



**Reinventing African Chieftaincy  
in the Age of AIDS, Gender,  
Governance, and Development**

Edited by Donald I. Ray, Tim Quinlan,  
Keshav Sharma, and Tacita A.O. Clarke

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# **11 Gearing Up for Constructive Engagement: Traditional Authorities and the Predicament of the 2000 Local Government Elections in the Durban Region, South Africa**

Sibongiseni Mkhize

## **I. INTRODUCTION**

The purpose of this chapter is to critically engage selected aspects of the KwaZulu-Natal component of the TAARN research, which focuses specifically on traditional authorities around Durban (now known as the eThekweni Municipality). The research project looks at some of these traditional authorities and their responses to and perceptions of the demarcation process and development rather than having a province-wide focus as Reddy and Biyela (2003) do. It attempts to grapple with some of the key aspects relating to a wide range of issues including, inter alia, the

changing powers, functions, and roles of traditional leaders in the context of transformation in South Africa. The areas in which research is being conducted for the KwaZulu-Natal case study are those chiefdoms that are adjacent to the city of Durban. We are focused on a variety of issues regarding *amakhosi* and the demarcation process, for example, “boundaries” and their meanings, powers of *amakhosi*, their roles before and after 1994, traditional authority structures, communication structures, development or development initiatives in their communities and the role of *amakhosi* therein, their relationship with the Durban Metro with regard to both politics and development initiatives, relationship with both the provincial and national governments, and *amakhosi*’s views about the institution of *ubukhosi* in South Africa. Although this study examines broadly issues affecting traditional authorities, it is not an attempt to present a definitive study on the institution of traditional leadership and its attempt to negotiate space within a western constitutional democratic context.

Of the fifteen traditional authorities, I managed to interview seven. I also managed to interview three councillors. Those seven are from the Umbumbulu, Indwedwe, and Mpumalanga regional authorities. Some traditional areas did not have traditional leaders because *amakhosi* had passed away (Ngqungqulu-Mthembu and Embo-Khabazela), while some *amakhosi* resided in the areas that were not earmarked for inclusion (Nyuswa and Embo-Isimahla).

When I began this component of the research in 2000, the majority of those areas fell under the Ilembu Regional Council while one was under the Indlovu Regional Council. This study attempts to present an overview of the views of the traditional leaders who were interviewed prior to the elections that took place on 5 December 2000 and those who were interviewed in 2001. The author has observed that the views of traditional leaders have been affected by changing circumstances, which have led to some shifts and adaptations among some traditional leaders. During the April 2001 workshop, I wrote a paper based on my interviews with four traditional leaders and I concentrated on the following aspects: views on demarcation; consultation process; powers and functions; traditional authorities and development, and the future of chieftaincy. This study will highlight their views on the demarcation process after their incorporation into the eThekweni Municipality, while comparing those with their opinions before demarcation in order to see if there are shifts and changes.

## II. TRADITIONAL AUTHORITIES: A HISTORICAL OVERVIEW

Traditional leaders (*amakhosi*), formerly referred to as chiefs, have always been a significant political and socio-economic factor in the lives of many African people in KwaZulu-Natal. Since the beginning of colonial domination in Natal and Zululand during the nineteenth century, *amakhosi* or traditional leaders have been having a precarious and uneasy relationship with the colonial governments. The character of an *inkosi* determined his relationship with the government and his continued position as an *inkosi*. Power struggles between *amakhosi* and the government, and amongst the *amakhosi* themselves, became the order of the day. The structure of traditional authority was reconfigured in a way that it is consistent with and forms a vital role in the government's scheme of indirect rule. During the twentieth century, the successive governments, colonial, union, and, after 1948, apartheid, decided to consolidate their stranglehold on *amakhosi* so that they could serve the purpose of being government servants. This ensured that the *inkosi* was no longer accountable to the people but to the government to whom he was indebted for material support and his position as *inkosi*.

The increasing level of urbanization during the first decades of the twentieth century also challenged and undermined the powers and positions of *amakhosi*. The political economy which was centred around the patriarchal homestead system typical of the rural areas controlled by *amakhosi* was being eroded by urbanization and the westernization of people's lifestyles. However, it should be noted that many urbanized people still maintained their connections in the rural areas and still paid allegiance to their traditional leaders. The swift pace of the struggles against apartheid in South Africa from the 1950s left many of the *amakhosi* behind, and during the successive decades they were viewed more as government stooges and reactionary elements. It is important to mention that not all traditional leaders supported the apartheid's Bantu Authorities system. One notable example is that of Chief Albert Luthuli. Between 1936 and 1945, Luthuli occupied himself with matters of his "tribe" and the institution of traditional authority, the church, and the struggles of the African peasantry. In 1945 he joined the African National Congress (ANC) and in 1951 he was elected provincial president of the African National

Congress. As punishment for his participation in anti-apartheid politics, the National Party government deposed him from his chieftainship in 1952. At its national conference in December 1952, the ANC elected him its president-general. He was one of the main people accused during the Treason Trial of 1956–61. He served as ANC president during the crucial period of the radicalization and transformation of resistance politics. In recognition of his dedication to non-violent resistance and human rights, he was awarded the prestigious Nobel Peace Prize in 1960 – the first African to receive that international award (Contact 1961, Fighting Talk 1961, Wintterie and Cramer 1971). He was dedicated to non-racialism and was an ardent opponent of the pass system, which he demonstrated by publicly burning his passbook in 1960. In 1962 he published his well-known autobiography, *Let My People Go*, which contains the crux of his political philosophy. After the publication of his autobiography, a rule of silence was imposed on him, and banning orders, which had become part of his life since the 1950s, were renewed until he died (Sithole and Mkhize 2000).

