similar responsibilities in the past and they have failed to perform effectively due to limited capacity and lack of financial resources.

5.3.3.1 Perceptions of communities towards the delivery of RDP

Table 5.10 Perceptions of communities towards RDP delivery by traditional authorities.

Responses	No. of respondents	Percentage
Capable	120	12
Not Capable	780	78
Not Sure	100	10
Total	1000	100

Asked about what they considered to be the main constraints on the effectiveness of traditional authorities in service delivery (RDP implementation), respondents generally cited as reasons for poor performance the lack of financial resources and financial mismanagement; lack of initiative by local communities, poor administration and political interference.

Respondents were also asked to name projects initiated by government and parastatals in their villages. They mentioned projects such as vegetable gardens, sowing clubs, building of clinics and schools, maintenance of roads, reticulation of electricity, stock improvements and water supply projects. As a follow up question, respondents were asked what role if any the traditional authorities were expected to play in these projects. All respondents felt that the only role the traditional authorities were playing was to inform their communities about these initiatives and where necessary make land available for these projects.

5.3.3.2. Perceptions towards popular participation

At the heart of rural development is the role of popular participation in this process. For the rural development process to be sustainable and successful, popular participation is vital. The people should be involved right from the planning stage of the programme, the identification of their own needs and priorities and be given a chance to participate fully in the process of achieving those identified needs. Respondents were asked who they felt should be responsible for identifying local projects such as schools and clinics.

The responses in table 5.11 show that more than 65 percent of the respondents felt that the community members themselves should be responsible, 12 percent feel the traditional authority should be responsible, 11,3 percent felt the government and only 5 percent felt the traditional leader should be responsible. 6 percent could not commit themselves.

Table 5.11. Who should be responsible for identifying local development projects?

Responses	No. of repondents	Percentage
Traditional leaders	50	5
Traditional authorities	120	12
Community members	657	65.7
National government	113	11.3
Don't know	60	6
TOTAL	1000	100

Those who supported the participation of the community argued that it is only the community which knows its needs and that it is only proper for them to participate as equal partners with government in this process. This they argued will make communities to identify with the project they get and make a commitment to its success. Those who preferred government, argue that as an elected government, it should know what communities needs are and address them.

5.3.3.3. Perceptions towards participation of women and youth

In developing areas, many scholars have stressed that rural development cannot succeed without the full participation of women and youth in the decision making process affecting their lives because they are in the majority in these areas. Respondents were asked about their attitude towards the participation of women and youth in the decision-making process in their villages. Table 6.12, shows that 90.8 percent of the respondents wanted women and youth to take part in the decision-making processes in their areas,

while only 9.2 felt that women and youth should not be involved in traditional decision-making processes. Respondents who were for the idea of participation of women and youth argued that women and youth can make contributions to development because most of the projects affect their lives in one way or the other. They also argued that women in particular have more endurance to problems associated to development and meeting attendances than men. Those against the participation of women and youth argued that it is against their culture for women and young people to make decisions for men and their parents respectively.

Table 6.12: Perceptions towards participation of women and youth

perceptions	No. of respondents	percentages
Not against participation	908	90.8
Against participation	92	9.2
Total	1000	100

5.3.3.4. Perceptions on the level of communication between traditional Authorities and communities.

Table 5.13: Perceptions on communication between traditional authorities and local communities.

Communication	No. of respondents	Percentage
Yes	680	68
No	320	32
Total	1000	100

Table 5.13 overviews responses on whether or not traditional authorities consult with communities in performing social development projects. Majority of the total community sample (68 percent) indicated that they have been consulted by their traditional authorities in performing the social development responsibilities. Only

32 percent felt that they are not consulted when social development projects are undertaken by traditional authorities. Respondents were also asked how were they consulted. Majority of respondents mentioned tribal meetings or assembly (Pitso), school committee, village level committee meetings as forums which were used by traditional authorities for consultation.

5.3.3.5. Perceptions on co-operation between traditional authorities and Communities

Table 5.14. Co-operation with traditional authorities

Co-operation	No. of Respondents	Percentage
Yes	900	90
No	100	10
Total	1000	100

Table 5.14, shows that the majority of respondents, (90 percent) have co-operated with traditional authorities in one way or the other on development projects. Only 10 percent did not. Respondents were also asked in what way have they participated and co-operated with traditional authorities in the development of their villages. The results in Table 5.15 show that 55 percent have participated by contributing money for the projects; 30 percent on decision-making (identifying the projects), while 10 percent took part in the implementation of the projects and the remaining 5 percent did not participate in any way.

Table 5.15 Ways in which respondents participated and co-operated in development.

Responses	No. of respondents	Percentage
Contribution of funds	550	55
Decision-making	300	30
Implementation of project	100	10
Did not participate	50	5
Total	1000	100

5.3.4. Financial capacity of traditional authorities to service delivery.

The next section dealt with financial capacity of traditional authorities. This was based on the assumption that for traditional authorities to be in the position to deliver social needs they need financial backing from their own resources. Respondents were asked to name all sources of finance of traditional authorities. The following levies featured more in the responses of the respondents, that is, taxes for dogs, bicycles, the right to take sand, wheel tax, tribal court fines, levies when their animals have been sold at auctions and percentages of income of people working outside traditional authorities areas such as on farms and mines are paid into the tribal funds and building funds. Respondents were also asked whether they have paid these levies before and are they still prepared to pay them? Tables 5.16 and 5.17 captured their responses.

Table 5.16: Payment of levies to traditional authorities in the past

Payments of levies	No. of respondents	Percentages
Yes	720	72
No	280	28
Total	1000	100

Table 5.16 shows that majority 72 percent of respondents have paid some dues to the traditional authority in one way or the other. Only 28 percent indicated that they have never paid any levies to the traditional authorities. Asked whether they are prepared to pay levies to traditional authorities in future, the majority (69 percent) indicated that they are not prepared to do that. Only 32 percent indicated willingness to continue to pay they dues to traditional authorities. Those who did not want to pay argued that in the past they paid to assist their communities to get schools and other facilities. They argued that now that government is providing those services and facilities there was no need to pay.

Table 5.17: Prepared to pay levies to traditional authorities in the future

Payment of levies in future	No. of respondents	Percentage
Yes	310	31
No	690	69
Total	1000	100

5.3.5 Community perceptions on the changing roles of traditional authorities .

The broader picture is that communities within the study area are in agreement that the role of the traditional authorities have changed since the election of the new government. It is evident from the responses that the communities accept these changes, but they are of the opinion that this change has caused tension between traditional leaders and rural (TDC) councillors.

5.3.6 Impact of changing roles of traditional authorities on development

Although respondents feel that service delivery improved because of the changing role of traditional authorities, respondents feel that service delivery is being delayed by the conflict between government and traditional leaders. They generalised that the conflict was between government and traditional leaders and not necessarily between traditional leaders and rural councillors. They argued that rural councillors represent government as a whole.

5.3.7 Perceptions towards transitional district councils (TDCs)

In addition to the general attitude and perceptions on traditional authorities, we focused on community perceptions towards TDCs as legal local governance structures in the rural areas, and particularly perceptions on their role as development agents in the North West Province.

5.3.7.1. General community perceptions towards the TDC.

On the question on what comes to the respondents' minds when they think of the TDC in their areas, not all respondents were aware of such a structure. Those who knew about the structure associated the role of TDC as service delivery agents.

5.3.7.2. Perceptions of the legitimacy of TDC

In terms of legitimacy of TDC, particularly of rural councillors, their legitimacy was rated as poor. However, respondents could not give significant justification to the reason why they think rural councillors are not legitimate, except to point out that they are not legitimate because they don't know them and are not from their villages.

