


The dynamics of traditional leaders' relationship with municipal councillors and service delivery

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Background: The power disparity between traditional leaders and councillors is a source of concern for the local government's developmental focus, as the municipality and traditional leaders do not always agree, even though the service delivery is sorely needed by the people they serve. Although many scholars have written about the roles of traditional leaders and municipal councillors, the critical question that remains unanswered is how their relationship works in terms of service delivery.

Aim: This article theoretically investigates the relationship between traditional leaders and municipal councillors and its adverse impacts on rural development.

Setting: South African municipalities.

Methods: The methodology for this article is a literature review guided by a hermeneutic framework. This article adopted a hermeneutic framework to integrate the analysis and interpretation of information collected from the literature.

Results: The power dynamic between traditional leaders and elected councillors has surfaced as a source of concern, as it has the potential to delay and block development.

Conclusion: The article concludes that all local government stakeholders must work to strengthen the relationship between traditional leaders and municipal councillors.

Contribution: This article has the potential to add to theory, policy and practice in terms of strategies to address the relationship between traditional leaders and municipal councillors in local government.

Keywords: Traditional leaders; municipal councillors; hermeneutic framework; rural development; service delivery.

Introduction

The advent of democracy in South Africa in 1994 posed numerous challenges for the post-apartheid government, fuelling conflict between traditional leaders and democratic government structures (Mawere et al. 2022; Sithole & Mbele 2008). In some areas, power was and still is contested between local councils and traditional leaders (Mashau, Mutshaeni & Kone 2014). The power disparity between traditional leaders and councillors is a concern for the local government's developmental focus; even though service delivery is urgently needed by the people they serve, the municipality and traditional authorities are occasionally unable to agree. Additionally, since the country's independence in 1994, there has been a heated debate about whether indigenous authority in South Africa is still important and relevant (Koenane 2017). Traditional leaders, according to those opposed to it, are remnants of the previous government system (colonial and apartheid systems) as well as a tool for indirect authority. As a result, they are clearly inconsistent with a contemporary democratic society (Baldwin 2016). Scholars such as Mawere et al. (2022), Van der Walldt et al. (2007) and Koenane (2017), however, believe that traditional leaders should be recognised as a special interest group that must be included in democratic governance. Mawere et al. (2022) assert that traditional leadership was democratic in its own right, based on what we now call consensus. Furthermore, Van der Walldt et al. (2007) agree that traditional leaders ought to be acknowledged as a special interest group that deserves to be consulted and actively involved in local administration rather than as ordinary citizens with a uniform democratic system.

The passage of legislation establishing a reformed local government system and the demarcation of municipalities in the 2000 municipal elections have all fuelled controversy concerning traditional leaders' role in governance (Rugege 2003). During the first decade of democracy, traditional

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leaders expressed concerns about the recognition of their powers and authority in the *Interim Constitution of the Republic of South Africa Act 1993* (George 2010). In response, the South African government recognised the importance of traditional leaders by including provisions in the new South African Constitution of 1996 (hereafter referred to as the Constitution) to emphasise the significance of the institution of traditional leaders (Khan & Lootvoet 2001). However, neither the Constitution nor other policy documents make clear what function traditional leaders should fulfil in local and provincial government institutions (Koenane 2017). The lack of any policy documents – including the South African Constitution – that discuss the function of traditional leadership in contemporary, democratic South Africa is problematic. Chapter 12 of the South African Constitution provides evidence of this, downgrading the institution of traditional leadership to a minor position in the post-apartheid government (Koenane 2017).

The purpose of this article is to analyse the influence of traditional leadership¹ relationships with municipal councillors on service delivery. According to Bekke, Toonen and Perry (1996), cited in Baloyi (2016:32), ‘poor relationships between traditional leaders and municipal councils are due to the degree of representation, with respect to societal opinions and the degree of interest representation’. Mashau et al. (2014), on the other hand, posit that the authority and responsibilities of municipalities in rural regions often overlap with those of traditional authorities. Therefore, traditional leaders are concerned that, because local governments are merely operational entities, they will lose influence, implying the end of traditional authorities (Rugege 2003). Furthermore, some local council leaders believe they are more influential than traditional leaders, whereas traditional leaders consider themselves to be born royalty, superior to local council leaders, and as such, born leaders (Mashau et al. 2014). In addition, traditional institutions are not responsible for strategic community development mandates, which are placed in the hands of the three spheres of government. As a result, traditional leaders find themselves in a less important position than their counterparts in the development regime. According to Rugege (2003), traditional leaders are unhappy with the increased authority municipal councils currently hold over them. Municipal governments, unlike traditional governments, have financial resources and the ability to implement service delivery. Ultimately, the power of the purse determines strategic community direction (Kanyane 2017).