The perception that many of *amakhosi* were apartheid “collaborators” or accomplices and that they participated in the implementation of apartheid has contributed to the denting of their image and historical legitimacy. It was against that complex background and the role played by chiefs that, when there were negotiations for a democratic South Africa during the early 1990s, there was an impasse over the issue of traditional leadership within the new dispensation. Compromises were reached, but many of the traditional leaders are still uncertain about their roles and their future.

### III. TRADITIONAL AUTHORITIES AROUND DURBAN

The city of Durban is one of the biggest cities in South Africa and, together with five other metropolitan centres in South Africa, has been earmarked to be a UNICITY with either executive mayors or executive committees. Before the demarcation process, which led to the heightening of emotions from 1999, Durban’s boundaries excluded areas that fell under traditional authorities, except the area of kwaXimba near Cato Ridge, which opted to fall under Durban Metro from 1996. The 1996 local government

structures were in accordance with the arrangements and compromises of 1993–94 and the 1996 municipal elections and were part of the transition process. All of these are western-style political systems that put emphasis on democracy and do not cater for the institution of traditional authority.

Under the new municipality structure there are fourteen traditional authorities. The areas, except for the area of kwaXimba, were previously outside the boundaries of Durban Metro. The new areas that have been incorporated are, in the northern side, amaQadi under *inkosi* Mzonjani Ngcobo, amaPhephethe under *inkosi* Thandizwe Frank Gwala, abaThembu (*inkosi* deceased), amaNgcolosi under *inkosi* Bhekisisa Felix Bhen-gu,<sup>1</sup> Mkhize (Khabazela near Hillcrest – *inkosi* deceased), Qiniselani-Manyuswa (*inkosi* Ngcobo lives in the Ezingolweni), abakwaShangase under *inkosi* Mehlesizwe Shangase, amaXimba under *inkosi* Zibuse Mlaba, Mkhize – Isimahla under *inkosi* Zwelinjani Mkhize, Sobonakhona-Makhanya under *inkosi* Bhekokwakhe Andreas Makhanya, Vumengazi under *inkosi* Emmanuel Bhekuzalo Shozi, Cele under *inkosi* Ndoda Cele, Thoyana under *inkosi* Mhlabunzima Wellington Hlengwa, Maphumulo under *inkosi* Thembisile Virginia Maphumulo, and Luthuli in Mnini Trust under *inkosi* Phathisizwe Philibert Luthuli. All of the above chiefdoms claim links or connections of some kind with the nineteenth-century Zulu Kingdom. Some trace their arrival to their respective areas to the upheavals commonly associated with King Shaka during the early nineteenth century while others claim to have been loyal supporters of King Shaka who were persecuted by his successor, Dingane, during the early 1830s. The abaThembu, amaThuli, and the Thoyana are, however, known to have occupied the Durban area a few decades before the consolidation of the Zulu Kingdom.

#### IV. PRE-ELECTION ISSUES: CONTENDING PERSPECTIVES OF AMAKHOSI NEAR DURBAN REGARDING THE DEMARCATION PROCESS

The Demarcation Board under the chairmanship of Dr. Mike Sutcliffe, which began its function in 1998 in order to prepare for the final phase

of local government transformation in South Africa, incorporated traditional authorities and other previously excluded areas into municipalities. Some of the regions affected by this are the traditional authorities around Durban, many of whom fell under the Ilembe Regional Council, another structure that had been set up after the 1996 local government elections.

Shortly after the Demarcation Board had commenced its work, a fierce debate ensued between various interested parties over the incorporation of traditional authorities into the new UNICITY. This does not mean, however, that all the *amakhosi* were opposed to incorporation. In the case of traditional leaders around Durban, the disagreements centred around issues like powers, duties and function of chiefs, the roles of *amakhosi* in the municipal structures, the representation of *amakhosi* in those structures, lack of consultation on the demarcation process, the drawing up of boundaries, splitting of the *amakhosi* areas, taking away of vital assets like dams and nature reserves, the uncertainty over the continued observation of cultures and traditions, the role of *amakhosi* in development, and the perceived threat on the future of *ubukhosi* (chieftainship) posed by the encroachment of the urban municipal structures into their territories.

