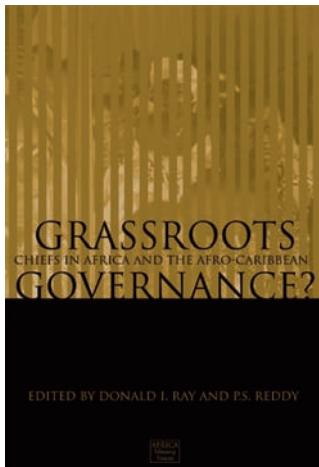




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RURAL LOCAL GOVERNMENT AND DEVELOPMENT: A CASE STUDY OF KWAZULU-NATAL: QUO VADIS?

CHAPTER 10

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INTRODUCTION

The establishment and development of rural local government structures in the province of KwaZulu-Natal in South Africa has indeed been a watershed given the historical and political legacy of the province. Seven Regional Councils that were initially established to manage the rural areas in the province, have since been transformed to ten District Councils following the demarcation process and local government elections.

Given the reduction in the number of municipalities nationally, the increase in the number of rural local authorities from seven to ten has emphasized the fact that the government is placing considerable emphasis on service delivery. District Councils are faced with tremendous challenges; namely, funding, capacity development, provision of basic infrastructure, and the increasing politicization of its activities. Critical to its success in the province is the blending of local democracy and traditional leadership. It is imperative that a complementary relationship should develop between elected local leadership and traditional structures in the rural areas. It is an undeniable fact that there is general acceptance and strong support for traditional leadership in the rural areas. Consequently, traditional structures should become an integral part of the local governance process and, furthermore, development issues. In addition, strong linkages should be developed with the local community, traditional structures and elected councillors. This will facilitate rural development while at the same time securing community participation and ensuring legitimacy for the process. It is quite apparent that the government is placing considerable emphasis on municipal service delivery in the rural areas. It is incumbent on the different stakeholders in the rural areas to form partnerships to develop the capacity of the newly established municipalities and also the local economy. The demarcation process created a major

conflict between the traditional leaders and the government and had the effect of almost delaying the local government elections which took place on 5 December 2000. However, the government has given the assurance that the relationship between traditional and democratic leadership would be clarified after the elections.

Local government has undergone a process of fundamental political, economic, and social restructuring in South Africa in the past five years. The government has introduced a series of policy/legislative measures to restructure and transform local government, thereby ensuring that it is empowered to carry out its constitutional mandate. It is imperative that the political, financial, social, and institutional framework is conducive to facilitate meaningful governance at the local level, more particularly in rural areas. The lack of adequate human, financial, and technical resources in the rural areas in South Africa, and more particularly KwaZulu-Natal, constitutes a major challenge for effective local governance and rural development. Given the historical and political context, the establishment and development of appropriate rural institutional structures has been problematic for obvious reasons; namely, the blending of democratically elected local government with traditional leadership structures. This chapter reviews the legislative and administrative framework for District Councils (formerly Regional Councils) and highlights present and future challenges that have to be addressed relative to service delivery and local governance. In addition, it will also focus on the issue of traditional leadership in the context of local democracy, development, and of late the demarcation process.

LEGISLATIVE AND ADMINISTRATIVE FRAMEWORK FOR DISTRICT COUNCILS IN KWAZULU-NATAL

ESTABLISHMENT AND COMPOSITION

It should be noted that the district council option developed out of policy proposals put forward by rural non-governmental organizations. It argued for a strong two-tier system of local government in non-metropolitan areas comprising district and local councils/local authorities. The first tier would comprise large district council areas, notably commercial centres commercial farmland as well as former homeland areas (currently

under traditional authority areas). This is aimed at maximizing local revenue sources and ensuring that a variety of different settlements have access to such revenue. Furthermore, it also seeks to maximize economies of scale relative to service delivery.

The Demarcation Act, 1998, and the Municipal Structures, 1998, was key to the demarcation of districts. Given the diversity of districts, there was very little guidance relative to the demarcation process. Some of the principles taken cognisance of in the demarcation of districts included, *inter alia*, functional linkages showing a coherent social and economic base; manageability of size, population, and spatial aspects; character of the area; applying the principles and indicators (Municipal Demarcation Board, 1999).