In terms of representativeness, community perceptions reiterated the attitude that rural councillors are not representing their communities and their needs but that of political parties that brought them to power. It appears that the

main reason for this negative attitude towards TDC's rural councillors relates to the failure by councillors to be responsive to the communities' needs and unavailability. This is because rural councillors are portrayed as far removed from the communities. This lack of response can be attributed to a number of reasons: councillors vis-a-vis the size of the district and the number of villages, lack of contact by the councillors with the communities and lack of service delivery within these areas by the TDC. There were only two councillors in the TDC serving rural areas in the Lehurutshe district.

5.3.7.3. Perceptions towards the relationship between traditional authorities and TDC.

Respondents feel that there is a poor working relationship between traditional leaders and government and did not want to confine it to TDC. They state that the cause of this appears to relate to poor communication between government and traditional leaders. Respondents feel that for service delivery to happen at a faster rate in their communities, traditional leaders and government should start to work together and respect each other.

5.3.7.4. Co-operation with district council

Respondents were also asked whether they have co-operated with District Councils in any project?

Table 5.18: Co-operation with district council

Co-operation with TDC	No. of response	Percentage
Yes	220	22
No	880	88
Total	1000	100

Table 5.18 shows that the majority of respondents (88 percent) indicated that they have never co-operated with the District Council in any development project. Only 22 percent indicated that they did co-operate with the District Council.

5.3.8. Service delivery institutions.

Respondents were also asked on their perception on who should be responsible to improve the general quality of life in their communities. Table 5.19 below shows that 46 percent of the sample from community members indicated that social development should be done by government agencies. The second popular option (36 percent) support traditional authorities and government agencies jointly, whilst 18 percent supported the traditional authorities-only option.

TABLE 5.19. Agencies of social development

Agents of social development	No. of respondents	Percentage
Traditional authorities	180	18
Government structures	460	46
Traditional authorities and Government structures	360	36
Total	1000	100

Table 5.20. Support towards traditional authorities, provincial and local governments

Responses	No. respondents	Percentage
Traditional authorities	320	32
Provincial government	560	56
District council (local govt)	120	12
Total	1000	100

Table 5.20 shows that Provincial Government (56 percent) command more overall support than traditional authorities and local government structures. The same also shows that traditional authorities (32 percent) have more support than district councils (12 percent).

5.4. TRADITIONAL AUTHORITIES' COUNCILLORS PERCEPTIONS

The results of the interviews with the 30 tribal councillors are outlined below.

5.4.1. Support for traditional authority and its present functions

Traditional authority councillors were asked on their roles and functions in rural communities and whether they want the retainment or expansion of those roles. Respondents mentioned functions such as responsibility for the administration, demarcation and allocation of communal land, performance of a judicial functions through the tribal court, promotion of the development of their areas through the lobbying of government departments or through the use of funds generated from within the community, and acting as the guardian of customs and culture.

Table 5.21: Support for traditional authorities by councillors

Support	No. of respondents	Percentage
Abolition	0	0
More powers	10	33
Retainment	20	67
Total	30	100

Table 5.21 indicates that 55 percent of respondents want to retain the status quo, while 45 percent want more powers to be devolved to the institution. There was absolutely no support for abolition of the institution. In order to determine the nature of decision-making in the traditional authority, the study first determined which issues and role players were considered most important by the councillors. In this manner the study was better positioned to understand the nature of the actions undertaken by the councillors and the degree to which they are indicative of the local initiative generally associated with a system of decentralised rural development.

Respondents were asked to name issues thought to be important for the running

of traditional authorities. The most important issues, according to traditional authorities' councillors are tribal levy, civil cases, land allocation and development projects. Respondents were able to tie the importance attached to traditional levies to development. They argued that it is useless to rank development projects as more important than levies while people do not pay levies which is critical for funding projects. From the perspective of the councillors, most important figures involved in decision-making in the traditional council is the traditional leader, the councillors and the community members- in that descending order. According to councillors, the stages in the decision-making process followed when deciding on development projects, such as school buildings, are given in figure 5.1 below:

Figure 5.1. Present traditional authority decision-making process

Step 1. Meeting of traditional council • discuss development project • discuss the financial implications • arrange a meeting with all headmen Step 2. A meeting of all tribal councillors and headmen • present a plan to the headmen • seek approval from headmen • scrutinise the plan • arrange all village meetings (<u>dikgotla</u>) Step 3. A traditional assembly meeting(<u>pitsa</u>) • announce the plan • discuss the plan • discuss financial implications • seek approval of the community	Step 4. Traditional authority meeting with headmen • make final decision about the project • draw a plan of action • give headmen clear guideline if they have to collect contribution from the community • allocate land for the project Step 5. The plan is passed to the traditional leader, who is to negotiate with the government if there is a need to do or to seek approval from the relevant department Step 6. Project implementation Tribal meeting to announce government response; • if positive, announce the implementation plan; and • what is expected from the community
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According to the councillors, the above process is not an easy one for several reasons: firstly, it takes time to get all headmen together and, secondly, even after the final decision has been made, community members are reluctant to

contribute money for a project and, as such, it takes time to start a project. Another major problem is that no implementation of the project can take place, especially in instances where government approval is needed, before government approval is received. And this takes time.

5.4.2. Co-operation with TDC in development.

Respondents were asked whether they have co-operated with district councils in any way in the development of their areas.

Table 5.22:Co-operation with district councils in development.

Cooperation	No. respondents	Percentage
Yes	4	14
No	26	86
Total	30	100

Table 5.22 shows that the majority of respondents (86 percent) have never cooperated with District Councils in any development project. Only 14 percent of the respondents indicated that they have interacted with the district council in some projects.

The follow-up question was whether traditional authorities were prepared to work or co-operate with elected local structures.

Table 5.23 Co-operation with district councils in future

Co-operation	No. of respondents	Percentage
Yes	21	70
No	9	30
Total	30	100

Table 5.23 shows that the majority of respondents are prepared to cooperate with democratically elected structures in rural communities. Councillors argued that they have nothing against elected structures, but what they

needed in as proper consultation with them. They argued that the problem is not with them, but with councillors who don't want to work with them.

5.4.3 Communication between traditional authorities and TDC

Table 5.24: Communication between traditional authorities and TDC

Communication	No. of respondents	Percentage
Yes	30	100
No	0	0
Total	30	100

Table 5.24 overviews responses on whether or not traditional authorities consult with their communities in performing their social development functions. All the respondents indicated that they consult with their communities. They were also asked how they consult with their people. Respondents mentioned tribal meetings (*dipitso*), village level committees, school committees, and other social gatherings as platforms used by traditional authorities to communicate with their people.

5.4.4 Reaction towards government initiatives.

From the perspective of the functions sanctioned to the traditional authorities by the Bophuthatswana Traditional Authorities Act, No. 23 of 1978, it is important to know if traditional authorities initiate and manage a variety of actions on their own, or if they depend on the administrative authorities of the central government. To what extent do traditional authorities merely serve as convenient "rubber stamp" for the policies and projects initiated at the centre? Although the study can not determine the exact origin of any given council action, it can get a sense of the degree to which councilors feel free to consider, and if they wish, reject actions and projects initiated by the central government. Councilors were asked to comment on their perception concerning traditional authority actions and/or reactions to initiatives coming from the central

government. As indicated by Table 20, it was found that more than two-thirds of them(62 percent) said that such initiatives are never rejected by the traditional authority: only 18 percent said that such initiative were often rejected, and about 20 percent said that they "don't remember". Not one of the 30 councillors responding to the question said that they rejected such action very frequently.

Table 5.25: Reaction towards government initiated projects

Reaction to initiatives	No. of respondents	Percentage
Never rejected	19	62
Often rejected	5	18
Rejected frequently	0	0
Rejected from time to time	0	0
Don't remember	6	20
TOTAL	30	100

This in itself does not demonstrate central government's administrative dominance over the decision-making process. It is possible that these initiatives are launched only after considerable consultation with the traditional authorities. Thus, acceptance of these initiatives may be more the result of a consensus than of the imposition of projects on traditional authorities by government.