While some *amakhosi* in areas around Durban were abreast with the pace of socio-economic and political transformation in South Africa, some, however, embarked on defensive resistance. Those who were against the new system of local government and were calling for the status quo to remain claim that they are placed under an adapt or die situation, while those who are in favour of this system or who adopt a pragmatic approach argue that *amakhosi* cannot afford to exist in isolation and they have to be part of the changes in order to save the institution of traditional leadership from demise. A common thread among some *amakhosi* is that they welcome development in their areas and would also appreciate material assistance from the UNICITY of Durban on issues of development but reject the incorporation of their areas into the urban and politically dominated municipal structures. The demarcation process was perceived more as a demolition process, which is tantamount to territorial invasion and usurpation of powers, rather than a progressive step aimed at bringing development to the areas that historically provide the city of Durban with labour. Below is an overview of their opinions on few issues.

## 1. Demarcation

As was mentioned above, there are a few key issues that the *amakhosi* were concerned with during the interview process. Out of the four *amakhosi* who were interviewed in 2000, three were concerned about the process of demarcation and the manner in which it was done while the fourth one showed a high level of clarity with the whole process and welcomed it. On the issue of demarcation and boundaries, the three chiefs who were not happy with the whole process expressed their unease. Chiefs Makhanya, Gwala, and Ngcobo were concerned that demarcation would tamper with existing boundaries and lead to conflict within communities. *Inkosi* Gwala argued that the Demarcation Board was exacerbating the situation because the traditional authorities were having problems among themselves regarding boundaries. Therefore, this issue was viewed as a recipe for conflict because it would happen that people from one traditional authority would be placed under a councillor who comes from a different traditional authority. According to Ngcobo, the whole issue of demarcation was unnecessary. He argued that the government should instead improve on the system of regional councils and upgrade the system of rural local governance that was in operation at that time without changing or undermining it.

Mlaba, however, saw this issue differently. He contends that demarcation was relevant so that traditional authorities could be in line with the nationwide trend. The demarcation process, according to him, was a step in the right direction because traditional leaders would be involved in the development process and be exposed to the decision-making system, which works in accordance with the western representative democracy. Mlaba further argued that the demarcation process was necessary for the transformation of local government.

## 2. Consultation

Another issue that the *amakhosi* were concerned about was the whole process of consultation regarding the demarcation process. As with the above issue, Mlaba also differed with the others of this issue. The other *amakhosi* argued that they were not properly consulted and were only informed when the process had already started. According to Mlaba, traditional

leaders were properly consulted through their relevant structures, and the Department of Local Government and Traditional Affairs even arranged workshops. Gwala and Ngcobo, however, argued that there was no consultation and the whole process was decided at government offices and the board members used helicopters to fly over their areas and demarcate boundaries without discussing with them. Makhanya also argued that the *amakhosi* are not even represented in the Demarcation Board, and that is why the board failed to consult with them. Gwala pointed out that a referendum or survey would have been appropriate.

### 3. Powers and functions

In the build-up to the 2000 elections, the media reported that the bone of contention between traditional authorities and the government over the demarcation process was the question of powers and functions. Three of the *amakhosi* that I interviewed were concerned about the fact that demarcation would lead to the usurpation of their powers – the main problem being the allocation of land and powers of adjudication. *Inkosi* Mzonjani Ngcobo was overtly critical of the whole process, arguing that the government was putting two bulls in one kraal by placing their areas under Durban Metro. He pointed out that it had been made clear that the new municipalities would be more powerful than *amakhosi*. He was also concerned whether he would still be able to freely perform his functions as an *inkosi*. *Inkosi* Makhanya was also concerned about his powers as an *inkosi* and also whether he would be able to continue performing his functions. He even argued that, because of modernity, people have already started to undermine traditional structures by challenging *amakhosi* decisions of civil cases and even taking traditional leaders to magistrate courts. *Inkosi* Gwala was also concerned about his powers and functions as an *inkosi*.

The above-mentioned traditional leaders were concerned about whether they were going to share their powers with the mayor and councillors. However, *inkosi* Zibuse Mlaba took the opposite view. He argued that the law is clear about the separation of powers and that the municipalities have been brought into their areas in order to transform the local government system and not to take away the powers of *amakhosi*. He was of the opinion that the changes were meant to improve service delivery and accountability and to promote good governance. He argued

that because *amakhosi* know their functions there should be no confusion as to their responsibilities and those of the elected councillors. He attributed the worry about powers and functions to the fact that many of the traditional leaders have been victims of a campaign of disinformation pursued by political organizations. Mlaba further pointed out that there is legislation that clearly defines as well as protects the powers and functions of traditional leaders. He argued that many are worried about their powers because, for many years, they have been abusing those powers and are afraid of the democratic process.

#### 4. *The role of amakhosi in development*

The issue of the *amakhosi*'s role in development was also of great concern to the traditional leaders. *Inkosi* Zibuse Mlaba was also straightforward as to what the role of the traditional leaders should be on matters of development. He pointed out that for many years traditional leaders have neglected their areas and concerned themselves with political conflict. He pointed out that, in the kwaXimba area, development is driven by well-organized structures that involve both elected representatives and structures of traditional authority such as *izinduna* of various wards. This was confirmed by the ward councillor of the area, Mr. Simon Ngubane. Ngubane has been a councillor of the area since the 1996 elections. Both argue that, without all the structures working together and attending workshops, there is no way development could happen smoothly.