This literature review article aims to analyse the influence of traditional leadership’s relationships with municipal councillors on service delivery by analysing previously published research on traditional leaders’ relationships with municipal councillors and the implications for service delivery. Finally, the article will contribute to theory, policy and practice in terms of strategies to address the place, functions and relationships between traditional leaders and municipal councillors. The following section of this article

discusses the theoretical framework, methodology, systematic review of related literature and data discussion. This article concludes with the study’s main conclusion, recommendations and advice to future researchers.

Theoretical framework

The cooperation theory served as the basis for the article’s analysis of the interaction between municipal councillors and traditional leaders and how that relationship influences the provision of services. This claim is supported by the fact that both municipal councillors and traditional leaders are legally permitted to represent the same rural populations, emphasising the necessity of their co-existence as well as the requirement that they act honourably and respect one another’s standing (Mawere et al. 2022). The cooperation theory tackles the conflict that frequently exists between what is best for each individual actor in the near term and what is best for the group in the long term (Axelrod 2000). Cooperation theory ‘applies in symmetric structures where actors occupy mutually dependent positions that are matched by reciprocity expectations among peers’ (Catturani & Sacchetti 2017, cited in Mawere et al. 2022:264). Traditional leaders and municipalities (local government) must work together to achieve cooperative governance in this context. According to Knoetze (2014:173), ‘their relationship must be guided by the cooperative guidance principles outlined in the Constitution and the White Paper on Local Government’.

The cooperation between traditional leaders and municipality needs to be founded on the values of respect for one another and acknowledgment of their status, as well as on the ideas of cooperative governance. Additionally, Inkosi¹ Luthuli had the wisdom to stress the necessity of proper cooperation between traditional leaders and elected public representatives, with the former never losing sight of their subjects’ interests (Zuma 2010, cited in Tshitangoni & Francis 2018:72). Traditional leaders and municipal council members would collaborate in the following areas:

- The involvement of traditional leaders in the national assembly or in the process of provincial legislature through the national or provincial house of traditional leaders (Mashau et al. 2014).
- Ward councillors and traditional leaders must collaborate at the municipal level, particularly through participation in structures such as school governing bodies, Integrated Development Plan (IDP) Forums, ward committees, and other local participatory structures that will allow them to have an impact on decisions (Mashau et al. 2014).

Municipalities (local government) and the institution of traditional leadership both have unique but connected and interdependent roles that ought to be led by norms for cooperative governance to prevent conflicts and rivalry. To avoid unnecessarily inciting tension and conflict between traditional leaders and governmental structures, it is necessary to grant traditional leaders the proper authority,

1. IsiZulu for ‘chief’.

role and function within their area, while local government functions are handled by democratically elected individuals (Mawere et al. 2022). Sharma (2005) states that local government service management must include administrative staff serving traditional leadership councils. According to Sharma (2005), integration is essential because it would ensure consistency in the provision of services.

Methods

The key themes were identified through a review of the literature. There is a substantial body of literature on the topic of traditional leadership and municipal councillors. The hermeneutic framework was used to integrate the analysis and interpretation of the literature as well as the collection, planning, implementation and systematic recording of the data for the study. As a theory of interpretation that addresses issues of textual meaning, the hermeneutics philosophy (Gadamer 1976; Ricoeur 1981) offers a rich theoretical foundation for comprehending and outlining the literature review process. Furthermore, hermeneutics provides a methodology for conducting literature reviews by providing principles for developing understanding of texts (Boell & Cecez-Kecmanovic 2014). An initial search was conducted using electronic bibliographic databases and databases from various disciplines and websites such as Google Scholar, Journal Storage (JSTOR), Africa Online Journals and Applied Social Sciences Index and Abstracts (ASSIA). Using the terms 'traditional leadership', 'service delivery', 'local government' and 'municipal councillors', a search was conducted. These terms were chosen to represent the geographical area (municipality), the influential factors (service delivery) and the population (traditional leaders and municipal councillors). Variations of the words were used to gain access to all relevant literature. The inclusion criteria were reports on the relationship between traditional leaders and municipal councillors on service delivery. Papers that did not have a primary focus on traditional leadership were excluded. Several of the references used in the initial texts were also evaluated for their relevance to this topic in order to expand the relevant literature for review.

Systematic review of related literature

This section examines the literature on the relationship between traditional leaders and municipal councillors gathered from various disciplines and websites such as Google Scholar, JSTOR, Africa Online Journals, and ASSIA.