Relating to these issues, is the degree of collaboration which takes place between the traditional authorities and the government. If that collaboration is generally open, and two-way, then the fact that the traditional authority does not often reject proposals coming from the government is less significant. If prior consultation and participation has already resulted in a basic accord, then consensus is more likely. As demonstrated by Table 5.26, most councilors seem to feel that the level of collaboration is reasonably good. 57 percent strongly agree with the statement that such collaboration is open and frank, and 33 percent agreed, but with some reservations. Only 10 percent disagreed.

Table 5.26: Level of collaboration between government and traditional authorities.

Level of collaboration	No. of respondents	Percentage
reasonable good		
Strongly agree	17	57
Agree	10	33
Disagree	3	10
Don't know	0	0
TOTAL	30	100

Councillors appear to be saying that they are equal partners in this collaboration. However, those who agree with reservation are saying that before issues are discussed with the whole council, government representatives discuss them with the chief, who in turn will brief the whole council. They say that while they agree there is collaboration, the intimidation by the traditional leader and government officials leave them with no option but to agree with what the traditional leader says. This is because there was a tendency from the former State President of the former Bophuthatswana to apprehend them when they disagreed with some initiatives from the government or when they wanted to 'consult with the people'.

5.4.5 Co-operation between TDC, traditional authorities and other organs of civil society

Respondents were asked whether any attempts in their areas were or are being made by traditional authorities to reach out and incorporate other structures, such as the private sector, RDP forums, in their communities in the development of their areas. Traditional councillors view other organs of civil society with suspicion. Traditional councillors view these structures as aimed at undermining their authority and wanting to take away their powers. They argued that this is confirmed by the lack of communication between themselves and these structures. They are strongly of the opinion that these structures don't want to work with them, because their intention is to destroy traditional authorities.

The end result is that, instead of traditional leaders and authorities and other organs of civil society accepting each other as partners in local governance and development, they tend to view each other with suspicion. The result of this tension between traditional authorities has impacted negatively on effective rural local governance.

5.4.6 Perceptions towards traditional levies

The income of traditional authorities was derived mainly from fees and other monies traditionally paid to the traditional authorities and other persons of authority under African custom and laws. This was confirmed by the Bophuthatswana Traditional Authorities Act, No.23 of 1978. Traditional authorities tend to rely heavily on traditional sources of revenue, such as court fees, fines, customary fees, tribal levies, grazing fees and from the public property and fees for public services rendered by the traditional authorities as sanctioned by the Bophuthatswana Traditional Authorities Act, No.23 of 1978. This revenue was supplemented by transfers and subsidies from government departments, such as Education (for building of schools), Works, Agriculture, Water Affairs etc.

The traditional authorities' levies on the residents of the villages are established at the tribal "pitso". At this meeting, a project or projects are identified that require villagers to pay. The size of the levy will depend on the kind of project decided upon at the kgotla. These levies are not made on a regular basis. Villagers may be required to make more than one contribution in a particular year to a variety of projects as may be decided on at the pitso (meeting). The size of the levy exacted in each case is closely influenced by the ability of people to pay.

The size of the levies are not subject to any limits. In 1983, the kgotla of Dinokana village, Lehurutshe, for example, decided to contribute R50 per household — spread over five years — for the building of a school. In Gopane village in the same region in 1984/85, residents resolved to contribute R75 —

spread over five years — for the erection of a high school. As can be seen from the amounts and the length of time given to paying up, this is a slow and financially taxing process. Resolutions over such matters within the village were brought before the authority of the Office of the Presidency of the former Bophuthatswana, in which case, an official notice would be published in the Government Gazette. For example, in 1991 the “tribal rate” in Dinokana Traditional Authority was fixed through the authority of the President in the former Bophuthatswana. By publication in the Government Gazette, he (the President) gave notice of the authorised imposition of a tribal levy by the Dinokana Traditional Authority of R40 per household. This was to be used as follows: R10 for the erection of schools; R10 for the erection of an Early Learning Centre, and R20 for “general improvements” (Bophuthatswana, 1991).

These levies and subsidies are at stake, because since the inception of the 1994- democratically elected government in South Africa, it has committed itself to relief rural people from the burden of building schools, roads etc. The government took it upon itself to make sure that there are enough social services in both rural and urban areas. As a result of these political changes, traditional councillors were asked whether rural communities are still prepared to pay these tribal levies.

Table 5.27 Payment of traditional levies

Payment of levies in future	No. of respondents	Percentage
Yes	5	16.6
No	25	83.4
Total	30	100

Table 4.24 shows that the majority of respondents (83.4 percent) felt that because of the new dispensation in the country, rural communities are no more prepared to pay tribal levies.

The ability of rural residents to advance their common individual interest depends substantially, as the study has shown in Chapter one, on their success in sustaining local rural organizations. And clearly, financial viability is of critical importance to this, which is lacking within traditional authorities.

5.5 SUMMARY OF FINDINGS

In all five communities selected for this study, traditional authorities received great support. There are a number of explanations why these communities still show allegiance to the institution. Firstly, the institution of traditional leaders still forms part and parcel of traditional livelihood in these communities and is the only institution that have been in existence in these areas. Secondly, one cannot rule out the possibility that chiefs still do certain important functions such as land allocation, dispute resolutions, etc for the communities. Thirdly, and perhaps the most significant, in the absence of strong and efficient rural local government structures, traditional authorities remain the most important structure for social development in rural areas.

Complaints of local government structures and councillors being absent or not performing their mandate, surfaced more often than not, a problem which is compounded by the general perception that rural areas are being neglected in the allocation of resources, and rural areas are inadequately represented in district councils. This perception accounts for much of the communities' allegiance and support for the institution of traditional leadership.

To assess traditional authorities as agents of social development, a number of variables come to into play. Firstly, the level of authority commanded by traditional authorities. Secondly, the ability of the institution to perform its prescribed functions and roles to meet the needs of the communities. Lastly, the problems experienced by the traditional authorities which impede the implementation of projects.

Traditional authorities command substantial authority over their subjects. The majority of respondents indicated that they are willing to accept the authority of their traditional authorities at all times. All traditional authorities surveyed had

functioning customary courts. This means that traditional authority presents verdicts under customary law. In addition to this, traditional authorities do engage in acts of mediation, and thus contribute to the general stability in their communities.

The new local government policy does not allow traditional authorities to be agents of service delivery to the rural masses. This position seems to be out of touch with the perception of the respondents. While most of the respondents wanted provincial government to be responsible for service delivery, they need co-operation between government and traditional authorities. It is clear that respondents still want traditional leaders to be part of decision-making as far as service delivery is concerned. Perhaps this could be taken to suggest that local government structures in rural areas must be encouraged or forced by law to work hand in hand with traditional authorities. This may also suggest that government might have to review its policies of excluding traditional authorities from service delivery and rural development initiatives.

In current South African debates on the role of traditional leadership in rural local government, one popular view is that democratically elected structures are preferred as if they command more support. Instead, rural communities see both government and traditional authorities as agents of development. In such an environment both institutions can co-exist and co-operate without compromising each other.

Most respondents indicated that they have never co-operated with their District Council in any development project. Respondents indicated that their councillors are from areas outside their communities and they never had the opportunity to meet with them, as the councillors never visit their areas. This is a problem acknowledged by the provincial government as one of the problems with large district councils representing vast areas.

From the communication issue, it is apparent that there is communication between traditional authorities, though not enough. The majority of respondents

indicated that they have been consulted in some of the projects taking place in their areas. Respondents also indicated that government policies are communicated to them through traditional authorities. However, respondents indicated that most of the communication are not consultative but instructive in the sense that in most cases they are just informed of what is going to happen in their areas and what they are expected to do.