Mlaba argued that, even though the *inkosi* oversees the overall development process, he should let the people drive the process so that there could be empowerment and people feel a sense of responsibility and accountability. He pointed out that it is not necessary that the *inkosi* become the chairperson on the development forum. Mlaba further argued that traditional leaders would benefit by becoming part of big structures like the Durban Metro because they would be exposed to the democratic decision-making process and keep abreast of national and international trends in local governance. Being part of the municipality would provide the traditional leaders with an opportunity to network with people from different backgrounds, thus broadening their horizons.

The other three *amakhosi*, Ngcobo, Makhanya, and Gwala, were openly critical of the interference of the municipality in their areas. However, they

were a bit ambivalent on the issue of development in their areas. All of them claimed to be playing a critical leadership role in development as chairpersons of various committees dealing with roads, electricity, water, schools, halls, clinics, and agricultural development. They were not sure whether they would continue performing those roles once their areas were incorporated into the municipality. They, however, argued that they need the municipality to assist with development in their areas but not to come and take over their land. Ngcobo and Gwala also voiced their concerns about tribal accounts. Makhanya and Ngcobo also expressed their uneasiness about the prospect of elected councillors and politicians bringing development in their areas without following protocol. This, they argued, is linked to the undermining of amakhosi and the structures of traditional authority and would lead to conflict.

### *5. The future of traditional leadership in South Africa*

On the question of the future of the institution of *ubukhosi* Makhanya, Ngcobo and Gwala pointed out that *amakhosi* could not be eradicated by the democratic process. At the time of the interview, none of the traditional leaders spoke about their representation in the Metro because they were still hoping that their areas could be left out of the new Durban Metro. The three *amakhosi* argued that the institution is old and is closer to the rural people, compared to the representative democracy form of governance. They argued that traditional leaders have a role to play in the governing of the country and the government will always require their wisdom. Makhanya argued *amakhosi* are a body of the nation, and for President Mbeki's "African Renaissance" to succeed, the institution of *ubukhosi* should be accorded the dignity it deserves because it is a crucial component of African heritage. Gwala used Zimbabwe as an example where *amakhosi* were at one time marginalized by the state. He argued that in Zimbabwe the government had now started to look at mechanisms to integrate traditional leaders so they could play a central role in local governance of the rural areas – something which the elected representatives have failed to do.

All *amakhosi*, including Mlaba, argued that the institution of *ubukhosi* is a custodian of African culture and tradition. Mlaba's view on the future of the institution of traditional leadership, despite his optimism about the

demarcation process and the development for the areas under *amakhosi*, was pessimistic. He argued that the writing is on the wall as the majority of the people of South Africa have chosen a western-style of representative democracy and the future of *ubukhosi* looks bleak. At the same time, he was arguing that the only way traditional leadership was going to survive was to positively embrace opportunities that are presented by the demarcation process. He argued that, inasmuch as there are strong currents from outside threatening the institution of chieftaincy, the misconstrued obduracy of the *amakhosi* could precipitate their demise. He pointed out that the way the country is transforming politically should make *amakhosi* prepared that one day there would be people in power who oppose traditional leadership. Mlaba pointed out that in view of this predicament he always encourages his children to concentrate on education in order to explore other career options and not to aspire to become traditional leaders.

## V. POST-ELECTION ISSUES PERSPECTIVES

After the 2000 elections, I went back to those *amakhosi* and included three more to find out their views on the demarcation process and the question of the transformation of local government in general. In doing the second round of interviews, I took into account the points that were raised during the April 2001 workshop of the Traditional Authorities Applied Research Network (TAARN) South African team. Obviously, traditional leaders had different views and some had more issues to grapple with. Of the four that I visited in 2000, I saw chiefs Makhanya and Gwala. I did not go to interview chief Mlaba because I assumed there was going to be nothing new to him since he was already under the Metro from 1996 so the municipal demarcation process was not going to bring any new changes in his area. Sadly, I was not able to secure an interview with Chief Ngcobo, who was also an arch-opponent of the demarcation process.

The *amakhosi* who were interviewed for the first time in 2001 were chiefs Ngcolosi, Maphumulo, and Luthuli. All these chiefs have different ways of seeing the changes and evinced a wide range of perspectives and expectations with regard to their roles in the new structure and the questions of development in their areas. One could point out that, of the five

traditional leaders interviewed this year, four were still uncertain about development, but not hostile this time, while only one demonstrated a high level of understanding of local government and was more optimistic and welcomed the process as a challenge. His stance should not be misconstrued as related to his political allegiance as he pointed out that his stance had more to do with his decision to arm himself with knowledge than the fact that he was once a member of the Inkatha-controlled KwaZulu Legislative Assembly during the 1980s. An interesting issue is that, for some traditional leaders in the south of Durban, land is a problem issue, something which did not come out of any of the interviews I conducted last year. Chiefs Luthuli and Maphumulo were concerned about the serious issue of land shortage, which was being compounded by the demarcation process.