The following district councils were established in Kwazulu-Natal and became operational after the local government elections (Kwazulu-Natal 2000, 555):

District Council	Councillors per District Council
DC 21: Ugu District Council	34
DC 22: Indlovu District Council	41
DC 23: Uthukela District Council	30
DC 24: Umzinyathi South District Council	23
DC 25: Umzinyathi North District Council	25
DC 26: Zululand District Council	34
DC 27: Umkhanyakudu District Council	27
DC 28: Uthungulu District Council	37
DC 29: Ilembe District Council	30
CBDC5: Cross Border District Council (without Eastern Cape)	13
Total	294

The demarcation process has resulted in an increase in the number of rural local government structures from seven to ten; i.e., there were seven regional councils prior to the demarcation process. It would appear that the government is placing considerable emphasis on municipal service delivery in the rural areas given the increased number of district councils in the province. Given the historical legacy particularly in relation to traditional leadership and local political dynamics, the establishment of district councils has indeed been a watershed in the province.

POWERS AND FUNCTIONS

The development of strong and effective local government in the rural areas and the rendering of services is a complex and sensitive issue, which requires the co-operation of the *Amakhosi* (chiefs), headmen, political parties and local communities. The Mu-

nicipal Structures Act, 1998 (Act 117 of 1998) provides for the division of functions and powers between district and local municipalities. The powers of the district municipality as detailed in section 84(1), includes, *inter alia*, integrated development planning; bulk supply of water; bulk supply of electricity; bulk sewage purification works and main sewage disposal; solid waste disposal sites; municipal roads; regulation of passenger transport services; municipal airports; municipal health services; fire-fighting services; fresh produce markets; cemeteries and crematoria; local tourism; municipal public works; grants and the imposition and collection of taxes, levies and duties related to the above. Given that district municipalities cover a much larger geographical area and consequently have a larger population, they have a pivotal role to play in the holistic development of the area. In addition they will have to be proactive in terms of building the capacity of local municipalities and promoting the equitable redistribution of resources. They are seen as being critical to addressing the historical backlogs and facilitating much needed rural development.

CHALLENGES OF SERVICE PROVISION

It is generally accepted that District Councils have a critical role to play in providing basic municipal services and improving the quality of life of the local citizenry in the rural areas in KwaZulu-Natal. In this context, the following factors are seen as being critical to the successful delivery of municipal services in the rural areas; namely (Institute for Federal Democracy 1998, 23 [adapted]):

- Institutional capacity: a key consideration in the provision of basic services is often lacking.
- People-centred development: the local community should be able to identify and prioritize needs and work in collaboration with the council in addressing the needs.
- Co-operative governance and intergovernmental relations: there should be legislation to ensure that minimum standards are laid down for the provision of municipal services. Furthermore, there should also be equitable distribution of resources to the District Councils.
- Accountability and transparency: all public institutions should be

accountable to the local communities they serve. Consequently, there should also be clear roles, channels of communication, and responsibilities between the different stakeholders relative to service delivery. The local citizenry should be informed of the councils' sources of revenue and, furthermore, how the money has been spent. The local community should also evaluate the quality of services, thereby ensuring value for money.

- Affordability levels: the delivery system has to take cognisance of what the local community can afford. Expensive delivery methods have to be avoided in the provision of basic services. Consequently, active community participation should be an integral part of local governance, thereby ensuring that this objective is reached.
- Sustainability: projects initiated and developed by the councils should be financially and politically viable.

The rural area of KwaZulu-Natal, which was neglected during the apartheid era, has to be developed as a matter of urgency. A major challenge for the District Councils presently and in the future is the provision of basic municipal services, thereby improving the quality of life of the local citizenry. The success of District Councils presently and in the future will to a large extent be measured by the capacity to provide basic services in the rural areas and in the same time facilitate rural development. In the absence of this, the establishment, development, and general legitimacy of District Councils will be questioned and in the final analysis will become meaningless to the communities living in the rural areas.

TRADITIONAL LEADERSHIP AND STRUCTURES

At present the Province of Kwazulu-Natal has one king, and 277 chieftaincies, comprising 195 officially appointed chiefs (*Amakhosi*), forty-four officially appointed acting chiefs, and thirty-eight vacancies. The four elected chiefs who are heads of their community authorities have all been officially appointed. In addition to the eight deputy chiefs who have been officially appointed by the government, there are also other deputy chiefs who have been officially appointed by the traditional leader concerned. It should be noted that none of the ten thousand headman have been officially appointed or even recognized (Republic of South Africa 2000, 15).

There are approximately 277 traditional authorities, consisting of the chief (as chairperson) and elected councilors. The Regional Authorities, each of which combine a number of Tribal Authorities, currently numbering twenty-three, are constituted of all the traditional authorities in a given magisterial district. At present, the traditional authorities outside the Kwazulu-Natal homeland are not represented on the Regional Authorities. There are four community authorities, each headed by an elected chief (Republic of South Africa 2000, 15).