Questions on the capacity and functioning of the traditional authorities provided valuable insight into the problems traditional authorities encounter in the areas. These problems can be grouped into three categories, that is, fiscal, political and administrative. As respondents indicated, these three factors militate tremendously against viability and efficient management of traditional authorities to carry forward rural development in their communities.

While the respondents supported the retainment of this institution, they did not want to pay tribal levies. Rural communities identify these levies with apartheid levies which are seen as a symbol of oppression. Traditional authorities are also accused of being inefficient and corrupt in their handling of local revenue and community funds. Another form of income, mainly used to cover administrative costs of the offices, were funds allocated by the government to various communities in accordance with budget arrangements of the department concerned. The Department of Local Government, Housing, Planning and Development is, for instance, still making grants to traditional authorities for administrative purposes and for maintenance of buildings. However, this is still under review and the future of these grants is not certain. In the past, funding was from time to time sponsored by departments such as Education, Water Affairs, Health, Works and Agriculture for traditional authorities to provide services in their areas of jurisdiction on behalf of these departments. All these sources no more exist. Traditional authorities are no more regarded as agents of development in the rural areas, hence government departments have redirected these capital budget funds to democratically elected structures, in this case TDCs.

Among the fiscal and political factors that impede on the performance of traditional authorities are administrative factors. While most of the respondents have indicated willingness to abide by the decisions of the traditional authorities, the institution lacks mechanisms to make binding decisions and to ensure compliance on the part of all members of the communities. The absence of such administrative authority weakens and makes their resolutions more difficult to implement. Lack of measures to enforce tribal resolutions are pertinent here.

Financially, administrative and political problems thwart the efforts of traditional authorities in achieving rural transformation and the rural development process. Since their establishment, these tribal authorities were not able to improve living conditions in these villages.

Although they had a wide range of duties, the fact that they had meagre financial resources had adverse effects on their performance. Therefore, they could not be the focal point of rural administration capable of promoting the general well-being of these villages. Instead, they focused attention mainly on the ways and means of carrying out instructions received from higher authorities.

The tribal councilors tend to be closely linked to their respective rural communities by ethnicity, custom and norms. The tribal authority comprises of the chief, headmen and chief's advisers. Candidates for headmanship are chosen by the chief and require the approval of the tribal authority and the people. Similarly, the headmen who represent sub-villages on the tribal authority are recruited to their positions in a somewhat informal manner; they are nominated by the tribal authority itself without prior consultation with their local communities whom they represent on the council, and must have royal blood. Although the sub-headmen of the various sub-villages are not fully-fledged members of the tribal authority, they are expected to attend all tribal authority meetings. The sub-headmen are not paid for their services even though the bulk of the responsibilities of tribal authority is handled by them.

The principles underlying the tribal authority system seek not only to reconstruct old customs and usages but also to revive traditional leadership. Therefore, it is not surprising that this council tends to be a homogeneous body of men who are advanced in age. Moreover, with the exception of few chiefs who have higher education qualifications and served in government departments for many years before taking up his present position, the majority of the members of the tribal council have only a few years of schooling. All have worked for longer or shorter periods outside the villages and little of their work experience is relevant to their present positions.

These factors characterise the tribal authority as a conservative body which does not reflect the educational and occupational diversity of the community. As a result, the younger and better educated members of the community have virtually no influence over the affairs of the council. Although an entirely 'elite' council would probably be equally unrepresentative, the point to note is that most councillors lack the educational background which would enable them to deal more efficiently with administrative matters. Older and less educated people do not easily adapt to change and are not in a position to articulate the varied interests of a society undergoing rapid change. Moreover, this leadership is oligarchical in the sense that roughly the same councillors serve on the tribal authority year after year. This is largely due to the fact that no specific period is prescribed for the members' tenure of office and councillors can serve on this body for as long as they live.

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They are somewhat elderly people and overwhelmingly male. Their educational level is very low (only few have completed primary schooling). It is only three out of five chiefs who have matriculated and two of the three have university degrees. As members of the tribal council they have had little on-the-job training offered by the former Department of the Presidency of the then "Republic of Bophuthatswana" to compensate for their shortcoming.

Quite clearly, the background of the councilors suggests that their managerial experience and the capacity of traditional authorities as organizations capable of promoting rural development are limited. However, to test this, it was necessary to delineate their internal and external functioning, particularly the nature of the relationship between the institution and other stakeholders. In this fashion the study was better positioned to understand the nature of the action undertaken by the councilors and the degree to which they were indicative of the local initiative generally associated with a system of decentralized rural development.

The tribal authority has failed to encourage participation at grass-roots level and the various sub-villages have consequently lost much of their autonomy. Virtually all decisions on important local matters are made by the tribal authority and there are hardly any instances where issues to be decided are even referred to the residents in their villages for ratification. As a result, most meetings in the villages are convened merely for the purpose of notifying the residents about routine administrative matters or for the passing of instructions from the central government.

There was also differential participation in traditional authorities, usually at the expense of socially and economically marginal groups that have much at stake in rural development. One such group is women. All the members of the tribal authority are men and participants at meetings are overwhelmingly men. Women usually attend these meeting only when they are invited to do so, or when they are involved in court cases handled by the tribal authority, but they must be accompanied by a male relative or husband. The exclusion of women from the membership of the tribal authority is no longer consistent with the present situation in which women play an active role in many organisations. Women serve on virtually all the committees that are associated with various organisations locally and they constitute a significant proportion of the members of the community development committees in the district.

In most rural societies, women not only raise children and maintain the home, they also perform essential economic functions, including farming and income-generating functions such as producing handicrafts (Kaya and Mosiane, 1994; Mosadi, 1992). Yet women are excluded in the decision-making process of their villages in the Lehurutshe tribal authorities. Of all five traditional authorities, there is no single female councillor. This has a negative impact on the traditional authority, because women see it as an organization representing men only.

5.5 CONCLUSION

This chapter concludes by making the following observations:

- At present the institution remains the most important agent of social control in rural areas in the North West Province. Despite its structural weakness, the institution and its leadership remains respected and command substantial levels of authority and support. The restructuring of rural local government has yet to become fully institutionalised in the minds of the rural communities. Until such time as they become successful agents of service delivery, rural communities will continue to depend on their traditional leaders for their daily survival strategies.
- There is dissatisfaction among community members with the poor management and administration of tribal affairs and the lack of clear guidelines of such issues as allocation of licences for businesses and allocation of land. Communities are also disillusioned with traditional authority's inability to give direction and initiation of development in their areas. Yet these communities indicated that traditional authorities are significant institutions which should be retained.
- Traditional authorities have for many years depended on the income from taxes and levies imposed either in terms of custom or in terms of

former Bophuthatswana legislation. Since the new dispensation, all these sources have dried up. Since the payment of these levies and taxes has come to be regarded and associated with oppression, rural communities are reluctant to pay these levies; and

- Political problems seem to be the major contributing factor to the unstable relationship between elected structures on the one hand and the traditional authorities on the other.. The financial, administrative and social problems are other factors affecting the development role of traditional authorities.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

6.1 INTRODUCTION

This section has the following aims: to recapitulate all matters which have been discussed in all the chapters and to formulate recommendations regarding rural local government policy with regard to traditional leaders/authorities, and other strategic actions implicit in the findings.

6.2 SUMMARY

The main findings can be summarized very generally in terms of the objectives set for the research. The major focus of the study was the role of traditional authorities in the rural development process in the North West Province. The study investigated how traditional authorities in the Lehurutshe region of the Central District Council performed regarding service delivery in their areas.