In this section, I would like to outline a few main issues that came out of the interviews of the chiefs who were being interviewed for the second time and those who were interviewed for the first time. Here are the issues around which this discussion will be organized: views of demarcation after the 2000 elections, relationship with the elected ward councillors, the role and function of chiefs after the 2000 elections, relationships with eThekweni Municipality, the role of *amakhosi* in development, comparing the government's attitudes towards traditional leaders, and the issue of land shortage and demarcation.

### *1. The Demarcation process*

In 2001 I began the second round of interviews with traditional leaders. The main issue I wanted to examine was their views on the demarcation process after the December elections, which had seen the incorporation of their areas into the new eThekweni Municipality. The traditional leaders whom I met in 2000 were still unclear about the way things happened but had accepted the fact that demarcation was a reality they had to face. Of the three chiefs who were being interviewed for the first time in 2001, only one expressed emotional discontent with the whole process and was pessimistic even about the way the government was treating *amakhosi*. An interesting view was that of *inkosi* Bhengu of KwaNgcolosi, near Hillcrest, who adopted a pragmatic view of the situation and argued that demarcation was a challenge to chiefs and they have to work hard to make themselves

indispensable as change was inevitable. He showed a greater and sophisticated understanding of the demarcation process and the issue of local government. Although Bhengu was positive and saw this as a challenge and did not see his position as chief being threatened, he argued that the uncertainty and the emotional and negative response by -Natal many *amakhosi* to the process was caused by the lack of consultation. The same point was echoed by the traditional leaders who were interviewed in 2000 and by those who were interviewed in 2001 for the first time.

## 2. *Amakhosi and elected councillors*

Another interesting finding during my interviews with the chiefs was their responses to the question about the relationship with elected ward councillors. Chiefs Makhanya and Gwala were both uncomfortable with their elected councillors. Makhanya argued that he had not even met the councillors formally and they had not bothered to introduce themselves to him. Gwala had a similar problem but his was compounded by the fact that the councillor lived in another traditional area. This problem had to do with the question of one ward straddling different traditional authorities. According to Gwala, the councillor was not doing his job properly because he was unable to visit these areas and introduce himself and it was also difficult to get hold of him when they wanted to do something. Gwala found working with his ward councillor very frustrating. *Inkosi* Maphumulo argued that she was working very well with her councillors as she was the one who made sure that the elections took place in her strife-torn area. However, her secretary pointed out that there are cases of some councillors arranging meetings and taking decisions without asking for the chief's permission or even inviting her. She argued that those actions cause problems because after taking those decisions they come to the *inkosi* to request or "demand" that she sign and put an official tribal stamp on their documents, which in most cases are worded in such a way that they include the chief.

Luthuli pointed out that councillors in his area were not working harmoniously with existing traditional authority structures. He argued that only one had introduced himself properly and he attributed their attitude to the fact that they are undermining the structure of traditional authority. The interesting perspective was that of Chief Bhengu. Bhengu argued

that there should be no conflict between traditional leaders and ward councillors, as long as they know what their duties and functions are. He pointed out that the cause of friction was the fact that in many cases both the councillor and the traditional leader do not know their functions and they end up competing with one another instead of working as a team for the development of their areas. He also made an interesting acknowledgment by pointing out that inasmuch as the elected councillors are causing some problems, many of the *amakhosi* are not innocent either and there are many problematic elements in their midst. Bhengu also pointed out that he has an amicable relationship with his ward councillor but mentioned the fact that there is a minor problem with another councillor who is responsible for a section of his area and the suburb of Hillcrest. It seems Bhengu's attitude to the transformation of local government is informed by the fact that he has armed himself with knowledge by studying local government and development. For him the demarcation process falls within the process of globalization.

### *3. Powers and Functions*

During the interviews I also asked *amakhosi* about their powers, roles, and functions after the 2000 elections and their incorporation into the municipal structures. This question was asked because, before the elections and when there were heated debates about the demarcation process, the issue of the powers, roles, and functions of *amakhosi* was central. The question of the powers and functions is closely related to the traditional leaders' relationship with the elected ward councillors, discussed above. Four of the five *amakhosi* argued that they are still working as they did in the past but they were still unclear about their roles and functions under the new dispensation. They were concerned about their powers vis-à-vis those of elected leaders. However, Bhengu argued that there is no need for *amakhosi* to fear for the eradication of their powers and the abolition of the institution of traditional leadership. According to him, they will always have a role to play as long as they arm themselves with knowledge since the world is changing and they too have to adjust to those changes.

*Inkosi* Luthuli, on the other hand, was vehement about the fact that *amakhosi* were being undermined by the present government. He argued that *amakhosi* used to have powers during the era of the apartheid government. He

pointed out that *amakhosi* in KwaZulu used to have clearly defined powers and had clear roles and functions because Dr. MG Buthelezi, who was then chief minister of KwaZulu, was committed to the development of the institution of traditional leadership. However, Luthuli cited the negative example of the current local government of putting stickers with numbers to homesteads, which was done without proper consultation with *amakhosi*. He further pointed to the fact that *inkosi* Zibuse Mlaba of KwaXimba, an ANC MP, and the mayor of eThekweni Municipality, Mr Obed Mlaba, came to his area and held rallies without informing him. Gwala also mentioned this problem, which he argued makes him as an *inkosi* appear to be useless as he ends up not being able to account for the stickers when people come to ask him. All the *amakhosi* argued that they will continue performing their functions as they did in the past because no one has come to them to tell them to change anything or to abandon their old way of governing their areas. It was also pointed out that, although the Ilembe Regional Council no longer existed as a structure where *amakhosi* could meet, they still meet in their respective regional authorities, which are structures that existed before the establishment of Ilembe Regional Council. In these structures, the traditional leaders under the eThekweni Municipality meet with their counterparts who are outside the municipality but under the same regional authority.