The province has the largest number of traditional leaders and structures in the country. Consequently, traditional leadership and structures should be an integral part of formal local government given their grassroots support and legitimacy in the rural areas.

RECENT POLICY DEVELOPMENTS – WHITE PAPER ON INTEGRATED RURAL DEVELOPMENT

A White Paper on Integrated Rural Development was introduced in June 1998. It sets out a vision for rural development; i.e., rural communities should have fair access to development resources and opportunities; different systems of power, namely traditional authorities and elected local government councillors have to work in harmony; governmental policies (national, provincial, and local) should complement each other; rural communities should take decisions on how development should affect them; and poverty alleviation (McIntosh, Xaba, and Associates 1998, 11). The White Paper highlights the essential concepts and approaches for Integrated Rural Development in the Province and is divided into three parts; namely, (v–vii):

PART 1 deals with the context for Integrated Rural Development Policy, demographics, poverty, human development needs, and AIDS; international trends and the national and provincial framework for rural development are highlighted, and key factors in the development processes are identified.

PART 2 sets out the main thrust of an integrated approach to rural development. The benefits of rural development are dependent on effective management and certain key principles; i.e., the building of local capacity and the accommodation of customary systems of power. Key considerations include, *inter alia*, an effective and targeted land reform program; an agricultural support function which has a broad livelihoods

orientation; the development of tourism to create jobs and add value to land reform; effective support for small businesses; and improved access to financial services in the context of a rationalized and decentralized delivery system.

PART 3 focuses on implementation; namely, strategies to facilitate economic development and to alleviate poverty, and the re-orientation within national and provincial line departments, which is imperative for local control of the development processes. Programs and projects creating an enabling legal and policy context for rural development are highlighted. Finally, the issue of funding and institutional arrangements for rural development are addressed.

It would appear that the White Paper is a relatively unknown policy document among rural local government functionaries in the province. There has not been much reference to it in rural local government circles. It is generally believed that unless the barrier with the community is broken, development will not get off the ground. Given the above, the implementation of developmental policies in the absence of active community participation and ownership would be meaningless. In this regard, considerable groundwork will have to be done to encourage participation within the context of a formal institutional framework.

MUNICIPAL DEMARCATIION PROCESS AND LOCAL GOVERNMENT ELECTIONS

The Demarcation Board has played a pivotal role in the delimitation of municipal boundaries, nationally and provincially. One of the important criteria used by the board was to try to integrate various communities into some form of single tax base in terms of economic linkages and otherwise.

The success of such integration would require the change of the mindset of traditional communities as well as the farming communities. The positive role, which needs to be played by both A and B category municipalities cannot be overemphasized, as it will improve the service delivery to the rural communities.

There was some resistance to the demarcation process from the Inkatha Freedom Party-aligned *Amakhosi*. Many *Amakhosi* in the province were opposed to the new boundaries as they felt that it would interfere with their authority (*Daily News*, 10 January 2000). Some of the criticism levelled at the demarcation process was that the authorities wanted to impose a uniform municipal government system on the entire country in total disregard to its suitability to the rural and traditional areas. Furthermore, the perceived lack of consultation has been cited as a problem. In this regard, a meeting of more than two hundred leaders took place on 15 January 2000

to discuss, *inter alia*, the demarcation process. The meeting was attended by the provincial premier, Mr. Lionel Mtshali and King Goodwill Zwelithini who both expressed concern about the demarcation process, notably the lack of consultation. At that stage it was envisaged that a meeting would be set up with President Thabo Mbeki to discuss the process in the province (*Daily News*, 14 January 2000; *Sunday Tribune*, 16 January 2000).

In his state of the nation address, President Mbeki assured traditional leaders that their powers and functions would not be diminished. Meetings would be held with them to dispel misconceptions on the demarcation process and the constitutionally guaranteed role of traditional leaders in institutions of governance (*Daily News*, 7 February 2000). However, in April the IFP-aligned *Amakhosi* once again called on the Demarcation Board to reconsider its proposals for municipal boundaries for the province. The call was consistent with the proposal by traditional leaders who were firmly of the view that this would render them powerless (*Daily News*, 19 April 2000).

Responding to questions in Parliament, President Mbeki stated that traditional leaders should not fear democratic local government. He also assured traditional leaders that the government would ensure that the demarcation of municipal boundaries did not infringe on their right to play their leadership roles and stressed the need for proper delegations to ease tensions. He indicated that he would be shortly meeting with traditional leaders in KwaZulu-Natal to discuss these concerns (*Daily News*, 11 May 2000).