The nature of the relationship between traditional leaders and municipal councillors

Although many scholars have written about the roles of traditional leaders and elected municipal councillors (Dlungwana 2004; George 2010; Nekhavhambe 2014; Selepe 2009), the critical question that remains unanswered is how traditional leaders' relationships with municipal councillors work in terms of delivery of the services. This article contends that in order to comprehend the relationship between

traditional leaders and councillors, one must first understand how they function. Traditional leaders and municipal councillors are both the people's representatives, particularly in terms of their developmental needs. Traditional leaders make decisions on behalf of the people they represent, and they also ensure that the interests of the people are equitably represented (Enwereji & Uwizeyimana 2020). Consequently, according to history, traditional leadership was the earliest form of government in communal regions before the colonial invasion (Zamisa & Mutereko 2019). In the Republic of South Africa, the institution of traditional leadership served as an administrative and political hub for rural communities (Madumo 2015). Traditional leaders play an important role in rural development. It is also worth noting that traditional leaders are an integral part of rural communities and have a much better understanding of the people at the grassroots level (Tshitangoni & Francis 2018). Following the implementation of the new constitutional order in 1994, the South African government underwent fundamental changes. In accordance with the new constitutional mandate, all spheres of government were transformed (Maloba 2015). On the potential for a cooperative relationship between local government and traditional leadership, the White Paper on Local Government of 1998 (RSA 1998b) made recommendations. Traditional leaders were able to take part in council discussions about matters pertaining to their communities' needs and interests. The White Paper on Local Government highlights some of the development roles that fall under the purview of traditional leaders, including offering advice on land distribution and conflict settlement, promoting regional development before the government and other organisations, supporting community involvement in regional development and offering advice on business ventures. The following sections of the article discuss the nature of traditional leaders' relationships with municipal councillors in terms of social, political and legislative relations.

Legislative relations

Dlungwana (2004), George (2010), Khunou (2011), Zingisa (2013) and Mashau et al. (2014) point out that there are several legislative guidelines that recognise traditional leaders and municipal councillors. Among others, the regulatory framework, which underpins the traditional leaders and the municipal councillors, includes the Constitution of South Africa, 1996 (RSA 1996), the *Local Government: Municipal Structures Act No. 117 of 1998* (RSA 1998a), the White Paper on Local Government of 1998 (RSA 1998b), the White Paper on Traditional Leadership and Governance of 2003 (RSA 2003a) and the *Traditional Leadership and Governance Framework Act 41 of 2003* (RSA 2003b).

Section 5 of the *Municipal System Act, 2000* states that a good relationship between traditional leaders and municipal councillors is determined by mutual respect and the recognition of the respected parties' roles and functions. To add to that, Section 81(3) of the *Municipal Structures Act, 1998a* mandates that municipal councillors consult traditional

leaders before making any decisions that may have an impact on the community. This gives the traditional leader the opportunity to express their viewpoint on a given issue. Traditional authorities 'retain a constitutional right to be consulted on all issues that have bearing on land under their control' (Pycroft 2002:121). Through the councillors, the municipality should consult the traditional leaders regarding all implemented development programmes. Additionally, the South African Constitution 1996, the *National House of Traditional Leaders Act* (No. 10 of 1997), the White Paper on Traditional Leadership and Governance of 2003 and the *Municipal Systems Act* (No. 32 of 2000) outline traditional leaders' responsibilities but do not define their boundaries or how they should work with democratically elected political officeholders (Cele 2013). According to Enwereji and Uwizeyimana (2020), this has caused confusion and/or difficulties as the abovementioned Acts were propagated throughout the country, including rural areas led by traditional authorities.

Municipalities in South Africa were categorised and the number was reduced as a result of the *Municipal Demarcation Act No. 27 of 1998* (RSA 1998c) and the Municipal Demarcation Board's decisions. As a result, local governments became stronger and had greater administrative control over their regions. The authority of the traditional leaders was undoubtedly impacted by the decline in the number of municipalities. Nevertheless, Sutcliffe (2001) noted in the Municipal Demarcation Board's annual report of that year that more than 100 consultations with traditional leaders – individually or collectively – were held. The president asked that the Board disregard the alignments of the traditional areas, which prompted additional meetings with traditional leaders across the nation (Sinthumule 2021). It was claimed that the new municipal boundaries occasionally crossed the traditional tribal land and that the municipality was duty-bound to consult the traditional authorities on matters affecting their areas of jurisdiction because the demarcation of land affected the land owned by the traditional authorities (Behr, Haer & Kromrey 2018; Hull et al. 2016). Cele (2011:13) provides evidence in support of the aforementioned claim, demonstrating how planning should be seen as a crucial element that must guide the equal commitment of traditional leaders and council members to deliver services, prioritise growth and, in the case of land, administer. Furthermore, a potential cooperative relationship between the local government and the traditional leadership was also suggested in the White Paper on Local Government (RSA 1998b). This enables the traditional leaders to take part in council discussions about issues pertaining to their communities' needs and interests.