The study investigated the perceptions of community members and traditional authorities' councillors towards traditional authorities and other rural local government institutions and development institutions as institutions to bring about development in their areas. The study also looked at challenges facing local government regarding implementation of rural local government policy in South Africa. Chapter two reviewed the literature on the importance of local governance to development in general and the importance of traditional authorities to rural governance. What emerged from the literature was the importance of local government and organisation in rural development. Rural development strategies can realise their full potential only through the motivated, active involvement and organisation at the grassroots level, of the rural people. This is because local

governance provide the foundation for encouraging more self-reliant forms of local development, in the sense that they assist to create confidence among local people in their own ability to perceive their problems and accordingly to take appropriate action in the form of solutions. It is also argued that local governance structures are important institutions for promoting popular participation. It was urged in the literature that local government structures such as traditional authorities should act as intermediaries between the local people and the government.

In Chapter Three, a review of literature pertinent to the development of the chieftainship system in South Africa was provided. It traced the historical development of tribal authorities by looking at the chieftainship system during the following periods: pre-colonial, colonial rule and lastly under the national party rule(1948-). The chapter has revealed how the institution was manipulated to suit colonial, apartheid systems of government. It revealed how these systems of government used the chieftaincy to suppress, manipulate and rule the rural people. It emerged that at every level of political rule in South Africa, legislations which were passed with regard to chieftaincy, were not to the benefit of the institution but to its demise and manipulation. Chiefs were seen as a vital tool to keep African people under control.

In Chapter Four, the socio-economic background of the Lehurutshe district as a case study area and the organisational structure of the Lehurutshe tribal authorities were examined with a specific focus on the Bophuthatswana Traditional Authorities Act No. 23 of 1978. The Chapter revealed that under the Bophuthatswana Traditional Authorities Act, No. 23 of 1978, traditional authorities were given multiple roles ranging from judicial, administrative to service delivery functions. It was clear from the Act that traditional leaders were given some power to collect some levies from their subjects in rural areas and those working in urban areas. This chapter also dealt with financial capabilities of these traditional authorities. During the analysis of financial statements of these authorities, it became clear that

traditional authorities relied very much on financial resources such as traditional levies which are not sufficient to bring about development. It also became apparent that the better share of this income goes to administrative expenses such as telephone and transport bills.

In Chapter Five, the empirical analysis of the role of Lehurutshe tribal authorities in the rural development process was carried out. The following findings have emerged from the analysis:

- The indigenous authority system has remained intact to the present day and is still an essential part of the social, economic and political fabric of rural society in Lehurutshe district.
- The indigenous authority system is still highly respected, particularly by elderly people.
- The central role traditional authorities play in delivering services is generally negatively perceived.
- In most villages in the study area, traditional authorities are not regarded as the best agents to deliver services and to stimulate development, although there were different views from different age groups.
- Tribal authorities in Lehurutshe have not played a significant role in the rural development process, due to limited financial, administrative and political resources.
- The existing tribal authorities have, in various ways, been hampered from functioning as effective vehicles for rural development, although they were used as grassroots structures for political control over the indigenous rural population by previous regimes.
- Under the current dispensation, development agencies and government departments have, thus far, tended to use traditional authorities mainly for mobilising and supervising people to implement centrally designed development projects with little or no support for their own locally initiated

development projects.

- The newly established democratically elected structures (TDCs) have not yet established themselves in these areas, and they are regarded as imposed structures.

6.3 RECOMMENDATIONS

Flowing from the above findings, the following recommendations are put forward:

- In drawing up policy recommendations on the role of traditional authorities in development, there are some vital issues that should be further discussed and researched . The ongoing conflict between traditional authorities and local governments will no doubt stymie service delivery in rural areas. Steps to resolve the conflict should be well informed of the sources of the conflict so that appropriate measures to apportion responsibilities can be adopted. This necessitates thorough research and wide consultation.
- The thesis has highlighted the fact that there is growing consensus that traditional authorities have an important role to play in rural local governance. Consequently, this confirms the central argument of this thesis that traditional authorities will continue to contribute and play a critical role in the development of their communities. It is with this recognition in mind that it is recommended that traditional authorities should have full participatory status in the rural local governance process.
- In the context of the recognition of both traditional authorities and elected structures by the Constitution and the White Paper on Local Government (which recommends a model of cooperative governance in rural areas), there is need to strike a balance between traditional authorities and elected structures on the one hand and representativeness and financial viability and

independence of the envisaged rural local governance model on the other.

- It must be accepted that many traditional leaders and authorities have been manipulated at the expense of their communities, and that recalcitrant chiefs have even been replaced during the apartheid era and colonial rule by government appointees without 'traditional' rights to succession. At the same time, it should be recognised that many traditional communities still identify with their 'culture', their traditional institutions and the values and practices underlying traditional authorities. This indigenous authority system has remained intact to the present day and is still an essential part of the social, economic and political fabric of rural society and have a crucial role to play in the development process and should participate actively in the new democratic local governance structures. Thus in order to avoid the creation of parallel and conflicting structures in rural governance, traditional authorities should be made part of the new local government structures. To exclude them from local governance scenarios might in fact provide reactionary chiefs with a power outside the mainstream, thus allowing for more reactionary political community interests to rally around them and hinder the already precarious state of village democratization and development. This can only prove detrimental to community participation and undermine viable reconstruction and development of rural communities. In looking at Africa as a whole, for example Mawhood (1993), forcibly stated that if traditional authorities are left outside the system, they become permanent alternative sources of power, with the ability to seriously undermine development activities, even government schemes. It is recommended that traditional authorities and traditional leaders need to be fully incorporated in rural local governance decision and policy- making processes in rural development initiatives, if sustainable rural governance, is to be successful.

- The single most significant barrier and a threat to sustainable rural local governance remains a lack of fiscal resources. The Masakhane campaign has demonstrated considerable success in some urban areas, but remains unable to significantly penetrate the rural areas, and encourage communities in these areas to pay for services provided to them. It is recommended that the Masakhane campaign must be directed to rural communities with the aim to persuade rural communities to pay for services.
- It is further recommended that the capacity of rural municipalities should be built to manage the delivery of electricity and water reticulation in order to take advantage of the surplus generated to finance service delivery in their areas. This will reduce the fiscal dependency of rural municipalities on the provincial and national governments. Furthermore, in order to develop a tax base in the rural areas, it will be necessary to look into other methods such as land tax. Other available rural levies, traditional and otherwise currently accruing to traditional authorities, should be re-directed to rural municipalities. This, however, should be negotiated with all stakeholders before its implementation to avoid resistance and defiance. Research should be commissioned to look into the issue of how to build sustainable tax bases in the rural areas. This will include looking at how to build and introduce local economic development in these areas.
- The best prospects of achieving viable rural local governance are through the reduction in total number of rural municipalities. The tension exists within rural areas between the need to strengthen local representation for rural people and the need to provide efficient and effective service delivery. It is therefore recommended that in redrawing the boundaries of rural local councils, much attention should be given to capturing sufficient 'economic activity space' within a boundary to ensure financial viability. This will ensure that rural municipalities are not only representative, but are also capable of

providing services.

- The gender imbalances of traditional leadership structures should be redressed by the inclusion of women at all levels of traditional authority. Rural women themselves demand the inclusion of women in the line of succession to traditional leadership status. While it may be seen as a long-term ideal, in the immediate term there is a need to democratize structures of traditional authority through the inclusion of women and youth in the decision-making process. This would inject these structures with an element of representativity and enable them to get recognition before the eyes of women who are in the majority in this country's rural areas.
- The customary law which reduces women to the status of legal minors must be done away with. The incorporation of customary law into colonial and apartheid regimes has undermined the ethic that in the past governed the relationship between men and women in the rural areas. The codification of customary law not only changed traditional power relations, but also defined the status of rural women. This legal status effectively ties their hand, preventing them from inheriting property or succession to the chieftainship. As Skweyiya (1993:3) put it, the low status accorded to women under customary law is out of step with basic tenets of contemporary human rights law.
- There is need to define training and human resource development strategies which will target rural councillors, traditional leaders and officials in rural local governance in order to build capacity. It is further recommended that a more thorough training programme be instituted, placing greater emphasis on the relationship between local government and traditional authorities as well as that between councillors and traditional leaders. This will assist to reduce tension among these structures.
- All stakeholders in rural local governance should get clarity on what the new

constitutional dispensation entails for rural local governance in order to establish a firm partnership and harmony between stakeholders, particularly between elected local government structures and traditional institutions.