Two delegations of traditional leaders representing the National House of Traditional Leaders, their provincial counterparts and members of Congress of Traditional Leaders of South Africa (Contralesa), and the other representing traditional leaders from Kwazulu-Natal, respectively. Both groups indicated that they support the demarcation process. In addition, they were also prepared to join the government in the process of defining more clearly the role of traditional leaders and structures. In this regard, they would be making submissions and responding to the White Paper on Traditional Leadership and Institutions released by the Department of Provincial and Local Government (*Independent on Saturday*, 20 May 2000).

Traditional leaders representing the National House of Traditional Leaders and the Kwazulu-Natal leadership represented by *Inkosi M. Buthelezi* made a submission to the state president. The document highlighted, *inter alia*, their status and more importantly the question of land belonging to the tribal authorities. They have maintained their stance on demarcation and believed that the process should not

have taken place in tribal-controlled areas. Other aspects that needed to be addressed included, *inter alia*, the remuneration of traditional leaders and the issue of mineral rights (*Daily News*, 29 June 2000).

The conflict between traditional leaders and the Government had almost delayed the local government elections, which took place on 5 December. The announcement of the election date was initially delayed to create conditions that would be conducive to free and fair elections. The Municipal Structures Second Amendment Bill was published on 3 November to address the concerns of traditional leaders. It proposed that municipalities be authorized to delegate some of their functions to traditional leaders subject to the constitution. The bill lists seventeen functions including, *inter alia*, the collection of fees and fines related to the exercise of customary law, convening meetings of community members, providing direction and leadership in cultural activities, coordinating the clearing of fields to ensure good harvests, and officiating at the opening and closing ceremonies of municipal councils. Traditional leaders are also required to carry out all orders given to them by competent authorities and must inform their communities about any new legislation. The voting powers and participation of traditional leaders has remained unchanged; i.e., they do not have voting rights on elected councils, but must be consulted about decisions which affect traditional areas. They may participate in elected municipal council proceedings, provided they do not exceed 20 per cent of the council (*Sunday Tribune*, 5 November 2000). Although the amendment fell short of the demands of traditional leaders; i.e., powers equal to those of elected municipal councillors, it was an interim measure. Traditional leaders believed that the amendments did not address their concerns. In addition, they indicated that the proposed amendments were tabled in Parliament without their being consulted (*Daily News*, 29 November 2000). An improved version of the bill recognized the right of traditional leaders to administer communal land. Furthermore, the provincial ministers of Local Government no longer have any powers to regulate the participation of traditional leaders in communities (*Daily News*, 17 November 2000). However, a range of stakeholders, including the Congress of South African Trade Unions (COSATU), South African Local Government Association (SALGA), and the Commission on Gender Equality raised procedural and substantial concerns on the constitutionality of the bill (*Daily News*, 17 November 2000). Consequently, it was decided to postpone the bill. The president indicated that after the elections, the government would start immediately reviewing fifteen hundred pieces of legislation pertaining to traditional leaders. This should clarify the relationship between traditional and democratic leadership (*Daily News*, 20 November 2000).

It would appear that the government would continue with the process of formulating the White Paper on the role, powers, and functions of the institution of traditional leadership. This will lead to the enactment of national framework legislation in July 2001.

IMPACT OF THE DEMARCATON PROCESS

The demarcation process in Kwazulu-Natal has created ten new district councils. This is an important development given the fact that were seven Regional Councils in the province and the ultimate objective of the demarcation process was rationalization. This development highlights the fact that the government has placed a high priority on local democracy and development in the rural areas.

It is generally accepted that rural areas have been marginalized and under-resourced in the past. The increased number of district councils will ensure that municipal service delivery will take place in all the former neglected tribal authority areas. In this regard, the demarcation process has given rise to the additional rural government structures as well as preserving the unity of Durban. Seventy-five municipalities have been reduced to fifty-two, including the ten district municipalities and the unified City of Durban. The number of urban municipalities have decreased whilst the rural structures have increased and the resultant impact is that service delivery will now take place at a rapid speed since the institutional mechanism to do this has been achieved. It remains for the government and the private sector to form partnerships in order to build the required capacity of the newly established municipalities.

The major challenge that has to be addressed in the transformation process, particularly in rural areas, is defining the role of traditional leaders and the mayor, given that there are now local government structures an all parts of the country. Furthermore, the demarcation process will not solve economic problems per se in the rural areas. It is incumbent on the different stakeholders in rural areas to develop the local economy.

DISCUSSION DOCUMENT: WHITE PAPER ON TRADITIONAL LEADERSHIP AND INSTITUTIONS

Traditional leadership in South Africa has been constitutionalized. However, the role and general functioning of this institution of governance has yet to be clarified. Given the policy vacuum, it was decided to develop a White Paper on Traditional Leader-

ship. It will consist of three phases; namely, Phase 1 focusing on the national audit; Phase 2 where the emphasis will be on the launch and culminating with the production of a White Paper, and finally, Phase 3 focusing on implementation (Republic of South Africa 2000, 5).