Social relations

Section 5(1) of the *Traditional Leadership and Government Framework Act* (RSA 2003b) requires both the national and provincial governments to encourage collaboration between municipalities and traditional councils. As a result, traditional leaders are encouraged to participate in municipal council

and other governmental structures. Traditional leaders, on the other hand, will be bound by the councillors' code of conduct if they participate in the municipal council (Sefala 2007). The White Paper on Local Government of 1998 established a municipal government system where traditional leaders should play a role in service delivery to communities (Mathonsi & Sithole 2017). However, the elected municipal councillors will have an advantage over the traditional leaders in matters affecting the rural local communities over which the traditional leaders have authority, because the councillors, in most cases, exclude the traditional leaders from matters affecting their communities (De Kadt & Larreguy 2018; Nicholson 2006). In this regard, traditional leaders have expressed concern about their relationship with municipal councillors. They believe that municipal councillors are undermining their authority by implementing development plans in local rural communities that fall under the traditional leader's jurisdiction without consulting them (Kanyane 2007; Myeni 2005; Pycroft 2002). According to Mafunisa (2019):

[T]he rivalry between these two institutions stems from their competition for recognition of which institution performs the best, rather than sharing responsibilities and assisting each other in reaching the same aim of serving and developing the lives of the people. Traditional leaders are particularly concerned about the approach to community development that involves invading traditional issues by ignoring them and pursuing development programs in their area without proper consultation. (p. 7)

Political relations

During the apartheid and colonial political regimes, traditional leaders had many advantages. According to Fox and Wissink (1994:117), traditional leaders performed many duties under South Africa's previous political system, including serving the interests of their subjects and keeping themselves up to date on tribal affairs, and traditional leaders were expected to consider the grievances and problems of their people personally. Today, the relationship between politicians and traditional leaders is influenced by the organisation or political party to which the traditional leader belongs (De Kadt & Larreguy 2018). According to Myeni (2005), traditional leaders who are aligned with the ruling parties within their jurisdictional areas have good relationships with them, but only under certain conditions. Traditional leaders are not always aligned with the politics of the ruling parties, whoever they may be. In this sense, traditional leaders are apolitical. One of the major conditions is that the political parties are not allowed to have meetings at the traditional authority offices. This suggests that the traditional leaders wield substantial power in their jurisdictions, particularly in the rural areas; hence, there are conditions set in their relationship with the political parties. This argument aligns with Chakaipa's (2010) assumption that traditional leaders have significant influence in rural areas, which is frequently recognised by politicians of all persuasions. The second condition put forth by the traditional leaders was that political leaders would not be permitted to

invite people to the party meetings using traditional structure representatives (Myeni 2005). It has been debated whether or not traditional leaders should get involved in politics because the institution of traditional leadership has lost credibility as a result of some traditional leaders' involvement in politics.

The *Local Government: Municipal Structures Act 117 of 1998* permits traditional leaders, who should not make up more than 20% of the municipal council members and who are identified by the member of the executive council (MEC) for local government (hereafter the MEC), to attend and participate in a municipal council's meetings. Since they are not full municipal council members, these individuals may participate during discussions but cannot vote. According to Mathenjwa and Makama (2017):

[T]raditional leaders' influence over council decisions may be reduced if they are allowed to participate in meetings but without voting privileges. Furthermore, the authority granted to the MEC to determine which traditional leaders are eligible to serve on a municipal council may clash with the status provided to the institution of traditional leaders by the Constitution of the Republic of South Africa, 1996. (p. 201)