#### *4. Relationship with the eThekweni Municipality (expanded Durban)*

In spite of all the uncertainty about the powers, roles, and functions, they all pointed out that they would like to work closely with the eThekweni Municipality in order to develop their areas. Some even mentioned some projects that were proof that their incorporation into the municipality had some benefits. All the five *amakhosi* pointed out that they have had meetings with the eThekweni Municipality to discuss their role and function within the council. They all sounded positive, although they were a bit concerned about the fact that the council had not given them any travel allowances. Other than that, they were all hoping for a positive outcome of their meetings. *Inkosi* Bhengu even went further by arguing that he has personally been involved in devising some development plans and maintains contact with the mayor and the municipal manager. He was positive

about the fact that the mayor was encouraging *amakhosi* to attend meetings themselves rather than sending delegates. Bhengu has a more sophisticated understanding of the operations of local government. He was the only one who went further by explaining in detail the need for *amakhosi* to be represented at all levels of the municipal council. Even Makhanya and Gwala, who were negative about the process last year, expressed their willingness to work with the city council and cherished the opportunity to meet with the mayor. Gwala pointed out that he was still waiting for the mayor to visit his area. He even gave as an example complimentary tickets for soccer matches, which the chiefs who have been incorporated into the municipality are getting as a sign that relations were improving. Luthuli, who was more worried about the treatment of *amakhosi* by the present government, was also optimistic about co-operation between traditional leaders and the municipality. Like Bhengu, he expressed his worry about allowances for traditional leaders and even pointed out that there was still a problem because some *amakhosi* were not attending those meetings. The point about non-attendance came out during the interview with Chief Maphumulo, who pointed out that she did not know about the meetings with the municipality and only joined when they had already had five meetings.

## 5. *Development*

The issue of development in the areas under traditional authorities relates to the demarcation process and the whole rationale behind the transformation of local government. As was mentioned above, the traditional leaders who were interviewed all mentioned development of their communities as their main priority. They also pointed out that they would welcome any assistance from the municipality in that regard. None of the *amakhosi* interviewed viewed development as the responsibility of elected councillors alone. They saw it as their duty as *amakhosi* to ensure that in addition to their functions of maintenance of peace and unity, land allocation, and presiding over civil cases, they also play an active role in development.

Development priorities differed from one area to another. Some of the chiefs pointed out that they have seen some visible sign of development and service delivery since their areas were incorporated into the municipality. *Inkosi* Luthuli gave an example of a water supply project in his area

but also argued that there is nothing new as the old KwaZulu government had already come up with a program to develop the areas under *amakhosi* long before 1994. *Inkosi* Maphumulo mentioned the crèche and plans to build a hall but complained about the state of the roads in her area. Makhanya pointed out that he now sees the difference because, during the days of Ilembe Regional Council, projects were taking a long time to be finished due to lack of funds but now things are moving quickly, and he mentioned the construction of a dam in his area. Bhengu, however, argued that there was no need to use development as a pretext for demarcation. According to him, some areas had been developing and getting water and electricity before the era of the present local government dispensation. He argued that some areas that are not even inside the municipality have got electricity supplied by the city council and that invalidates the claim about territorial incorporation and development. He pointed out that in his area many development projects were done even before the changes that occurred in 1994. He claimed that his area is relatively developed, arguing that development needed to be well-planned with clear and broad consultation on identification of needs, and said that the tarring of the roads in the area was one aspect in which he expects the municipality to assist. As mentioned above, all the *amakhosi* regarded development as one of their primary responsibilities.

## 6. *Comparing the attitude of governments towards amakhosi*

Although the questions were mostly about the present developments, I also asked the *amakhosi* to tell me how they compare the democratically elected government since 1994 with the previous governments since many of them assumed their positions before 1994. This was in relation to the treatment that traditional leaders were getting from the government and the powers and functions of *amakhosi*, and it was also closely linked to the issue of development in their areas. Their views varied but chiefs Luthuli, Maphumulo, Makhanya, and Gwala were of the opinion that the present government did not care about traditional leaders. They all referred to how well the *amakhosi* were regarded during the era of KwaZulu government during the late apartheid era. Luthuli even went further by arguing that the only good thing the present government did was to increase the salaries of *amakhosi*. He argued that after 1994 traditional leaders were stripped

of their bodyguards who were supplied by the old KwaZulu homeland government and that had made them vulnerable. Interestingly, except for Makhanya, none of the *amakhosi* acknowledged the fact that their tribal courts had been modernized by being provided with fax machines, photocopiers, and computers. This might be caused by the fact that in some areas this equipment had not been provided because of lack of electricity. Makhanya pointed that the way the government is ignoring them was worrying, considering the fact that the president had not attended to their submissions while he has dealt with issues that arose later.