- A holistic approach is recommended when dealing with issues of rural governance. The closest co-operation should exist between all relevant resources, infrastructure, stakeholders, all parties concerned for the sake of establishing the ultimate goals of achieving perpetual rural development. No individual, party, structure, institution should be elevated above others. The balanced contribution of each should be guaranteed. This, *inter alia*, entails the contribution of both democratically elected councillors and the traditional authorities, and the interrelationship between the rural local government, provincial and national governments.
- It is further recommended that a strong emphasis be placed on an integrated, multifaceted dynamic model, with at its base the wholeness of popular participation. It is, therefore, advocated that popular participation and broader consultation be made the guardian of the practical application of the above recommendations. In the past, government departments, the private sector, the community, traditional authority and policy making bodies, dealing with rural development tended to act independently and even in opposition to each other. This should be prevented, and all parties concerned should work together closely.

The barriers and obstacles to development of sustainable rural local governance in South Africa remains daunting. Unless these deficiencies are quickly addressed before second local government elections, the opportunities to build upon the democratization process and create creditable and sustainable rural local governance may be jeopardized. The failure to secure broadly acceptable and sustainable rural local governance model may in turn threaten South Africa's

fledgling local democracy itself.

6.4 CONCLUSION

In this chapter all issues raised in the previous chapters have been recapitulated concisely. The summary of the findings and recommendations flowing from the entire study have been put forward. Recommendations have been confined to only issues which revealed serious problems as raised in the study and towards sustainable rural local governance.

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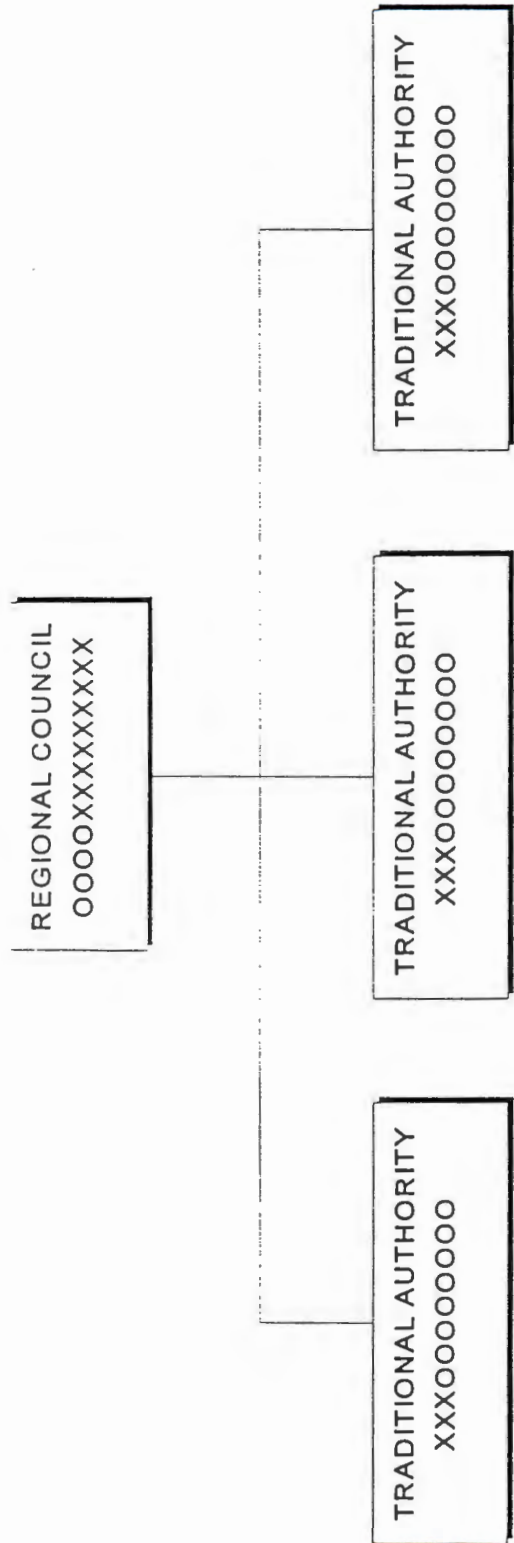
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APPENDICES

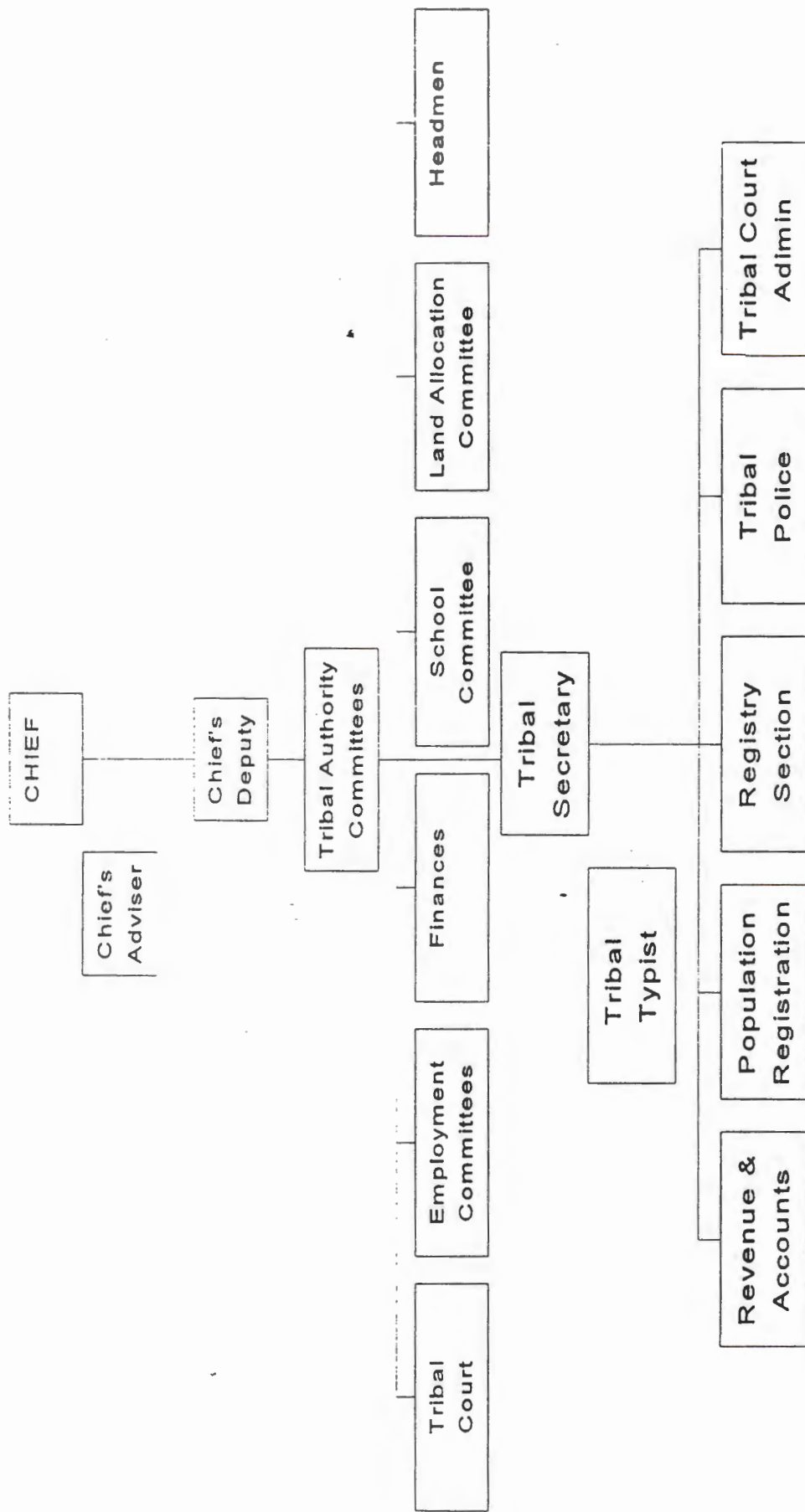
CONTRALESA'S RURAL LOCAL GOVERNMENT MODEL