It would appear from the above-mentioned developments that the government has acknowledged the importance of traditional leadership and institutions and are endeavouring to develop a policy framework to facilitate governance in this regard.

The Department of Provincial and Local Government hosted a two-day workshop on the role and functions of traditional leadership on the 17 and 18 August 2000. It would influence the formulation and development of a policy on traditional leadership in a democratic South Africa, which would culminate in the enactment of legislation at the end of the year (*Natal Mercury*, 16 August 2000). More specifically, the issues that needed to be addressed included, *inter alia*, the powers and functions of traditional leaders, the relationship between traditional leadership and other structures of government, the role of the Houses of Traditional Leadership, participation in elected local government structures, the co-operative model contained in the Municipal Structures Act, and issues around the demarcation of municipal boundaries and the objections of traditional leaders in this regard (Department of Provincial and Local Government, 2000). However, the Congress of Traditional Leaders of South Africa and the House of Traditional Leaders withdrew its participation at the workshop for political reasons (*Daily News*, 18 August 2000).

Delivering his state-of-the-province address, Kwazulu-Natal Premier Lionel Mtshali warned that there a serious possibility that the clash between the municipalities and traditional authorities would give rise to profound social instability. He noted in terms of the constitution that municipalities had the power to do what traditional authorities were doing. Municipalities delegating their powers and functions in rural areas to traditional authorities, together with the required human, financial, and logistical resources (*Daily News*, 27 February 2001), could address this overlap. The government was urged in the national Parliament to speed up legislation to formalize the status of traditional leaders in the new local government dispensation (*Business Day*, 21 February 2001).

The government has received invaluable feedback from people who participated in the workshops, which took place in different parts of the country on the Discussion Document. The relevant Portfolio and Select Committees conducted public hearings, which generated a lot of useful insights. The government is proceeding with the development of the White Paper on the role, power, and functions of the institution

of traditional leadership. It is believed that this will lead to the enactment of national framework legislation.

GOVERNANCE ISSUES: PRESENT AND FUTURE CHALLENGES

Local governance in the rural areas is a major challenge in the South African context, given the historical backlogs in service delivery and the institution of traditional leadership.

The lack of basic infrastructure (notably roads, water, and electricity) is a major hindrance to service delivery in the rural areas. Housing, clinics, halls, and sports fields cannot be provided and would be unacceptable in the absence of basic infrastructure. Consequently, priority would have to be accorded to providing basic infrastructure in improving the quality of life of rural communities. Education is currently not a local government responsibility. However, the community regards the provision of schools as a priority; at present the District Councils are constructing new classrooms and schools, using funds earmarked for other development projects. There is no financial compensation from the Provincial Department of Education for the costs incurred in this regard.

The sources of funding for some of the District Councils have been a matter of concern. District Councils do not have a revenue base. A major source of revenue is the levies collected from the Local Councils in their respective areas of jurisdiction. In addition, they are supposed to receive an equitable share of their revenue in the form of grants from the national government. There is a view that, since all the District Councils in KwaZulu-Natal are controlled by the Inkatha Freedom Party, the national government is far from generous. Attention, by way of example, is invited to the fact that one council that was supposed to have received R 13 million, only received R 3 million in that year. However, this has to be seen against the general financial constraints being faced by the national government and the ongoing requests for additional funding. The issue of intergovernmental grants is also problematic. If funding could be made available at the beginning of the financial year it would certainly facilitate financial arrangements for the year. Furthermore, there should be one pool to draw from as opposed to dealing with a number of departments.

There is a major problem relative to capacity in the rural areas, and this ultimately impacts on sustainability. The local community lacks the capacity to drive a project when it is brought to it; furthermore, they do not take ownership of it and in some cases are quite apathetic. The project is quite often politicized by creating the impression that it is brought to the area by a particular councillor belonging to a certain political party. Given the political connotations attached to the project, the local community quite often withdraws from the project and, consequently, there is minimal support for it. Community participation is critical to the success of the project and, consequently, the local communities should be brought on board right from the inception. Project committees should be established and they should be democratically elected, thereby ensuring that they are apologetic. Councillors should also be encouraged to be apolitical in discharging their functions as members of the District Council. Training and development programs should be introduced as a matter of priority to develop the skills, knowledge base, and expertise of councillors, thereby ensuring that they work in the interests of the local community.