Bhengu, on the other hand, does not glorify the past while also trying not to be too excited about the present government, although he recognizes that the country is still in a period of transition. When asked to compare governments, all he could remember was the fact that the magistrates used to have significant powers in the areas of traditional authorities. He did not attribute any developments in his area to either the present government or the apartheid one but partly to an NGO called Valley Trust and to the commitment of the people of KwaNgqolosi.

From the interviews, it became clear that even the provincial Department of Local Government and Traditional Affairs was not perceived to have the interests of *amakhosi* at heart. Although Luthuli and Maphumulo seemed content with the department, Bhengu highlighted the issue of the employment of officials who had no idea about the issues pertinent to *amakhosi*. Bhengu also cited the issue of what he saw as poorly planned training courses that were provided by the Department of Traditional Affairs and the University of Zululand as an example of uncoordinated activities by the department.

## *7. Demarcation and the land problem*

During the interviews conducted in 2000, a wide range of issues and concerns were expressed by traditional authorities. The land question was only raised in the context of territorial incorporation in relation to the threat of the municipalities as was perceived by traditional leaders. None of the traditional leaders interviewed mentioned the fact that demarcation was going to complicate the problem of land shortage in their area. In fact, *inkosi* Makhanya even mentioned that he had a vast tract of land and would appreciate it if the government could assist with agricultural

projects. In 2001 two traditional leaders voiced their concern about the land and the demarcation of boundaries. Luthuli and Maphumulo argued that the demarcation process worsened the already volatile situation because their chiefdoms had been losing land to their neighbouring traditional authorities or to government. They argued that the drawing of boundaries excised land that had belonged to their areas and put them under adjacent traditional authorities. The land problem seems to be only prevalent in the Umbumbulu area, where both Luthuli and Maphumulo are situated. Luthuli even argued that most of the land in his area is being occupied by squatters; hence he objected to the attaching of stickers in people's houses as this indiscriminately conferred land ownership to many people who had no right to that land. Both Luthuli and Maphumulo mentioned the existence of some important landmarks of their traditional authorities, such as graves that are situated in areas that now fall under different traditional authorities. To them the demarcation process has complicated issues by adding to land dispossession, which had been going on for many years in their areas. The issue of land and demarcation is related to the question of the politics of space, representation, and the role of cartography in emasculating people. What became clear during the interviews with the *amakhosi* mentioned above was that what appears on the maps was not what the *amakhosi* conceive as their areas. *Inkosi* Maphumulo mentioned that in reality she is a chief with no land at all as many sections that traditionally or rather recently used to belong to her area are now under the control of the adjoining traditional authority – Makhanya being one of those traditional leaders.

## VI. CONCLUSION

This chapter has sought to analyze the responses of traditional leaders in the Durban Metropolitan area. I have attempted to show that, despite some reservations, traditional leaders have accepted the new structure of local government as a reality. Clearly in the post-2000 period, they were exploring the best possible ways of constructively engaging the new eThekweni Municipality, an approach that is in stark contrast to the way some were viewing the process before the 2000 local government elections.

Another important point to make is that the traditional leaders did not have an abundance of choices as far as this matter is concerned. What has emerged out of this research is that traditional leaders are willing to work with the eThekweni Municipality and that they also see themselves as playing a vital role in development. None of the traditional leaders mentioned any “cultural roles” as a priority. They are doing more than just allocating land and presiding over cases. What became clear also is that a lot of work still needs to be done on the issue of the relationship between elected councillors (some wards straddling different traditional authorities) and traditional leaders. Even for *inkosi* Bhengu, who was more optimistic and pragmatic about the changes that are taking place, the issue of the elected councillors and their knowledge of their functions was a source of discontent. One can conclude from the interviews that traditional leaders want to play a more active role in their respective areas. They were of the opinion that *amakhosi* have a role to play because, unlike elected councillors who could be voted out after a five-year term, they can provide continuous and stable administration as their positions are hereditary. As *inkosi* Bhengu stated, “we have always been part of Durban, the reason why we were left outside the boundaries in the past is that we were discriminated [against].” From an interview with *inkosi* Bhengu, it became clear that it would be a sign of intellectual naivety to oversimplify the problem between traditional leaders and the government as well as to conveniently categorize all of them as being reactionary.

So far, the research has been limited to traditional leaders and some elected councillors. I have not been able to conduct an in-depth study of how people in different traditional authorities feel about the changes that are taking place. The gender issue has also not been fully explored. There is only one woman traditional leader out of the fifteen traditional authorities who were incorporated into the municipality. However, an interesting observation I made was that most of the time she was accompanied by her male *izinduna* and councillors. What also still needs to be done is to do some interviews with the local politicians such as the mayor and heads of committees whose portfolios relate to traditional authorities. Furthermore, the issue of wards straddling different traditional authorities and how that affects development has also not been fully explored.