(O) REPRESENTS TRADITIONAL LEADERS

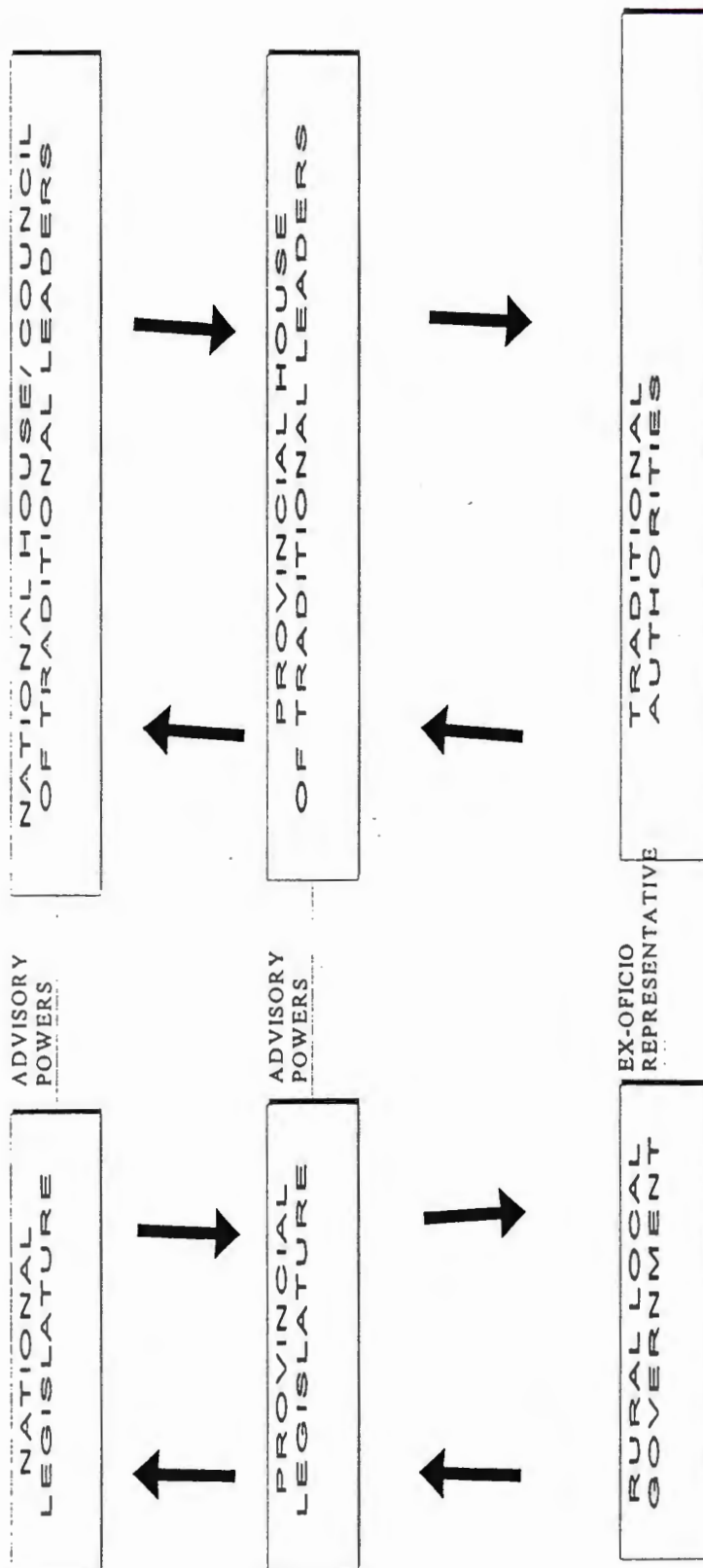
(X) REPRESENTS ELECTED COUNCILLORS

ANNEXURE FIVE

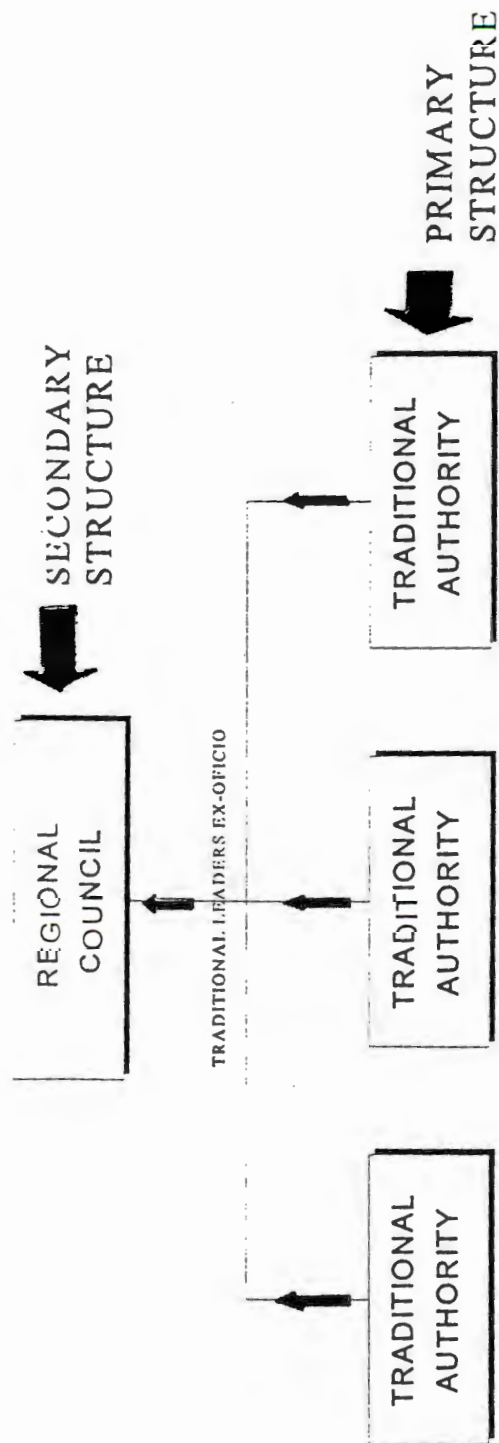


ANNEXURE TWO

ANC MODEL FOR TRADITIONAL AUTHORITIES AND ELECTED STRUCTURES

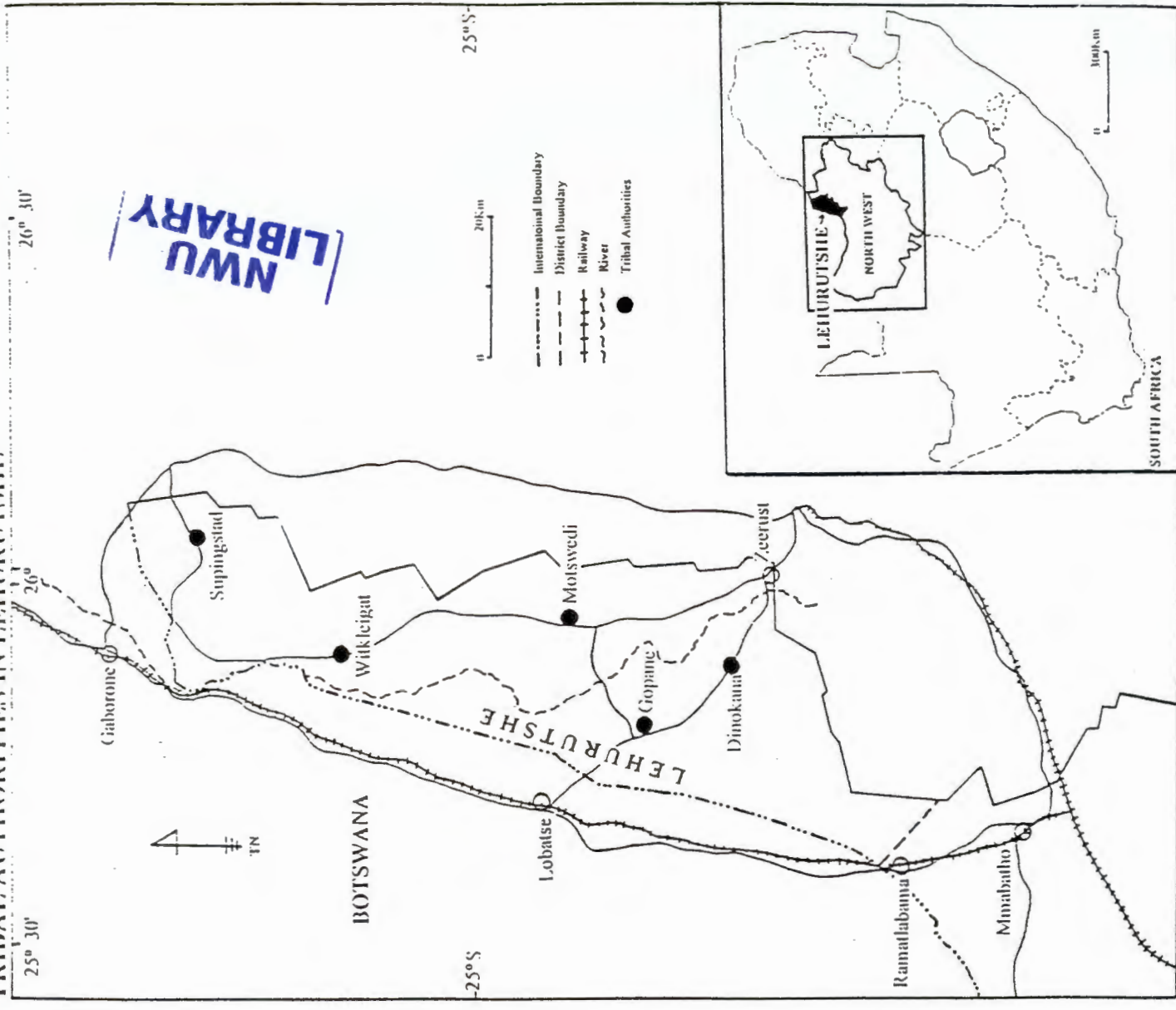


IFP PROPOSED STRUCTURE



TRIBAL AUTHORITIES IN LEHURUTSHE

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STATUTORY FUNCTIONS OF THE TRIBAL AUTHORITIES

A tribal authority consists of a chief or headman together with as many councillors as may be determined by proclamation. The functions of tribal authorities are stipulated in legislation. These functions should be exercised in compliance with indigenous rules and customs.

The Bophuthatswana Traditional Authorities Act No. 23 of 1978 provided for the Tribal Authority to "exercise or perform the powers, authorities and functions assigned to the Tribal Authority by the President, subject to the Constitution Act..." The functions and powers of the tribal authorities as quoted in section 4 of the Bophutatswana Traditional Authorities are as follows:

1. A Tribal Authority shall, subject to the provision of this Act and any Law:-

- a) in general administer the affairs of the tribe;
- b) assist, support and guide its chief, headman and chairman in the exercise of performance of the powers, authorities and functions conferred upon him by this Act or under any other laws;
- c) promote the interest and the advancement and well-being of the resident of, and the development and improvement of the land in the tribal area;
- d) consider and make recommendations to the competent authority in connection with applications for:
 - i) the establishment of, and the provision of buildings for, or accessories to government school;
 - ii) old age and blind persons pensions and disability grant;

- iii) arable and other allotments;
 - iv) licences
- e) serve the Government and any regional authority which exercises authority over the tribal area concerned with advice in matter concerning the tribe.
- f) exercises of perform the powers, authorities by the President, subject to the Constitution Act and any other act, from time to time such matters as, in his opinion, fall within the spheres of tribal administration including:
 - i) land administration
 - ii) hygiene, sanitation and health services generally including the establishment, management and maintenance of clinics another similar institutions and of cemeteries.
 - iii) soil conservation including development, improvement, and maintenance of water supplies, the control of grazing and grass burning, the eradication of weeds, the protection of trees and coordination of soil conservation measures.
 - iv) the organisation of farmers associations, agricultural shows, demonstrations and competitions.
 - v) improvement of livestock and animal husbandry generally and other schemes.
 - vi) other development of local nature