The political situation currently prevalent in the rural areas in the province is not conducive to development and is in fact a stumbling block to service delivery. There is, at present, a tendency by the local community to associate provincial departments headed by ministers belonging to a political party with that particular party. The perception is that if one belongs to an opposition party, one would be immediately disadvantaged. If ministers visit certain areas to open or review the progress on certain projects, this is also construed in a negative light by the local citizenry. There is also a view that ministers tend to take development to their political strongholds in the province, thereby promoting party interests. If there is a proposal from the local community, it has to be channelled through the *Induna* (headman), thereby ensuring that it has his support. However, the *Induna* and the elected councillor are quite often at loggerheads, as the latter is democratically elected and the former is from the tribal structure. In addition, the councillor receives an allowance as opposed to the *Induna* who does not receive any remuneration for any additional work carried out.

The Tribal Authority Offices in the rural areas that are controlled by the *Amakhosi*, do not have the required basic infrastructure (water, lights, toilets, staff, and computers) for general use by the community. These offices have been built by the Department of Traditional Affairs and Local Government of the province and are not being used to full capacity. They should, for all intents and purposes, be a hive of activity for development in the area; instead they are only used on Saturdays and Sundays for court cases and meetings. An added factor is that the local citizenry have also boycotted

these facilities, since they are managed by the local Inkosi (chief). The local community sees themselves as being urbanized and, consequently, does not want to be associated with anything that has tribal connotations. In this regard, serious consideration should be given to the provision of basic infrastructure in these Tribal Offices, thereby encouraging its use as a local Development Office.

The *Amakhosi* are custodians of the major part of the land in rural areas in the province. Consequently, it is imperative that the *Inkosi* should be involved in every development project for the area from inception to completion. There is a view that quite often councillors from particularly the African National Congress tend to disregard the *Inkosi* because they feel that they have been democratically elected while the latter is a traditional leader. On the other hand, the African National Congress, as a political party, believes that it is disadvantaged in the rural areas because permission to hold meetings is generally not granted by the *Amakhosi* to hold meetings. In some cases, there is not much feedback from meetings of the District Council to the *Inkosi* and the resultant effect is that there is a breakdown in communication, which in turn impacts negatively on development in the area.

There is a perception among stakeholders in the rural areas that the municipal demarcation that recently took place in South Africa was questionable. It is believed that the process itself was a subtle attack on the Inkatha Freedom Party strongholds and the *Amakhosi* structures. There is the belief that as one becomes more urbanized, one starts to show more allegiance to the ruling African National Congress. Consequently, the power base of the Inkatha Freedom Party in the rural areas is believed to be eroded. However, it should be noted that no provision has been made for political representation on the demarcation board. The board is apolitical and consists of officials representing the different provinces.

District Councils are obliged in terms of legislation to draw up an Integrated Development Plan. However, despite much time and financial resources being spent on developing such a plan, not much reference was made to it. The demarcation of the boundaries will result in a reduction in the number of municipalities. The question that arises is that if there is amalgamation of municipalities, whose Integrated Development Plans would be implemented and, furthermore, by whom.

TOWARDS VIABLE RURAL LOCAL GOVERNMENT STRUCTURES IN KWAZULU-NATAL

There are certain basic principles guiding the establishment and development of viable local government structures in the rural areas. They include, *inter alia*, funding of local government, landownership and the clear roles that will be played by various stakeholders who constitute rural communities; i.e., traditional communities and owners of farmlands.

FINANCING OF RURAL LOCAL GOVERNMENT

An important basic principle is that local government must be able to generate its own revenue, which will enable it to be self-sustainable. In most cases urban structures which have been established over a number of years are not financially viable. The majority of rural communities who are resident in such areas under the control of the traditional leaders are unemployed, which makes it difficult to expect them to pay for the services rendered to them. The farming communities who appear to be financially well off are not used to the payment of land tax and this has a major impact on the development of rural local government in South Africa.

LAND TAX

In urban areas worldwide the main sources of income of local government is land tax, which is paid in the form of rates. At present, properties in rural areas are not rateable. In traditional authority areas it will take some time for communities to accept the principle of the payment of land tax. When this principle is accepted, local government will have to be innovative in its thinking and find new ways for creating job opportunities to enable rural communities to be able to pay property tax. It will also be very important for the farming community to change their attitude as far as the payment of land tax is concerned.

SALE OF SERVICES

The sale of services such as water, electricity, refuse removal, sewerage disposal, etc., to the local community is a major source of municipal income. At present, due to the fact that the majority of rural communities are unemployed it makes it very difficult to provide such services, even if capital contribution is funded from other sources. The government has funded several water schemes in rural areas and the sustainability of such projects hangs in the balance, as communities are unable to pay for the services.