The latest developments in KwaZulu-Natal have shown the need to problematize the role of traditional leaders in a western constitutional

democracy. Since the enactment of the Governance and Traditional Leadership Act in 2003, traditional structures and the provincial government have been at loggerheads. This raises questions about the reasons for the chiefs' acceptance of the 2000 municipal demarcation settlements. What this raises is the complicated nature of the negotiated relationship between chiefs and democratically elected government. The rift became clear early in 2008 when the government of KwaZulu-Natal gave Dr. Mangosuthu Buthelezi, the president of the Inkatha Freedom Party and chairman of the provincial House of Traditional Leaders, an ultimatum to choose between serving as a member of parliament and working full-time as the chairman of the House of Traditional Leaders. The ultimatum forced Buthelezi to choose in an environment in which he has since 1994 been able to reconcile his role as a traditional leader within a democratic state. Buthelezi has cunningly made use of both structures to mobilize for his political party. What the ultimatum attempts to do is to limit his ability to use traditional structures to influence the democratic processes.

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KWA<sup>X</sup>IMBA ADMINISTRATION OFFICES – MEETING PLACE FOR WARD COUNCILLORS AND IZINDUNA. (PHOTO: eTHEKWINI MUNICIPALITY’S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)



KWA<sup>X</sup>IMBA CATTLE OUTSIDE COMMUNITY HALL. (PHOTO: eTHEKWINI MUNICIPALITY’S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)



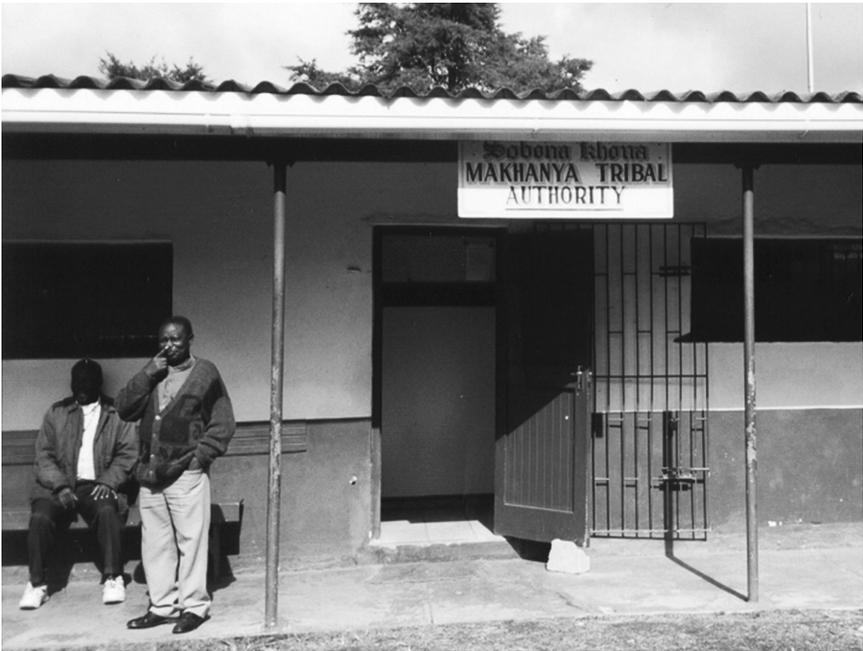
INKOSI BA MAKHANYA OF SOBONAKHONA MAKHANYA TA. (PHOTO: eTHEKWINI MUNICIPALITY'S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)



MR. SIBONGISENI MKHIZE, SOUTH AFRICA. (PHOTO: MR. SIBONGISENI MKHIZE.)



RURAL UMBUNBULA PART OF SOBONAKHONA MAKHANYA AND EMBO TA. (PHOTO: eTHEKWINI MUNICIPALITY'S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)



SOBONAKHONA MAKHANYA TRIBAL AUTHORITY COURT. (PHOTO: eTHEKWINI MUNICIPALITY'S HERITAGE DEPARTMENT, LOCAL HISTORY MUSEUMS.)

## NOTES

- 1 In 2006 *inkosi* Bhengu challenged Buthelezi for the chairmanship of the KwaZulu-Natal House of Traditional Leaders. Although he was defeated by Buthelezi, his stance went a long way to show the heterogeneous nature of the institution of traditional leadership in KwaZulu-Natal, which had hitherto been perceived as homogenous and united behind Buthelezi.

## REFERENCES

- Anon. 1961. "Nobel Prize for a Great South African," *Contact* 4, no. 22: 1.
- Anon. 1961. "Chief Albert Luthuli – Nobel Prize Winner, 1960," *Fighting Talk* (November): n.p.
- Luthuli, A. 1962. *Let My People Go: The Autobiography of a Great South African Leader*. London: Collins.
- Reddy, P., and B.B. Biyela. 2003. "Rural Local Government and Development: A Case Study of KwaZulu-Natal: Quo Vadis." In D.I. Ray and P. Reddy (eds.), 263–85. *Grassroots Governance? Chiefs in Africa and The Afro-Caribbean*. Calgary: University of Calgary Press.
- Wintterle, J., and R. S. Cramer. 1971. *Portraits of Nobel Laureates in Peace*. London: Abelard-Schuman.