Discussion

As previously stated, the South African Constitution recognises municipal councillors as well as the institution, status and function of traditional leadership. This article analyses the influence of traditional leadership's relationships with municipal councillors on service delivery. The issue of the dysfunctional relationship between councillors and traditional leaders is now one that affects the entire continent rather than just South Africa (Mathenjwa & Makama 2017). According to Chigwata (2016), the persistence of traditional leadership alongside democratically elected rural governments in Zimbabwe has led to competing claims of legitimacy, mistrust and an unfavourable relationship between traditional leaders and councillors (Chigwata 2016). The power dynamic between traditional leaders and elected councillors could be a source of worry since it can impede and block development when traditional leaders and councillors do not agree on their roles and responsibilities. Conflicts and disagreements obstruct rural service delivery and development (Kanyane 2007). Despite the current state of the relationship between councillors and traditional leaders, the current position of traditional leaders in municipal councils may harm rather than improve the relationship because traditional leaders are required by law to serve in local government (Mathenjwa & Makama 2017). Traditional leaders are not represented in the municipality's important committees or in the whole council. As a result, they cannot help with service delivery issues (Reddy & Shembe 2016). This lack of representation for traditional leaders is a sign that elected officials and traditional leadership have not been merged in a smooth manner (Reddy & Shembe 2016).

Additionally, despite the fact that traditional leadership is acknowledged by South African law, modernity and an

increase in rural–urban mobility have gradually reduced traditional authority's relevance and sovereignty (Kanyane 2017). As a result, traditional leaders in South Africa feel that their authority has been weakened. Furthermore, the country's democratic transition and the creation of local councils and governments have added to their sense of vulnerability. Every square inch of land in South Africa, with the exception of national parks, lies within the boundaries of local councils, which are not always defined along the traditional leaders' jurisdiction of power (Mashau et al. 2014). Cele (2013) claimed that in addressing the areas of contention, traditional leaders and municipal councillors need to collaborate on planning in order to achieve cooperation. Traditional leaders and council members should share an equal commitment to delivering services and prioritising development, and planning should no longer be seen as an activity separate from them (Mashau et al. 2014). Moreover, political will could make the traditional leadership institutions operate and make a significant contribution to the creation and execution of policies in this nation. The institution of the traditional leadership ought to be allowed to lead in cultural and customary practices, and government structures must support it. Political leaders' attitudes should change, which would result in clearer policies promoting rather than marginalising traditional leaders (Koenane 2017). Lastly, according to Sections 5(1), (2)(a)–(b) and (3) of the Traditional Leadership and Governance Framework Amendment (RSA 2003b), by means of legislation or other actions, a collaboration between municipalities and traditional councils must be promoted. Additionally, the White Paper on Local Government (1998:15) gave recommendations on how local government and traditional leadership may work together. It allowed traditional leaders to participate in council sessions on issues concerning the needs and interests of their communities. The White Paper on Local Government highlighted some of traditional leaders' development roles, which include making recommendations on land allocations and resolving disputes; lobbying governments and other agencies for development in their areas; facilitating community involvement in development; and making recommendations on commercial activities. Therefore, any cooperation between a municipality and a traditional authority must be built on the values of cooperative government, as well as respect for one another and understanding of the status.

Conclusion and recommendations

The article validates the importance of traditional leaders' relationships with municipal councillors in local government. The significance of this article is that it proved that there is an underlying problem regarding how traditional leaders' relationships with municipal councillors work in terms of service delivery. Traditional leaders and the municipal councillors both have roles and powers to exercise in their jurisdictions. However, this power relation of the traditional leaders and the municipal councillors is a potential cause for concern. At some point, the municipality and the traditional leaders will not agree, while the community desperately

expects service delivery. Furthermore, the article has identified some of the most significant challenges and barriers that traditional leaders and municipal councillors face in their relationship. One of the challenges is the failure of the pieces of legislation and policies in describing the roles of the traditional leaders. For instance, Chapter 12 of the Constitution of South Africa, 1996, states that the institution, statuses and roles of the traditional leaders, according to the customary law, are recognised, subject to the constitution. However, the Constitution of 1996 is not clear on the roles and the responsibilities of the traditional leaders, while the roles and responsibilities of the municipal councillors are clearly defined by the supreme law of South Africa. Furthermore, the article recommends that, in order to improve the relationship between traditional leaders and municipal councillors, legislative frameworks and policies must address the roles and functions of traditional leaders in local government. Municipalities must implement Section 5(1) of the *Traditional Leadership and Governance Framework Act of 2003*, which states that 'the national government and all provincial governments must promote collaboration between municipalities and traditional councils through legislative or other means'. It is therefore incumbent upon all stakeholders at the local sphere of government to make efforts to promote the relationship between traditional leaders and municipal councillors. The article has identified some important future research directions. These would include conducting an empirical study to investigate the impact of traditional leaders' and elected municipal councillors' communication channels in rural governance. Another important avenue would be the inclusion of traditional leaders in the municipality's IDPs, with their roles clearly defined in the plan.

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Data availability

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