SALE OF LAND

Land is an important factor for production. The comparison between the urban structures and rural areas will show that viable local government is able to make a substantial income from the sale of land, whilst in areas under the jurisdiction of traditional leaders, land is communally owned. The land in the farming communities is privately owned which makes it difficult for local government to utilize such land for the benefit of the majority of the poor communities.

LOCAL ECONOMIC DEVELOPMENT

It is very important for the government to devote substantial amounts of money for economic development in rural areas. Local economic development will stimulate the economy and provide job opportunities for the majority of the unemployed rural communities. It is also important to note that the maximum utilization of land through agriculture, more especially in areas under the jurisdiction of traditional authorities, may contribute to the provision of job opportunities. Traditional communities are also important custodians of rich culture which, when passed on, could contribute substantially to tourism development in the rural areas, could attract tourists to rural areas, and thus create job opportunities.

LAND TENURE

Land tenure is an important issue for developmental local government in the rural areas; a comparison with urban areas will indicate that urban areas are able to alien-

ate land to individuals or groups by a private deal or public auction. There are several forms of landownership, which has to be highlighted particularly in the KwaZulu-Natal context.

TITLE DEEDS AND SECTIONAL TITLE DEEDS

A landowner who has a title deed to the land has considerable benefits in the sense that financial institutions may lend to him or her the money required to start up a business, and if such a venture fails the financial institution will then hold onto the title deed as security to the investment made on such a venture.

Landownership, in terms of the Title Deed and Sectional Title Deed, is the best instrument for raising capital for development by individuals or groups.

DEED OF GRANT

This form of landownership was previously offered to the residents of the former R293 towns (ie. the former apartheid-era African townships) as a ninety-nine year lease. This form of landownership is now no different from the above as it is also convertible to a title deed ownership and, at present, has the same benefits as the title deed.

PERMISSION TO OCCUPY

Permission to Occupy is a common landownership scheme found in rural areas more especially in KwaZulu-Natal. In terms of this form of landownership, an applicant applies for land to a Tribal Authority and a recommendation is made to the Department of Local Government and Traditional Affairs which then grants the permission to occupy, and most financial institutions do not accept this form of landownership as a security for the money invested in rural areas. Currently it is the parastatal Ithala KwaZulu-Natal Finance Corporation that has invested large sums of money in rural areas on the strength of the PTO. It is important to note that for developmental, local government landownership must be reformed to a stage whereby capital investments for the creation of infrastructure for development are not going to be restricted by landownership. It would appear that both the province and the board were seeking a way forward in order to streamline the PTO application process, thereby allowing councils their development plans access into the Tribal Areas to develop these impoverished zones.

INGONYAMA BOARD

The Ingonyama Board is a body that is going to play a major role in reforming land-ownership in rural areas in KwaZulu-Natal. The board came into existence due to the fact that the land issues in terms of the 1996 constitution are a national competency responsibility. Furthermore, in KwaZulu-Natal the former KwaZulu government, in terms of the Ingonyama Trust Act, Act No., 3 of 1994, had transferred land belonging to various tribal authorities to the Ingonyama Trust for various reasons. An agreement between the central government and the provincial government of KwaZulu-Natal was reached whereby a board constituted by the representatives from the national, provincial governments, House of Traditional Leaders, and His Majesty the King was formed. This board is playing a major role in terms of land allocation in tribal authority areas.

INSTITUTIONAL ARRANGEMENTS

It is important that a hierarchy of institutional arrangements be formalized in order to expedite service delivery in the rural areas in KwaZulu-Natal. Tribal Authorities could be appointed as service providers, as will be illustrated hereunder.

TRIBAL AUTHORITIES

The institutional arrangements in rural areas in KwaZulu-Natal as it stands at the moment is that there are communities who live in wards or *izigodi*. The wards (*Izigodi*) constitute a Tribal Authority. At this level the District Council could contract the Tribal Authority as a service provider; for example, if it is responsible for the bulk supply of water, then the Tribal Authority could be entrusted with the responsibility to do the distribution.

REGIONAL AUTHORITIES

A number of Tribal Authorities are then grouped together to form the Regional Authority. Currently there are twenty-six Regional Authorities and they play a coordinating role as far as rural development is concerned. The Regional Authority also makes

sure that the resolutions taken by various Tribal Authorities are not in conflict with both the national and provincial law.

ROYAL CONTACT

The Regional Authorities come together and form what is known as the Kingdom of KwaZulu with His Majesty the King acting as the head of the kingdom. If there are matters of concern from various Regional Authorities in respect of the institution known as “*Ubukhosı*” (royalty) they are taken up with His Majesty the King.