 - vii) the prevention of cruelty to animals
 - viii) the destruction of vermin
 - ix) the registration of births and deaths
 - x) the maintenance of buildings
 - xi) educational matters
 - xii) study bursaries
 - xiii) the registration and control of dogs

- xiv) the erection and maintenance of fences
- xv) forestry
- xvi) firewood
- xvii) roads and works
- xviii) the maintenance of law and order
- xix) the impounding of livestock
- xx) local markets

2. A tribal authority shall be responsible to the President in relation to the exercise of its authority and powers and the performance of its functions.

2.1 The tribal authority shall exercise such powers and perform such duties and functions in connection with the administration of justice as may be conferred on or assigned to it by law.

2.2 No judgement, decision on direction given or order made by a chief or headmen the deputy of a chief, in the exercise of jurisdiction conferred upon him by or under a law, shall be deemed to be invalid by reason of its having been given or made by such chief, headman or deputy acting on the advice or with the consent or at the instance of a tribal authority or any committee or councillor thereof, and any judgement, decision or direction so given or order so made shall for all purposes be regarded as having being given or made by such chief, headman or deputy.

2.3 For the purpose of conferring civil and criminal civil or civil jurisdiction on a chief or headman who is the head of the tribal authority, or on the deputy of a chief, the tribal of the area shall be deemed to be the area of jurisdiction or the area under control of the said chief, headman or deputy.

In respect to development, specific powers, rights and obligations are place on T.A.'s. These formal powers of the chief and the T.A. are considerable. Indeed, section 4 of the Bophuthatswana Traditional Authorities Act No. 23 of 1978,

subsection 1(c), (d) and (f) clearly spells out the role of the Tribal Authority in development of their communities. A Tribal Authority must "administer the affairs of the tribe", "guide its chief...", the exercise and performance of the powers, authority and functions' conferred upon him, and "promote the interest and the advancement and well-being of the residence". More specifically the T.A. can make "recommendations" with respect to "the establishment of, and the provision of buildings, for, or accessories to, government schools". The "organisation of farmers' associations" and "other developments of a local nature" including the "maintenance of law and order" add to the statutory power of the T.A. It is evident that the Traditional Authority Act No. 23 of 1978 clearly spells out the role of the traditional authorities towards improvement of the socio-economic well-being of their communities. The Traditional Authorities were to work hand in hand with the Government, their communities and other external agencies to achieve the role assigned to them.