HOUSE OF TRADITIONAL LEADERS

When the new Government came into being in 1994, it was decided that in each of the nine provinces there could be a House of Traditional Leaders. The Provincial Houses of Traditional Leaders collectively constitute the National House of Traditional Leaders in South Africa. The main function of the House of Traditional Leaders is to look after the interest of traditional communities. It is, however, very important to note that the role of traditional leaders has not been spelled out clearly in the constitution and some of the traditional leaders are of the view that the government is about to do away with their institution. This has recently become evident by the rejection by some traditional leaders of the recommendations of the Municipal Demarcation Board, to transfer some of their tribal land to the municipalities.

It is generally believed that traditional leaders have a critical role to play in strengthening rural local government structures and developing them to carry out local government constitutional mandates. Any attempt to marginalize them or their structures, or even failure to develop them as local governance entities, will certainly hamper development and create social instability in the rural areas. However, it is generally felt that traditional leaders should not be involved directly in several areas of local governance; namely, voting, political debates, and financial issues. In this regard considerable emphasis has been placed on the dignity of the office directly. (Butler, 1999: 75.)

DISTRICT COUNCILS AND ORGANIZED LOCAL GOVERNMENT

District Councils currently participate in organized local government nationally and regionally in both an informal and formal manner.

ASSOCIATION OF REGIONAL COUNCILS IN KWAZULU-NATAL

There were seven Regional Councils in KwaZulu-Natal: ie. Ugu, uThukela, Indlovu, uMzinyathi, Ilembe, Zululand, and uThungulu. The seven Regional Councils formed an informal voluntary organization known as the Association of Regional Councils. The important function of the association was to discuss matters of common interest, which were unique to the Regional Councils only. The association also provided a forum whereby experiences on both political and administrative levels were shared.

KWAZULU-NATAL LOCAL GOVERNMENT ASSOCIATION (KWANALOGA)

Kwanaloga is an organized local government body in the province of KwaZulu-Natal. All local authorities in the province are affiliated to this body. It is the political forum of local government in the province. Each District Council is affiliated to this provincial association. Issues, which have been deliberated on by the association, are then forwarded to Kwanaloga for finalization, or for referral to the provincial government. Kwanaloga is a formal association of local government recognized by the provincial government and the South African Local Government Association known as Salga.

SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA)

Salga is an association representing all the municipalities in South Africa. There are nine provincial local government associations, which constitutes Salga at a national level. Salga is a political forum for all local authorities in the country. Local government issues are discussed at the informal meeting of the association and then referred to Kwanaloga. If Kwanaloga cannot finalize the matter in consultation with the provincial government, such an issue is referred to Salga who will then take up the matter with the Department of Provincial and Local Government affairs for finalization.

CONCLUSION

From the above exposition, it is evident that there is a considerable amount of groundwork that needs to be done in order to establish viable rural local government in the province. It is also very important for communities who reside in such areas to co-operate with the authorities in order to find solutions to problems which lie ahead. The institution of *Ubukhosi* (or Zulu royal or traditional leaders), as well as the role of the traditional leaders in local government, needs to be managed with a great deal of sensitivity. The establishment and development of rural local government structures in the province is a significant development given the historical and political legacy of the province. It is an undeniable fact that the rural areas were neglected during the apartheid era. Regional Councils have made and now District Councils are making concerted efforts to improve the quality of life of the local communities in the rural areas. However, there are some serious challenges that will have to be addressed in relation to governance, financing, and sustainability.

Given the popular support and acceptance of the *Amakhosi* in the rural areas, the institution of traditional leadership should be strengthened. Traditional structures should become an integral part of local governance and development issues. In this regard the role of the *Amakhosi* has to be clearly defined in terms of the constitution and, more importantly, by the National Government. The financing of District Councils and rural development in KwaZulu-Natal should become a priority. The capacitation of District Councils politically, managerially, and financially should be high on the agenda of the Provincial Government. In the final analysis, the strengthening and capacitation of District Councils would empower the local citizenry, and ultimately improve their quality of life in the rural areas.

The demarcation process has resulted in the creation of ten District Councils in the province. In some instances, the basic infrastructure for the new District Councils is already in place, whereas in other instances completely new structures would have to be set up. The demarcation process also created a major conflict between the traditional leaders and the national government and also had the effect of delaying the local government elections. However, the elections took place as scheduled after the Government gave the assurance that legislative and administrative considerations relative to the issue of traditional leadership would be addressed as a matter of urgency. It is believed that the white paper process will lead to the enactment of national framework legislation.

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